

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** March 8, 2012.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Sacramento District, Bald Mountain Mine Expansion, SPK-1998-25194.  
Name of water being evaluated on this JD form: Drainages associated with Central Nevada - Long Valleys: Drainages 132, 166, and 79.

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

State: Nevada County: White Pine City: Ely

Center coordinates of site (lat/long in degree decimal format): Lat: 39.73472 N, Long: -115.52098 W

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

Name of nearest waterbody: Long Valley Dry Lake.

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

Name of watershed or Hydrologic Unit Code (HUC): 16060007.

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: Humboldt Basin (17, LMS 6, Spring 9, 10, 11, and 12), Ruby (130 and 139) and Newark Valley (28, 29, SWC-4, Spring 14 and 15) drainages are listed on separate forms

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

Office (Desk) Determination. Date: February 6, 2012.

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: 22834 linear feet \_\_\_\_\_ width (ft) and/or \_\_\_\_\_ acres.

Wetlands: 0 acres.

**c. Limits (boundaries) of jurisdiction based on: Established by OHWM, and 1987 Delineation Manual.**

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: The Long Valley hydrologic basin is a sub-basin of the Tonopah hydrologic sub-region of the Great Basin

<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.

**Region Comprehensive Framework Study ( Water Resources 1971). The area is characterized by long, narrow valleys containing small, intermittent streams that empty into a large playa or dry lake bed. The water typically ponds temporarily and then evaporates or is infiltrated into the soil. During snowmelt and/or rainfall events, some water will flow short distances along the ephemeral stream beds and into the playa. Long Valley is an isolated basin separated from Ruby Valley to the northwest by Alligator Ridge and the Maverick Springs Range. It is bounded on the west by Buck Pass and to the southwest by the Dry Mountains. The Butte Mountains tend southeast to north along the south and east of Long Valley demarcating the separation from Jakes Valley to the southeast. .**

**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: **Long Valley Drainages 79, 132 and 166 drain to an intrastate, isolated dry lake bed that has no interstate commerce associated with the area.**

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

- Tributary waters: 22834 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).
- Other: (explain, if not covered above): \_\_\_\_\_.

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):

- 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.

<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.

**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: JBR Environmental Consultants. 2011. Waters of the United States Jurisdictional Determination and Wetland Delineation Survey Bald Mountain Mine Expansion White Pine County, Nevada.
- 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: 16060007 -- Long-Ruby Valleys, Nevada.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; NV-MOONEY BASIN SUMMIT
- 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): JBR Environmental Consultants. 2011. Waters of the United States Jurisdictional Determination and Wetland Delineation Survey Bald Mountain Mine Expansion White Pine County, Nevada
  - or  Other (Name & Date): JBR Environmental Consultants. 2011. Waters of the United States Jurisdictional Determination and Wetland Delineation Survey Bald Mountain Mine Expansion White Pine County, Nevada.
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- Applicable/supporting case law: \_\_\_\_\_.
- Applicable/supporting scientific literature: U.S. Department of Interior, Bureau of Land Management, Ely Field Office. 2008. Barrick Bald Mountain Mine Vantage Exploration Project. Environmental Assessment NV-043-08-002. Pupacko, A., D.B. Wood and R.P. Williams. 1989. Geohydrologic Data for selected springs in Eastern Nevada through 1982, with emphasis on White Pine County. USGS Open file report 88-712.Huckleberry, G., C. Beck, G.T. Jones, et. al. 2001. Terminal Pleistocene/Early Holocene Environmental Change at the Sunshine Locality, North-Central Nevada, U.S.A. Quaternary Research, 55(2001): 303-312. U.S. Department of Interior, Bureau of Land Management, Ely Field Office. 2008. Barrick Bald Mountain Mine Yankee Exploration Project. Environmental Assessment NV-040-08-016; Berger, D.L. 2005. Hydrogeology and water resources of Ruby Valley, Northeastern Nevada. USGS, SIR-2005-5247.
- Other information (please specify): \_\_\_\_\_.

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** Long Valley is located in White Pine County in central eastern Nevada. The area is typical of the Great Basin geography and contains north to northeast trending mountains separated by long alluviated valleys. The local climate is dependent on elevation, with precipitation increasing with altitude. Winter precipitation is dominated by snowfall in the higher elevations and exceeds 20 inches of water equivalencies in most years. Rainfall occurs in summer months as thunderstorms. Mean annual precipitation as recorded at the Ely Airport at 6262-feet, is about 9 inches per year. The Long Valley hydrologic basin is a sub-basin of the Tonopah hydrologic sub-region of the Great Basin Region Comprehensive Framework Study ( Water Resources 1971). The area is characterized by long, narrow valleys containing small, intermittent streams that empty into a large playa or dry lake bed. The water typically ponds temporarily and then evaporates or is infiltrated into the soil. During snowmelt and/or rainfall events, some water will flow short distances along the ephemeral stream beds and into the playa. Long Valley is an isolated basin separated from Ruby Valley to the northwest by Alligator Ridge and the Maverick Springs Range. It is bounded on the west by Buck Pass and to the southwest by the Dry Mountains. The Butte Mountains tend southeast to north along the south and east of Long Valley demarcating the separation from Jakes Valley to the southeast. There is no outlet from Long Valley to any navigable or interstate water. The Corps found no evidence of interstate commerce within Long Valley and have concluded that the area is an isolated, closed basin and is therefore non-jurisdictional.

List of waters associated with Long Valley

SPK-1998-25194- Drainage 132 (ISOLATE)	Long Valley	812
SPK-1998-25194- Drainage 166 (ISOLATE)	Long Valley	7366
SPK-1998-25194- Drainage 79 (ISOLATE)	Long Valley	14656

Additional Drainages on Figures:

Figure 3: Drainages 93-112 do not meet the criteria for a defined channel. There was no defined bed and bank, scour marks, or additional evidence that these drainages conveyed water downstream on a regular basis.

Figure 4: Drainages 103-128 did not meet the criteria for a defined channel.

Figure 5: Drainages 125-147 did not meet the criteria for a defined channel.

Figure 6: Drainages 146-175 did not meet the criteria for a defined channel.

Figure 7: Drainages 130 and 139 are addressed on a separate data sheet for the Ruby Valley.

Figure 8: SPK-1994-0761: NWP #26 issued on June 10, 1996.