

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 30, 2012.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Collection System Control Gate, SPK-2012-00505.
Name of water being evaluated on this JD form: Las Vegas Wash

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Nevada County: Clark City: Las Vegas

Center coordinates of site (lat/long in degree decimal format): Lat: 36.188 **N**, Long: -115.091 **W**

Universal Transverse Mercator: _____

Name of nearest waterbody: Las Vegas Wash.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Colorado River/Lake Mead.

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: May 30, 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** "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 0.10 acres.

Wetlands: _____ acres.

c. Limits (boundaries) of jurisdiction based on: **Established by OHWM, 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 – 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:

2. RPWs that flow directly or indirectly into TNWs.

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide rationale indicating that tributary flows perennial: Historically, Las Vegas Wash was a seasonal water that only flowed during storm events. With increasing urbanization, stormwater from impervious surfaces, irrigation of residential and commercial developments and water treatment facilities have increased flows to perennial. Describe flow path to a TNW: Las Vegas Wash flows directly into the Colorado River.

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

- Tributary waters: 100 linear feet _____ width (ft).
- Other non-wetland waters: _____ acres.
- Identify type(s) of waters: _____.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: _____

Provide acreage estimates for jurisdictional wetlands in the review area: 0 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 (CHECK ALL THAT APPLY): NOT APPLICABLE
- F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: NOT APPLICABLE

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply):

- 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 Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): _____
or Other (Name & Date): _____.
- Previous determination(s). File no. and date of response letter: Too many to list here - see attached.
- Applicable/supporting case law: _____.
- Applicable/supporting scientific literature: Malmberg, Glenn Thomas, "Available water supply of the Las Vegas ground-water basin Nevada" (1965). Publications (WR). Paper 123. http://digitalcommons.library.unlv.edu/water_pubs/123. Reginato, Marcelo and Thomas C. Piechota, 2004. Nutrient Contribution of Nonpoint Source Runoff in the Las Vegas Valley. Journal of the American Water Resources Association (JAWRA) 40(6):1537-1551.
- Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Version 2-8-08 Perennial and Abutting Only

As per Reginato and Piechota (2004) the Las Vegas Valley watershed is approximately 3940 square kilometers and all drains to the Las Vegas Wash. The storm drains and channels within the valley are mostly ephemeral washes or have very low seasonal flows. However, because of urbanization and an increase in impervious surfaces, overirrigation of commercial and residential development and three large wastewater treatment facilities; much of the flow is now perennial.

Projects within 3 miles of SPK-2012-00505 with previous jurisdictional determinations

<u>SPK-2008-00244</u>	<u>Las Vegas Wash Charlston to Owens</u>
<u>SPK-2008-00389</u>	<u>Central Freeway Channel</u>
<u>SPK-2008-01532</u>	<u>Range Wash Reconstruction IV</u>
<u>SPK-2009-01026-SG</u>	<u>Tonopah 45 LLC</u>
<u>SPK-2009-01149-SG</u>	<u>Central Freeway Channel Improvements</u>
<u>SPK-2010-00070-SG</u>	<u>LAS VEGAS WASH TRAILS (II)</u>
<u>SPK-2010-00070-SG</u>	<u>LAS VEGAS WASH TRAILS (II)</u>
<u>SPK-2010-00687-SG</u>	<u>Range Wash Reconstruction VI</u>
<u>SPK-2011-00015-SG</u>	<u>Las Vegas Wash Main Section - Las Vegas Boulevard to Lake Mead Boulevard</u>
<u>SPK-2011-00023-SG</u>	<u>Central Freeway Channel Phase II</u>
<u>SPK-2011-00236-SG</u>	<u>Las Vegas Wash Cheyenne to Las Vegas Blvd.</u>
<u>SPK-2011-00236-SG</u>	<u>Las Vegas Wash Cheyenne to Las Vegas Blvd.</u>
<u>SPK-2011-00470-SG</u>	<u>Charleston Blvd to Washington Avenue Las Vegas Wash Maintenance</u>
<u>SPK-2011-00859-SG</u>	<u>Colton Channel Improvements North 5th to I-15.</u>