

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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** March 28, 2012

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Sacramento District, Town of Tonopah Public Utilities Project, SPK-2011-00781-SG

**Name of water being evaluated on this JD form:** Drainages labeled SPK-2011-00781(1-9)

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

State: **Nevada** County/parish/borough: **Nye** City:

Center coordinates of site (lat/long in degree decimal format): Lat. **38.167°**, Long. **-117.1241°**

Universal Transverse Mercator: **11 489126.25 42**

Name of nearest waterbody: **Mud Lake Playa**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Hunts Creek**

Name of watershed or Hydrologic Unit Code (HUC): **Southern Big Smoky Valley, Nevada, 16060003**

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:

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

Office (Desk) Determination. Date: **March 21, 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: linear feet, wide, and/or **0.662** acres.

Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: 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: **These potential waters drain into Mud Lake Playa. The Ralston Valley is located approximately one mile east of the town of Tonopah. The valley is surrounded by mountain ranges and drains southward towards Mud Lake Playa. To the north, it is bounded by the Toquima Mountains and to the west, it is separated from the Big Smoky Valley by the San Antonio Mountains. The Monitor Range separates the northern part of the valley from Stone Cabin Valley to the east. Stone Cabin and Ralston Valleys both drain into the Mud Lake Playa at their southern most points. Goldfield Hills and Cactus Peak define the southern boundaries of both valleys. Ralston**

<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.

Valley is primarily used for livestock grazing and there are only a few active ranches in the area. The area around Mud Lake has been used as a military bombing and gunnery range. There are no water-related activities within the Ralston Valley that would be associated with interstate commerce. The Western Regional Climate Center has been collecting data at the Tonopah Airport since 1954, showing annual precipitation of just over five inches occurring sporadically as either winter snow and rain or occasional summer thunderstorms.

**SECTION III: CWA ANALYSIS**

- A. TNWs AND WETLANDS ADJACENT TO TNWs: NA
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): NA
- C. SIGNIFICANT NEXUS DETERMINATION: NA
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): NA
- 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):

- 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: Drainages SPK-2011-00781 1-9 located in Ralston Valley and draining into Mud Lake Playa. The basin is located entirely in the State of Nevada and is a closed basin except for Stone Cabin Valley, which also drains into Mud Lake Playa. The valleys are separated by the Monitor Range north of the Mud Lake Playa. There are no known interstate commerce connections and the valleys have historically been used for livestock grazing.

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

- Tributary waters: linear feet \_\_\_\_\_ width (ft).
- Other non-wetland waters: 0.662 acres.  
Identify type(s) of waters: \_\_\_\_\_.
- Wetlands: \_\_\_\_\_ acres.

- F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): NA

**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: **Kang, N. 2012. SPK-2011-00781-SG Tonopah Public Utilities Water system Improvement Project, Waters of the U.S. Jurisdictional Determination, Nye County, Nevada. JBR Environmental Consultants on behalf of Tonopah Public Utilities.**
  - 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: 16060011 -- Ralston-Stone Cabin 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-THUNDER MOUNTAIN**
  - 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): **Figures 4a-5b, January 06, 2012 (Kang 2012)**  
or  Other (Name & Date): **Photograph 1-8 (Kang 2012)**
  - Previous determination(s). File no. and date of response letter:
  - Applicable/supporting case law:

- Applicable/supporting scientific literature: **Eakin, T.E. 1962. Groundwater appraisal of Ralston and Stone Cabin Valleys, Nye County, Nevada. Report 12 - State of Nevada Department of Conservation and Natural Resources.**
- Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

These potential waters drain into Mud Lake Playa. The Ralston Valley is located approximately one mile east of the town of Tonopah. The valley is surrounded by mountain ranges and drains southward towards Mud Lake Playa. To the north, it is bounded by the Toquima Mountains and to the west, it is separated from the Big Smoky Valley by the San Antonio Mountains. The Monitor Range separates the northern part of the valley from Stone Cabin Valley to the east. Stone Cabin and Ralston Valleys both drain into the Mud Lake Playa at their southern most points. Goldfield Hills and Cactus Peak define the southern boundaries of both valleys. Ralston Valley is primarily used for livestock grazing and there are only a few active ranches in the area. The area around Mud Lake has been used as a military bombing and gunnery range. There are no water-related activities within the Ralston Valley that would be associated with interstate commerce. The Western Regional Climate Center has been collecting data at the Tonopah Airport since 1954, showing annual precipitation of just over five inches occurring sporadically as either winter snow and rain or occasional summer thunderstorms. As per Eakin 1962, an ephemeral stream runs from north to south and eventually empties into Mud Lake. The drainages in the valley are mainly fed by run-off from the Toquima Range and from the northwest flank of the Monitor Range. The channel is well defined until it reaches a point approximately six miles north of U.S. Highway 6 where it becomes poorly defined as it enters Mud Lake. Run-off rarely reaches Mud Lake due to permeable soils and evaporation. The Corps found no evidence of interstate commerce within the Ralston Valley and concluded that the drainages associated with Ralston Valley are all intrastate, isolated waters located in a closed basin and are therefore non-jurisdictional.

Drainages 5, 7 and 8, shown on Figures 4D, 5B, and 5C, did not exhibit any indicators of an Ordinary High Water Mark; such as scour, defined bed and bank, erosional features or areas where vegetation was absent. These drainages were not considered further in the evaluation and were determined to be "non-waters".