

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 3 Mar 2009.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Humboldt River, SPK-2007-1874-NO.
Name of water being evaluated on this JD form: Rye Patch Reservoir

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Nevada County: Pershing City: near Imlay
Center coordinates of site (lat/long in degree decimal format): Lat: 38.0127 N, Long: 114.9547 W

Universal Transverse Mercator: _____.

Name of nearest waterbody: Humboldt River.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: _____.

Name of watershed or Hydrologic Unit Code (HUC): _____.

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: _____

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 19 February 2009.

Field Determination. Date(s): _____.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Pick List** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: _____.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: _____ linear feet _____ width (ft) and/or 10,280 acres.

Wetlands: _____ acres.

c. Limits (boundaries) of jurisdiction based on: **Pick List and **Pick List****

Elevation of established OHWM (if known): _____.

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: _____.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

1. TNW

Identify TNW: Rye Patch Reservoir.

Summarize rationale supporting determination: Rye Patch Reservoir is a Nevada State Park that offers camping, swimming, fishing and boating to residents of the local area as well as tourists passing through the State on I-80. An entrance fee of \$4 is charged to get into the park. There are two boat ramps to provide access for boaters. The fee for entrance to the park with a boat is \$8. The reservoir is stalked with fish by the Nevada Department of Fish and Wildlife providing fishing opportunities. A Nevada State Fishing license is required to fish on the reservoir. Residents pay \$9 for a 1-day fishing license and non-residents pay \$18 for a 1-day fishing license. Rye Patch Reservoir provides for recreational navigational opportunities with potential for interstate commerce.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Adjacent wetlands may exist at the reservoir; however, this determination is made only for the reservoir.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS - Not applicable

C. SIGNIFICANT NEXUS DETERMINATION - Not applicable

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

- TNWs: _____ linear feet _____ width (ft), or _____ acres.
- Wetlands adjacent to TNWs: _____ acres.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS – NOT APPLICABLE

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): Not applicable

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD:

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: _____.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: _____.
- Corps navigable waters' study: The waterbody is on the Section 10 Navigable Waterway List for Sacramento District.
- U.S. Geological Survey Hydrologic Atlas: _____.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000
- USDA Natural Resources Conservation Service Soil Survey. Citation: _____.
- National wetlands inventory map(s). Cite name: _____.
- State/Local wetland inventory map(s): _____
- FEMA/FIRM maps: _____.
- 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): _____
or Other (Name & Date): _____.
- Previous determination(s). File no. and date of response letter: _____.
- Applicable/supporting case law: _____.
- Applicable/supporting scientific literature: _____.
- Other information (please specify): Internet search to determine interstate commerce connection. Nevada Division of State Parks Fee Schedule for park entrance, camping, boating fees. Bureau of Reclamation website provide acreage of reservoir and hydrology. Nevada Division of Wildlife provided game fishing and license information.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Rye Patch Reservoir is located near Imlay, Pershing County, Nevada. The reservoir is an impoundment of the Humbolt River constructed to retain water for irrigation. The reservoir is 21 miles long from Rye Patch Dam North to the Callahan Bridge. The reservoir has surface area of 10,820 acres and has the capacity to hold 213,000 acre-feet of water. Rye Patch Reservoir is a Nevada State Park that offers camping, swimming, fishing and boating to residents of the local area as well as tourists passing through the State on I-80. An entrance fee of \$4 is charged to get into the park. There are two boat ramps to provide

access for boaters. The fee for entrance to the park with a boat is \$8. The reservoir is stocked with fish by the Nevada Department of Fish and Wildlife providing fishing opportunities. A Nevada State Fishing license is required to fish on the reservoir. Residents pay \$9 for a 1-day fishing license and non-residents pay \$18 for a 1-day fishing license. Rye Patch Reservoir provides for recreational navigational opportunities with potential for interstate commerce. Reference Materials: NV Div State Parks Fee Schedule.pdf; <http://www.parks.nv.gov/rp.htm>; <http://www.usbr.gov/dataweb/html/humbolt.html>; http://www.ndow.org/fish/where/waters/west/26rye_patch_res.pdf; <http://www.ndow.org/about/license/fees.shtm#nrfish>. Kristine Hansen of the Reno Regulatory Office is the point of contact for this determination. She can be reached by telephone at 775-784-5307 or via email at Kristine.S.Hansen@usace.army.mil.

SPK-2007-1874-NO, Rye Patch Reservoir TNW NIF Determination



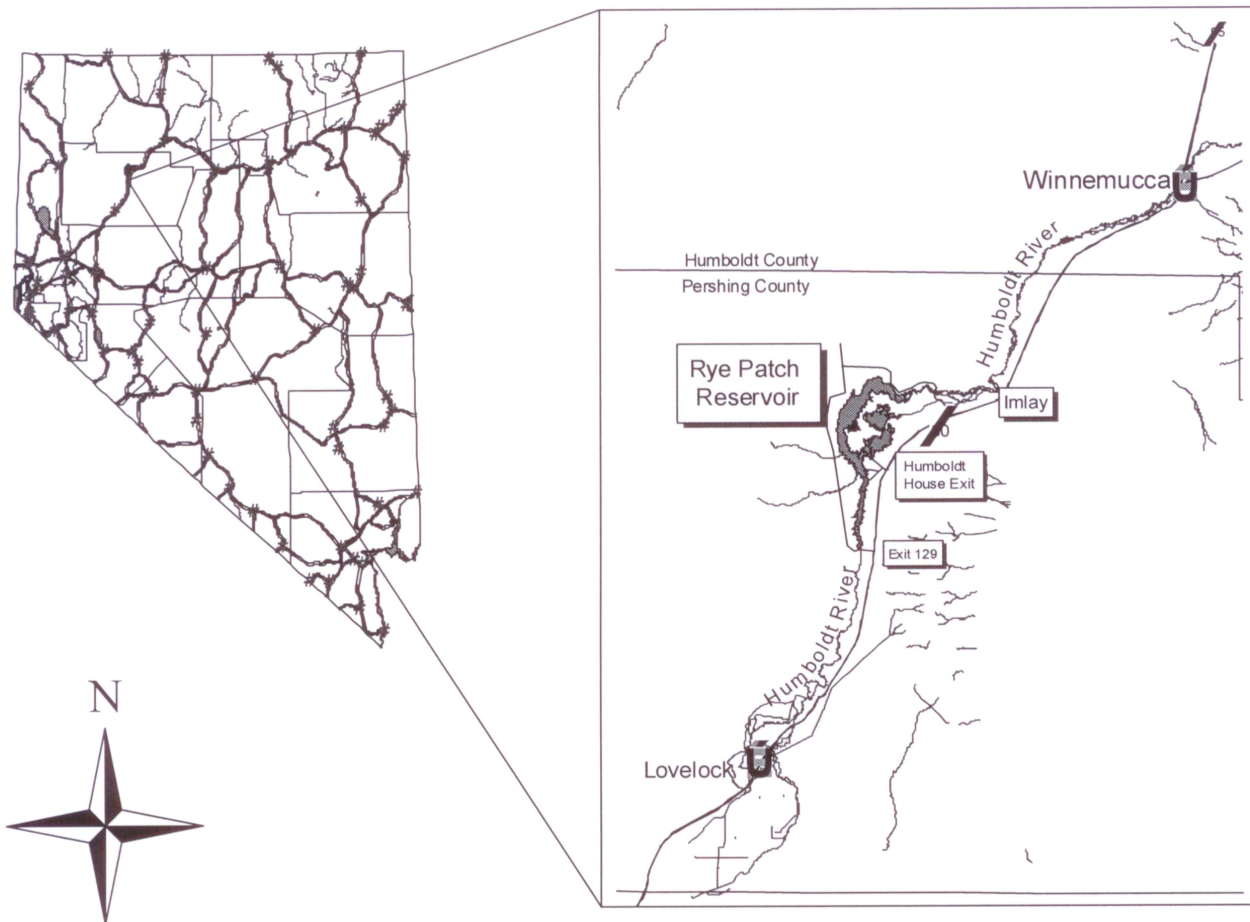
RYE PATCH RESERVOIR

History - Rye Patch Reservoir was constructed on the Humboldt River as an irrigation source for the Lovelock Valley. Average storage throughout its 40 year history is approximately 45,000 acre feet annually. Maximum capacity is 196,000 acre feet. Operation of the dam gate and reservoir storage is controlled by the Pershing County Water Conservation District. Reservoir elevations are subject to drastic fluctuations, which ultimately affects overall angler use and success. Nevada State Parks manages the reservoir.

Pertinent Information - The maximum depth is 61 feet with an average depth of less than 30 feet. The reservoir storage at bank full is 196,000 acre feet with a total surface acreage of 10,820. Game fish species include white crappie, largemouth bass, smallmouth bass, spotted bass, wipers (striper x white bass hybrid), walleye, yellow perch, channel catfish, and bluegill. Creel census in 2003 found that anglers averaged 0.96 fish per hour and 4.54 fish per angler. White crappie averaged 7.0 inches, walleye 19.4 inches, wipers 16.3 inches, channel catfish 10.6 inches and spotted bass 10.1 inches. Nevada Trophy fish entries include a 7-pound, 10-ounce largemouth bass, a 3-pound, 4-ounce smallmouth bass, a 4-pound, 2-ounce spotted bass (State Record), a 30-pound, 4-ounce channel catfish, a 2-pound, 1-ounce white crappie and a 14-pound, 14-ounce walleye. Warmwater fish populations are expanding rapidly with white crappie numbers leading the expansion followed by walleye and largemouth bass. Best Time of Year to Fish - Late March for walleye, early April and May for channel catfish and early May for wipers. Late summer and early fall are the best times for white crappie. Productive Fishing Methods - Standard crank baits, crappie jigs, and native species of minnows all work well during the early to mid-spring and fall. Channel catfish are caught on minnows, liver, worms and shrimp. Camping - There are developed camp sites at the dam, west side and at the Pitt-Taylor arm at the upper end of the reservoir. A fee is charged by Nevada State Parks.

Stocking - Fish planted during the last several years include spotted bass, wiper fry (480,000) and walleye fry (1,800,000). Five hundred 9-inch rainbow trout are stocked around the dam in the spring and fall.

Regulations - Season is open year around, any hour of day or night. Limit is 25 game fish of which not more than 5 may be walleye, 5 may be black bass and 5 may be white bass or white bass hybrids (wipers) over 14-inches in length. White bass or white bass hybrids under 14-inches in length may be included in the 25 game fish limit.



Boating Regulations - No special boating regulations.

Biologist Prediction for 2005 - Water levels are down concentrating the fish. Lake levels are projected to be very low again by late summer and fall. Crappie populations are making a comeback. Walleye and wiper fishing in the past have been in the early summer and should be good this spring-early summer also.

Access - Access to the camping sites and boat launching facilities can be found by taking the Rye Patch off-ramp from Interstate 80, 23 miles east of Lovelock.

NEVADA DIVISION OF STATE PARKS
FEE SCHEDULE

Effective March 1, 2008

PARKS BY REGION	Entrance ¹	Camp ¹ (entrance+ camping)	Boat ¹ (entrance + boating)	Camp & Boat ¹ (entrance+ camping+ boating)	Annual Entrance Permit ¹	Annual Boating ¹ (includes entrance fee)	Other Services	Group Use Area Reservation	Group Camping Reservation	
CARSON REGION										
Dayton	\$4	\$14	N/A	N/A	\$50	N/A	N/A	\$50 for 1-25 people \$75 for 26-50 people \$100 for 51-100 people \$150 for 101-150 people \$200 for 151-300 people	N/A	
Dangberg Home Ranch	NA	NA	NA	NA	NA	NA	Tours: \$3 adults, children 12 and under free. Tours by reservation only.	NA	NA	
Lake Tahoe - Cave Rock	\$6 (April 15 - Oct. 15) \$2 (Oct. 16- April 14)	N/A	\$12	N/A	\$75 Covers all three units	\$175 Covers all 3 units	\$2 for 15 mins. photo stop, \$2 for boat launch & leave	N/A	N/A	
Lake Tahoe - Sand Harbor	\$8 (April 15 - Oct. 15) \$4 (Oct. 16- April 14)	N/A	\$15 (April 15 - Oct. 15) \$10 (Oct. 16- April 14)	N/A			\$2 to launch boat & leave	\$200 for weekdays or \$400 for weekends or holidays + \$8 fee per vehicle (Apr. 15–Oct.15) \$200 for weekdays or \$400 for weekends or holidays + \$4 fee per vehicle (Oct.16–Apr. 14)	N/A	N/A
Lake Tahoe - Spooner Lake	\$6	N/A	N/A	N/A			\$2 per bike for vehicles with more than 4 bikes during Apr-Oct; No entrance fee if concession is in operation during Nov.–Mar.	N/A	N/A	N/A
Mormon Station	N/A	N/A	N/A	N/A			N/A	Museum admission: \$1 adults, children 12 and under free Museum closed from mid-Oct. to early-May	\$100 for 1-25 people \$150 for 26-50 people \$200 for 51-100 people \$250 for 101-150 people \$300 for 151-300 people Limited to 300 people	N/A
Washoe Lake	\$4	\$14	\$6	\$16	\$50	\$90	N/A	Equestrian Group Use \$50 + entrance fee per vehicle Main Group Use Area \$50 for 1-25 people \$75 for 26-50 people \$100 for 51-100 people \$150 for 101-150 people \$200 for 151-250 people + entrance fee per vehicle \$50 to rent arena	Equestrian Group Use \$50 + \$15 per vehicle (includes use of corral). Main Group Use Area \$50 for 1-25 people \$75 for 26-50 people \$100 for 51-100 people \$150 for 101-150 people \$200 for 151-250 people + camping fee per vehicle \$50 to rent arena	
FALLON REGION										
Barlin Ichthyosaur	\$4	\$12	N/A	N/A	\$50	N/A	All tours \$3 (adults) & \$2 (children 6 – 12)	\$15 + entrance fee per vehicle	\$15 + camping fee per vehicle	
Fort Churchill	\$4	\$12	N/A	N/A	\$50	N/A	N/A	\$25 + entrance fee per vehicle	\$25 + camping fee per vehicle	
Ft. Churchill-Carson River Ranches	\$4	\$10	N/A	N/A	N/A	N/A	N/A	\$15 + entrance fee per vehicle, Scout Camp only	\$15 + camping fee per vehicle, Scout Camp only	
Ft. Churchill-Buckland Station	NA	NA	NA	NA	NA	NA	Museum admission: \$1 adults, children 12 and under free	NA	NA	
Lahontan	\$5	\$10	\$10	\$15	\$60	N/A	Multi permit available for \$175	\$15 + entrance fee per vehicle	\$15 + camping fee per vehicle	
Rye Patch	\$4	\$10	\$8	\$14	\$50	\$90	Multi permit available for \$125	\$20 + entrance fee per vehicle	\$20 + camping fee per vehicle	
South Fork	\$4	\$10	\$7	\$13	\$50	\$90	Multi permit available for \$125	N/A	\$20 + camping fee per vehicle	
Wild Horse	\$4	\$10	\$6	\$12	\$50	\$90	N/A	N/A	\$25 + camping fee per vehicle	
PANACA REGION										
Beaver Dam	\$4	\$10	\$6	\$12	\$50 Covers all Panaca Region parks	N/A	N/A	\$15 + entrance fee per vehicle	\$15 + camp fee per vehicle	
Cathedral Gorge	\$4	\$14	N/A	N/A		N/A	N/A	\$15 + entrance fee per vehicle	\$15 + camping fee per vehicle	
Cave Lake	\$4	\$14	\$6	\$16		N/A	N/A	\$15 + entrance fee per vehicle	\$15 + camping fee per vehicle	
Echo Canyon	\$4	\$10	\$6	\$12		N/A	N/A	\$15 + entrance fee per vehicle	\$15 + camping fee per vehicle	
Kershaw-Ryan	\$4	\$10	N/A	N/A		N/A	N/A	\$15 + entrance fee per vehicle	N/A	
Elgin School House	NA	NA	NA	NA		NA	Museum admission: \$1 adults, children 12 and under free	NA	NA	
Spring Valley	\$4	\$14	\$6	\$16		N/A	N/A	\$20 + entrance fee per vehicle	\$20 + camping fee per vehicle	
Ward Charcoal ovens	\$4	\$10	N/A	N/A		N/A	Reserve yurt \$20 per night.	N/A	\$20 + camping fee per vehicle	
LAS VEGAS REGION										
Big Bend of the Colorado	\$5	\$15	\$10	\$20	\$50	\$100	N/A	N/A	N/A	
Old Las Vegas Mormon Fort	NA	N/A	N/A	N/A	N/A	N/A	Museum admission: \$1 adults, children 12 and under free	\$100 for 2-100 people \$150 for 101-200 people \$200 for 201-250 people	N/A	
Spring Mountain Ranch	\$5	N/A	N/A	N/A	\$50	N/A	N/A	Use from 9 a.m. – 6 p.m. \$100 for 2-100 people \$200 for 101-200 people \$300 for 201-300 people \$400 for 301-400 people \$500 for 401-500 people \$600 for 501-600 people \$700 for 601-700 people \$800 for 701-800 people, + entrance fee per vehicle 801+ people requires a Special Use Permit Use from 6 p.m. –10 p.m. \$300 for 2-100 people \$600 for 101-200 people \$900 for 201-300 people, + entrance fee per vehicle, limit 300 people	N/A	
Valley of Fire	\$6	\$14	N/A	N/A	\$60	N/A	N/A	\$75 + entrance fee per vehicle	\$75 + \$6 fee per vehicle	

Footnote 1: Per vehicle