

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 6 Jun 2010.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Sacramento District, SPK-2010-396.  
Name of water being evaluated on this JD form: Unnamed Tributaries of Dry Lake in El Dorado Valley

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Nevada County: Clark City: Boulder

Center coordinates of site (lat/long in degree decimal format): Lat: 114.93965 **N**, Long: 35.91629 **W**

Universal Transverse Mercator: \_\_\_\_\_

Name of nearest waterbody: Dry Lake.

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

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: 05-May-2010.

Field Determination. Date(s): \_\_\_\_\_.

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "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 no** "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):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (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 \_\_\_\_\_ 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):<sup>3</sup>**

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

Explain: **20 ephemeral drainages flow thru the project site and drain towards Dry Lake, runoff from which drain into Dry Lake and exhibit an ordinary high water mark. These drainage features do not cross state lines and are not used for interstate commerce.**

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

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.

Dry Lake is a closed basin and has been determined to be isolated in the past (See SPK-2009-0045). The proposed project is located in Eldorado Valley, located south of Henderson, Nevada. This 530 square mile area is an intrastate hydrologic basin and is isolated from TNWs by the McCullough Range on the west, the Eldorado Mountains on the east, the Highland Range on the south, and the Black Hills and River Mountains on the north. Dry Lake is an isolated intrastate water feature with no hydrologic outlets and thereby lacks connectivity to a relatively permanent waterway or traditionally navigable waterway. No interstate connections were found that would be adversely affected as a result of degradation of these waters.

**SECTION III: CWA ANALYSIS**

- A. TNWs AND WETLANDS ADJACENT TO TNWs: NOT APPLICABLE
- 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: NOT APPLICABLE

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 (CHECK ALL THAT APPLY):<sup>4</sup>

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: \_\_\_\_\_.
- Other factors. Explain: \_\_\_\_\_.

Identify water body and summarize rationale supporting determination: \_\_\_\_\_

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).
- Other non-wetland waters: \_\_\_\_\_ acres.  
Identify type(s) of waters: \_\_\_\_\_.
- Wetlands: \_\_\_\_\_ acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS:

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above): **This is a dry lake bed and associated washes that do not cross or serve as state boundaries. This area does not meet the criteria for a "wetland" under the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate regional supplements. It is unlikely that it would have been considered jurisdictional under the MBR because of its lack of food chain support/biological inputs and lack of organic matter. The dry lake bed is in a "closed hydrologic system".**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).
- Lakes/ponds: \_\_\_\_\_ acres.
- Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource: \_\_\_\_\_.
- Wetlands: \_\_\_\_\_ acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

<sup>4</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

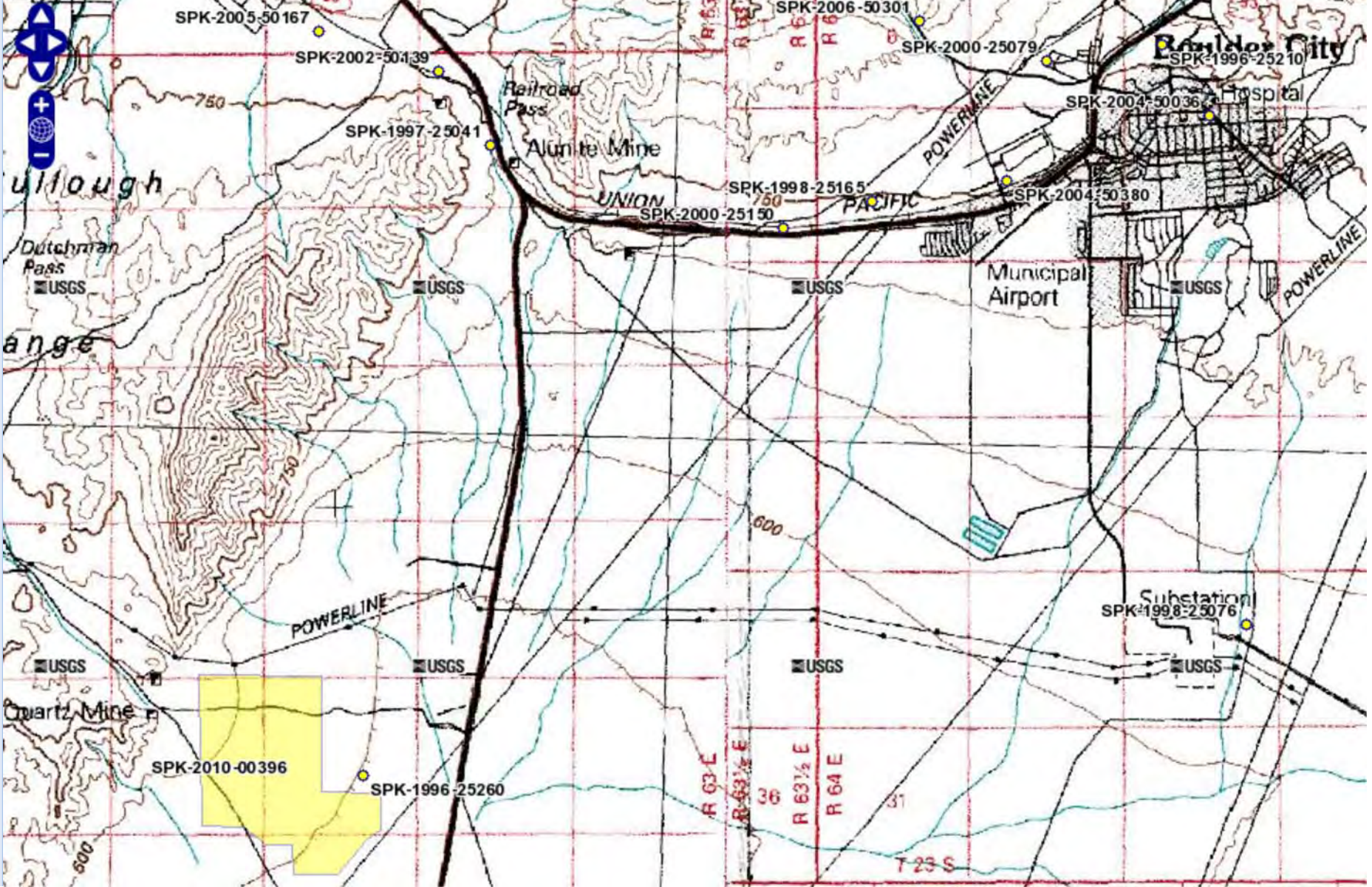
- Non-wetland waters (i.e., rivers, streams): \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).
- Lakes/ponds: \_\_\_\_\_ acres.
- Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource: \_\_\_\_\_.
- Wetlands: \_\_\_\_\_ acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- 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: \_\_\_\_\_.
- 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: \_\_\_\_\_
- 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 Geodetic 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): \_\_\_\_\_.

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** The site is located in Eldorado Valley, located south of Henderson, Nevada. This 530 square mile area is an intrastate hydrologic basin and is isolated from TNWs by the McCullough Range on the west, the Eldorado Mountains on the east, the Highland Range on the south, and the Black Hills and River Mountains on the north. Several ephemeral washes traverse the project site, runoff from which drains into Dry Lake which does exhibit an ordinary highwater mark. However, these hydrographic features do not cross state lines and are not used for interstate commerce. Please see attached letter and maps for further information. Dry Lake was previously determined to be isolated in 2009 after coordination with EPA and USACE Headquarters (See SPK-2009-0045).





# MSC Product Map Search

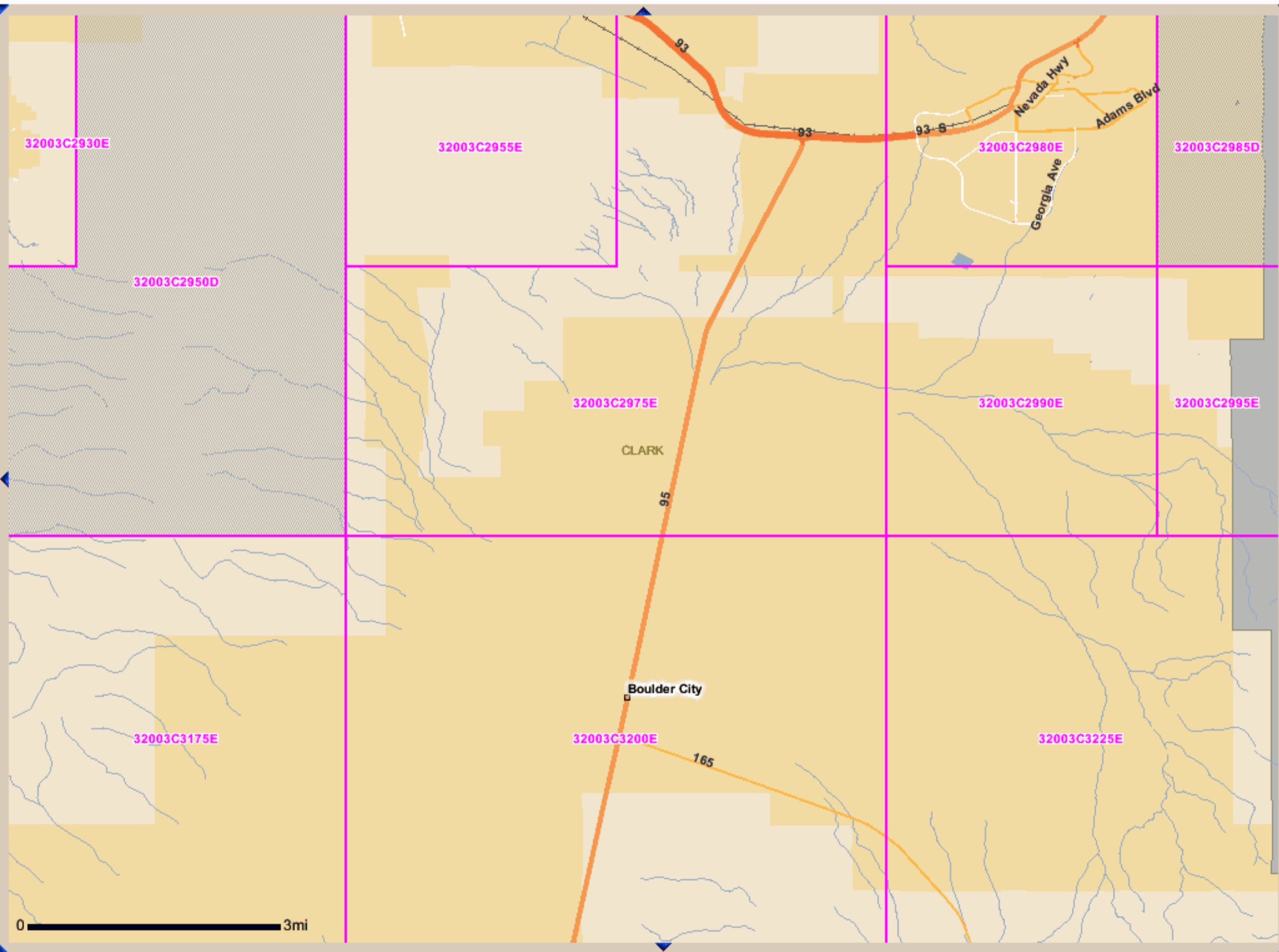
HELP?

1 Select a Product: **Flood Maps** \*Please Zoom In to see the FEMA panels.

2 Search By Address or Coordinates :

Address:  City:  State:  Zip:

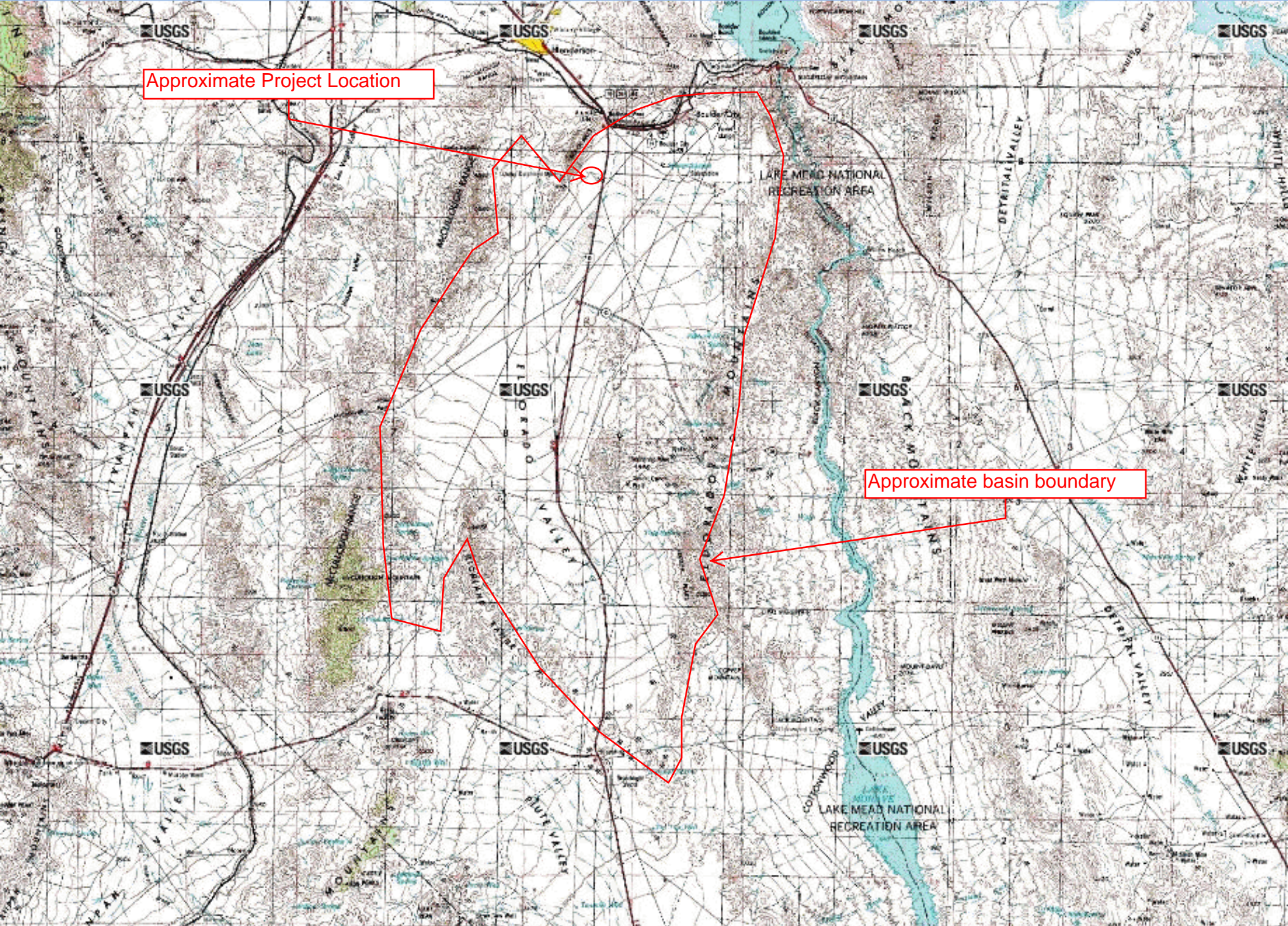
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Refresh Map

- Public Flood Map
- Public Flood Map
- Cities
  - Other Places, 1.2500
  - Small Towns, 2500..10.000
  - Towns, 10.000..30.000
  - Small Cities, 30.000..100.000
  - Cities, 100.000..300.000
  - State Largest Cities, 100.000..300.000
  - Big Cities, 300.000..1.000.000
  - Major Cities > 1.000.000
- Major Roads
  - Major Highways
  - Highways
  - Major Roads
  - Streets
  - Ramps
  - Ferry Crossing
- Railroads
- State Borders
- Minor Rivers, Creeks
- Lakes, Major Rivers
- Major Lakes
- Parks
  - National Parks and Forests
  - State Parks and Forests
  - Local Parks
- US Territories
- City Limits
- Counties

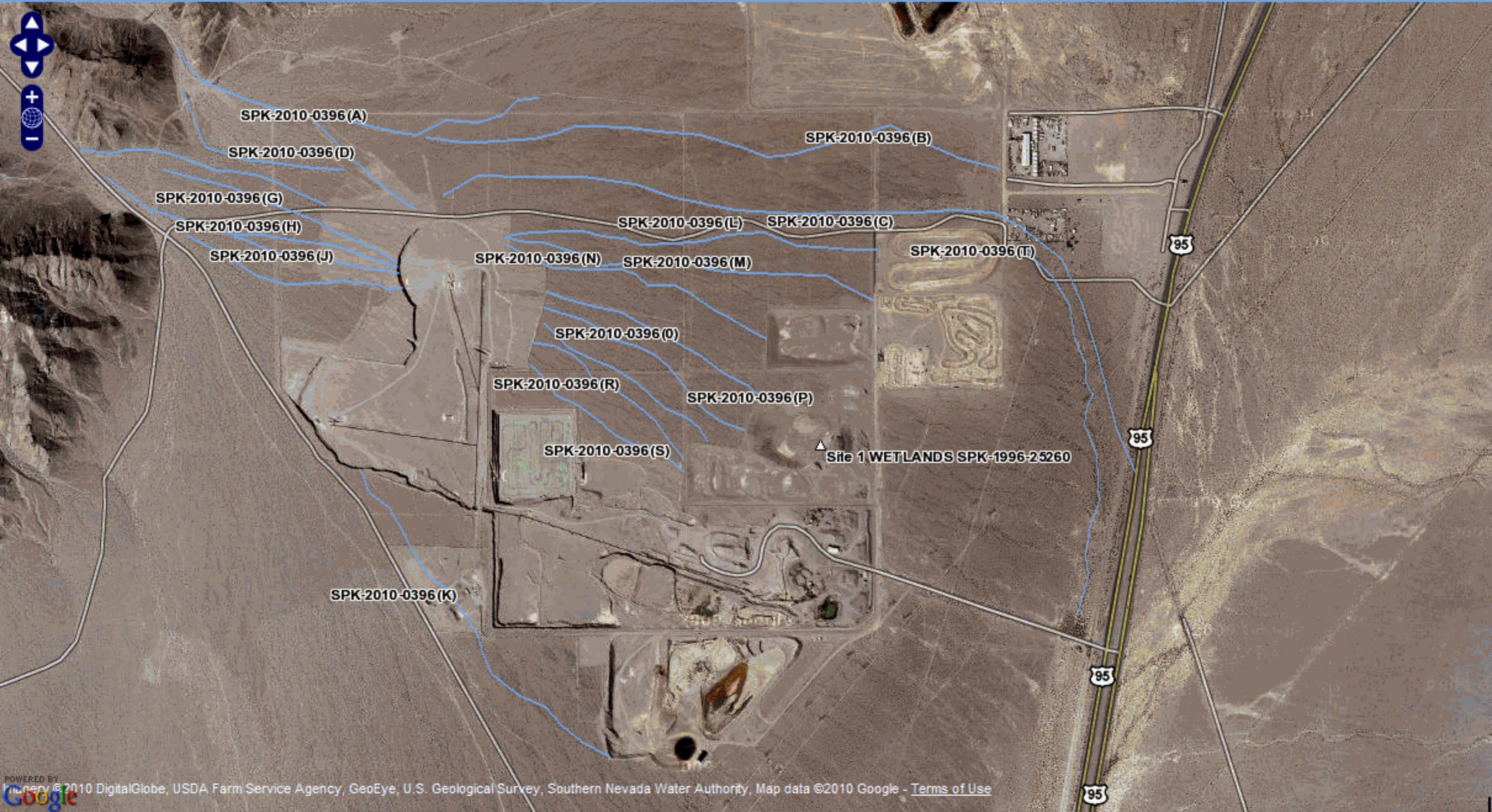




Approximate Project Location

Approximate basin boundary



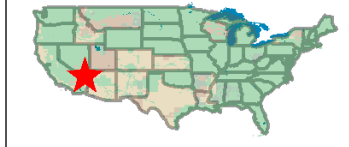
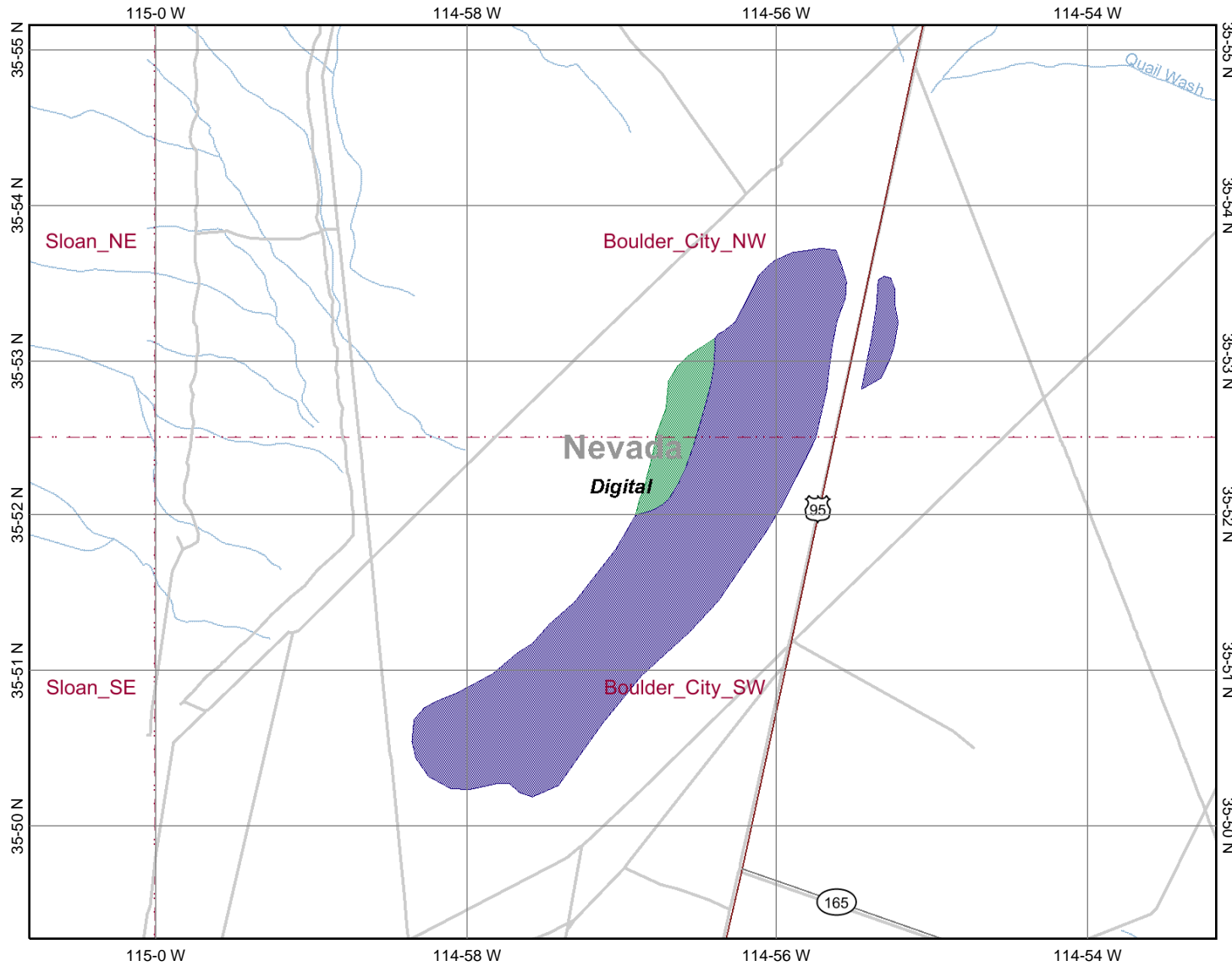




Regulatory Action Type	Size	Cowardin	HGM	Geometry Type	Local Waterway
Regulatory Action Folder	Linear Feet				
SPK-2010-0396(A) (ISOLATE)	4065.6	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(B) (ISOLATE)	6124.8	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(C) (ISOLATE)	9028.8	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(D) (ISOLATE)	2006.4	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(E) (ISOLATE)	2323.2	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(F) (ISOLATE)	2587.2	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(G) (ISOLATE)	2534.4	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(H) (ISOLATE)	2851.2	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(I) (ISOLATE)	1636.8	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(J) (ISOLATE)	2376	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(K) (ISOLATE)	4065.6	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(L) (ISOLATE)	3907.2	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(M) (ISOLATE)	3748.8	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(N) (ISOLATE)	2956.8	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(O) (ISOLATE)	2481.6	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(P) (ISOLATE)	2481.6	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(Q) (ISOLATE)	2164.8	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(R) (ISOLATE)	2164.8	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(S) (ISOLATE)	2006.4	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake
SPK-2010-0396(T) (ISOLATE)	3907.2	R4SB2	RIVERINE	Line	Unnamed Tributary of Dry Lake



# El Dorado Valley NWI 2



## Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons**
  - Estuarine and Marine Deepwater
  - Estuarine and Marine Wetland
  - Freshwater Emergent Wetland
  - Freshwater Forested/Shrub Wetland
  - Freshwater Pond
  - Lake
  - Other
  - Riverine
- Lower 48 Available Wetland Data**
  - Non-Digital
  - Digital
  - No Data
  - Scan
- NHD Streams
- Counties 100K
- Urban Areas 300K
- States 100K
- South America
- North America

Map center: 35° 52' 13" N, 114° 57' 0" W



Scale: 1:76,289

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.