

**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):**

January 8, 2016

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Deep South Expansion Project, SPK-2015-01039**

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

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

Center coordinates of site (lat/long in degree decimal format): Lat. **40.3019199668194°**, Long. **-116.480875947813°**

Universal Transverse Mercator: **11 544116.6 4461397.53**

Name of nearest waterbody: **Indian Creek**

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

Name of watershed or Hydrologic Unit Code (HUC): **Middle Humboldt, 16040105**

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: **8 January 2016**

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 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: **There are 9 streams (North Channels 3 (Indian Creek) and 3D; East Channels 13, 15 (Duff Creek) and 18; and West Channels 1, 6, 13 (Cooks Creek) and 14 with an OHWM and 3 wetlands identified within the delineated project boundary. The West Channels begin in Carico Lake Valley. Channels 1, 6 and 14 terminate prior to reaching 13. Channel 13 known as Cooks Creek flows North into Crescent**

<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 where it terminates in a playa on the south end of the valley. East Channels 13, 15 and 18 flow into Crescent Valley and terminate. North Channel 3 and canal 3D flow into Crescent Valley and terminate.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW:

Summarize rationale supporting determination:

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent":

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

- Watershed size: **Pick List**
- Drainage area: **Pick List**
- Average annual rainfall: inches
- Average annual snowfall: inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

- Tributary flows directly into TNW.
- Tributary flows through **Pick List** tributaries before entering TNW.

- Project waters are **Pick List** river miles from TNW.
- Project waters are **Pick List** river miles from RPW.
- Project waters are **Pick List** aerial (straight) miles from TNW.
- Project waters are **Pick List** aerial (straight) miles from RPW.
- Project waters cross or serve as state boundaries. Explain:

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW<sup>5</sup>:  
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

- Tributary** is:  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

**Tributary** properties with respect to top of bank (estimate):

- Average width:       feet  
Average depth:       feet  
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

- |  |  |                                   |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts           | <input type="checkbox"/> Sands                     | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles         | <input type="checkbox"/> Gravel                    | <input type="checkbox"/> Muck     |
| <input type="checkbox"/> Bedrock         | <input type="checkbox"/> Vegetation. Type/% cover: |                                   |
| <input type="checkbox"/> Other. Explain: |  |                                   |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope):        %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

- Dye (or other) test performed:

Tributary has (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Bed and banks  |   |
| <input type="checkbox"/> OHWM <sup>6</sup> (check all indicators that apply): |   |
| <input type="checkbox"/> clear, natural line impressed on the bank            | <input type="checkbox"/> the presence of litter and debris          |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> destruction of terrestrial vegetation      |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> the presence of wrack line                 |
| <input type="checkbox"/> vegetation matted down, bent, or absent              | <input type="checkbox"/> sediment sorting                           |
| <input type="checkbox"/> leaf litter disturbed or washed away                 | <input type="checkbox"/> scour                                      |
| <input type="checkbox"/> sediment deposition                                  | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining                                       | <input type="checkbox"/> abrupt change in plant community           |
| <input type="checkbox"/> other (list):  |   |
| <input type="checkbox"/> Discontinuous OHWM. <sup>7</sup> Explain:            |   |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by:              | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list):                             |  |

**(iii) Chemical Characteristics:**

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain:  
Identify specific pollutants, if known:

**(iv) Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

**(a) General Wetland Characteristics:**

Properties:

Wetland size:            acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

**(b) General Flow Relationship with Non-TNW:**

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

- Dye (or other) test performed:

**(c) Wetland Adjacency Determination with Non-TNW:**

- Directly abutting
- Not directly abutting
  - Discrete wetland hydrologic connection. Explain:
  - Ecological connection. Explain:
  - Separated by berm/barrier. Explain:

**(d) Proximity (Relationship) to TNW**

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

**(ii) Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:  
Identify specific pollutants, if known:

**(iii) Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

**3. Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately            acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

**C. SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs:            linear feet,            wide, Or            acres.  
 Wetlands adjacent to TNWs:            acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:  
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

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

- Tributary waters:            linear feet            wide.
- Other non-wetland waters:            acres.  
Identify type(s) of waters:

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

- Tributary waters:            linear feet,            wide.  
 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:  
  
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale 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:            acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:            acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area:            acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**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>10</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,            wide.  
 Other non-wetland waters:            acres.  
Identify type(s) of waters:  
 Wetlands:            acres.

<sup>8</sup>See Footnote # 3.

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</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.**

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

- 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):

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): **37,533** linear feet, **1-4 feet** wide.
- Lakes/ponds: \_\_\_\_\_ acres.
- Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource:
- Wetlands: **0.19** 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, \_\_\_\_\_ wide.
- 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: **1:24K; NV-HAND-ME-DOWN CREEK**
- 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): **Google Earth**  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter: **SPK-2002-25061 June 16, 2015, February 10, 2010, and July 28, 2010**
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

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

The delineation provided is for 4 survey areas (North, East, South and West) and is an expansion of previously reviewed areas within Crescent Valley. There are 9 streams (North Channels 3 (Indian Creek) and 3D; East Channels 13, 15 (Duff Creek) and 18; and West Channels 1, 6, 13 (Cooks Creek) and 14 with an OHWM and 3 wetlands identified within the delineated project boundary. North Channel 3 and 3D have been previously determined isolated waters. The South survey area contained no waters.

The West Channels begin in Carico Lake Valley. Channels 1, 6 and 14 terminate prior to reaching 13. Channel 13 known as Cooks Creek flows North into Crescent Valley where it terminates in a playa on the south end of the valley.

Wetlands 1, 2 and 3 are in the West survey area. Wetlands 1 and 2 are in areas open to grazing and both were trampled or disturbed from cattle. Wetland datasheets were not completed for these wetlands. Wetland 1 is located approximately 135 feet from Channel 13 and is connected to Channel 13 by a swale that likely had an OHWM prior to extensive grazing of the area. Wetland 2 is the beginning of Channel 14 which terminates prior to reaching other

waters of the U.S. Wetland 3 is protected from cattle grazing by fencing. Review of aerial photography and NHD information shows that Wetland 3 directly abuts Channel 13, Cooks Creek. Channel 13 terminates in Crescent Valley.

East Channels 13, 15 and 18 flow West into Crescent Valley and terminate on the valley floor.

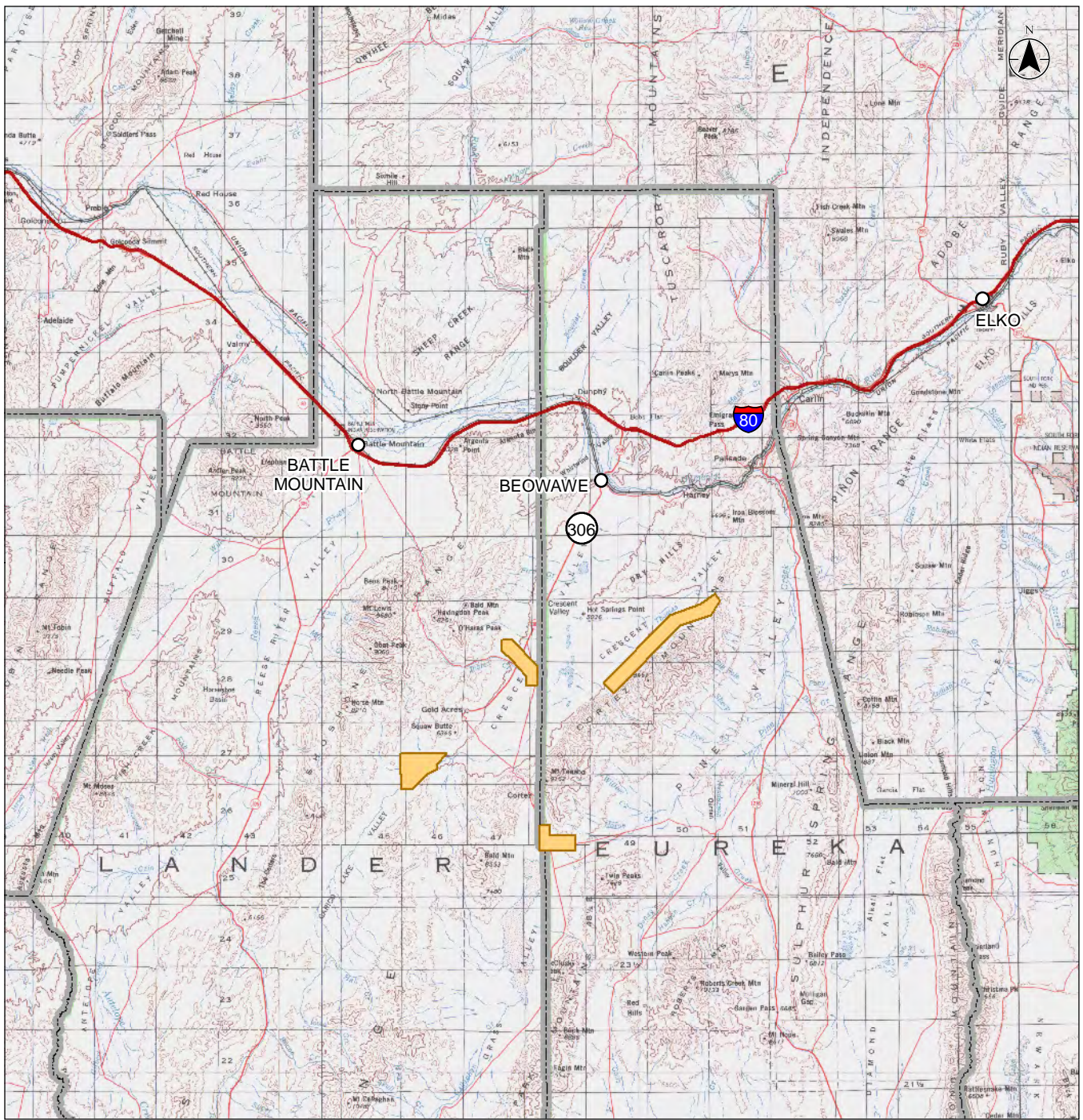
A review of NHD maps shows that Crescent Valley is not a closed basin. At the North end Coyote Creek, an ephemeral drainage, appears to flow out of the valley and into the Humboldt River. Coyote Creek is at least 6 straight miles from the nearest aquatic resources identified in the delineation. The channels within the survey area in Crescent Valley drain to the valley floor with no connection to the Humboldt River. Channel 13 in the West drains to the playa within the Southern portion of Crescent Valley.

The channels and wetlands identified will be associated with the Cortez Gold Mine (which has interstate commerce), as they could be impacted/filled due to road crossings and tailings piles. However, the mine operation does not derive the gold from these aquatic resources. The degradation of these aquatic resources would have no effect on the mine and thus no adverse impact on interstate commerce. Additionally, there are no fisheries of any type, there are no sand and gravel operations or any other commercial endeavor being conducted on the surface waters of these watersheds.

North Channels 3 (Indian Creek) and 3D; East Channels 13, 15 (Duff Creek) and 18; and West Channels 1, 6, 13 (Cooks Creek) and 14 and wetlands 1, 2 and 3 identified in the delineation report have no surface connection to a TNW and are not used for interstate or foreign commerce. These aquatic resources are intrastate isolated waters.



Waters_Name	State	Cowardin_Code	Meas_Type	Amount	Units	Waters_Type	X (Northing)*	Y (Easting)	Local_Waterway
NC3	NV	R4 (Intermittent)	Linear	7275	ft	ISOLATED	4462537.87	532279.86	Indian Creek
NC3D	NV	R6 (Ephemeral)	Linear	3026	ft	ISOLATED	4461698.30	533185.96	
EC13	NV	R4 (Intermittent)	Linear	8173	ft	ISOLATED	4466315.22	551379.03	
EC15	NV	R4 (Intermittent)	Linear	2462	ft	ISOLATED	4466305.12	551201.63	Duff Creek
EC18	NV	R6 (Ephemeral)	Linear	7255	ft	ISOLATED	4463126.89	547307.72	
WC1	NV	R6 (Ephemeral)	Linear	3624	ft	ISOLATED	4449546.72	518423.20	
WC6	NV	R6 (Ephemeral)	Linear	3750	ft	ISOLATED	4450061.17	514501.50	
WC13	NV	R6 (Ephemeral)	Linear	1359	ft	ISOLATED	4448451.00	516745.69	Cooks Creek
WC14	NV	R6 (Ephemeral)	Linear	609	ft	ISOLATED	4448454.04	517896.50	
WW1	NV	PEM	Area	0.004	ac	ISOLATED			
WW2	NV	PEM	Area	0.02	ac	ISOLATED			
WW3	NV	PEM	Area	0.17	ac	ISOLATED	40.18602	-116.80416	(Lat/Long)
							*UTM Zone 11N NAD 83		



**Legend**  
 Survey Area  
 County Line

0 6 12 miles  
 1:950,400 (at original document size of 8.5x11)



Project Location: Lander & Eureka Counties, NV  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

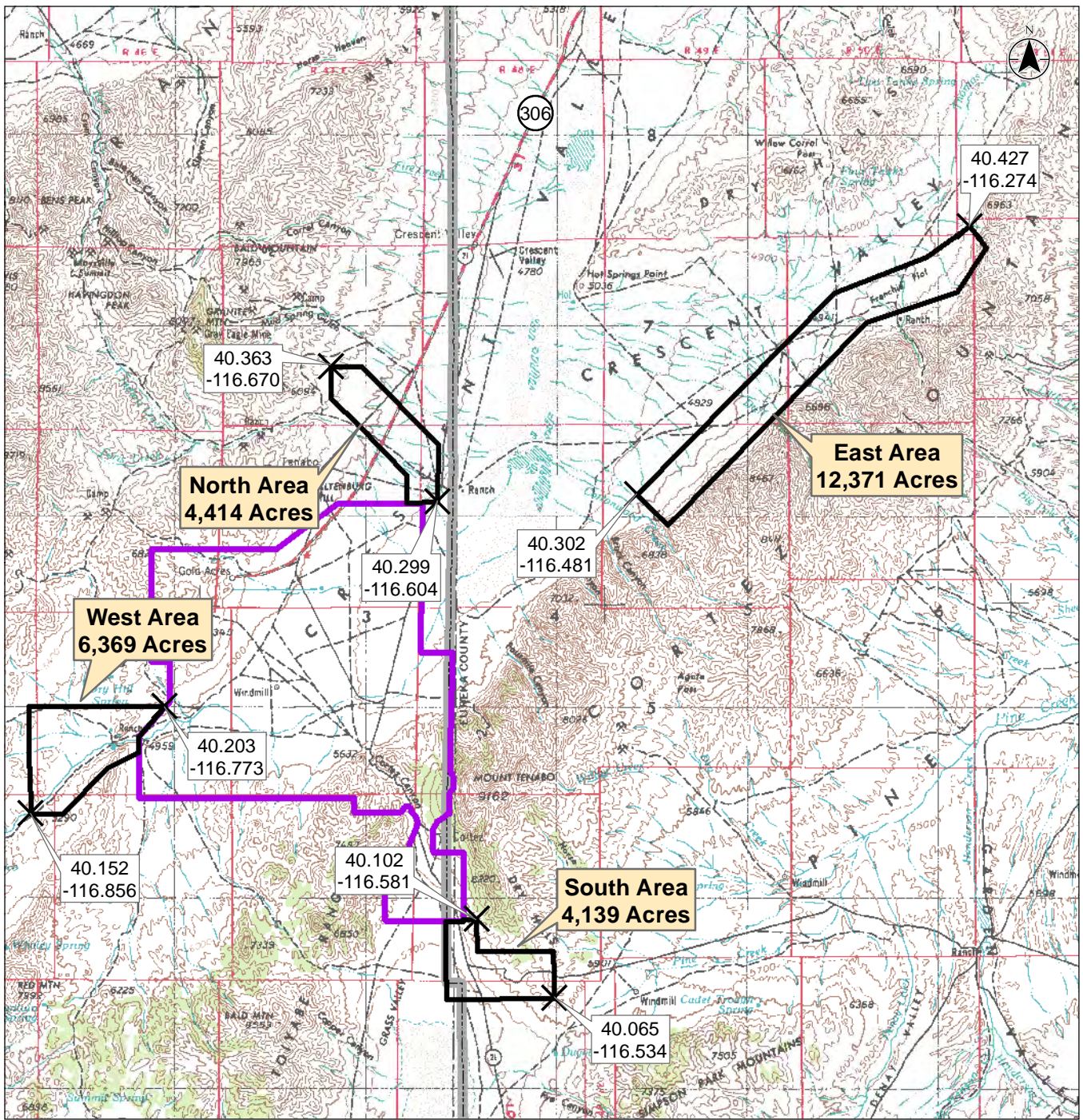
Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

Figure No.: 1

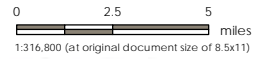
Title: Figure 1  
 Project Location

**Notes**  
 1. Coordinate System: NAD 1983 UTM Zone 11N  
 2. Base features: USGS 500K-Topographic Map of Nevada (1984)  
 Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents from any and all claims arising in any way from the content or provision of the data.





- Legend**
- Survey Area
  - Control Points (Lat & Long)
  - Existing Cortez Mine Plan of Operations Boundary
  - County Line



Project Location: Lander & Eureka Counties, NV  
 203703125  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

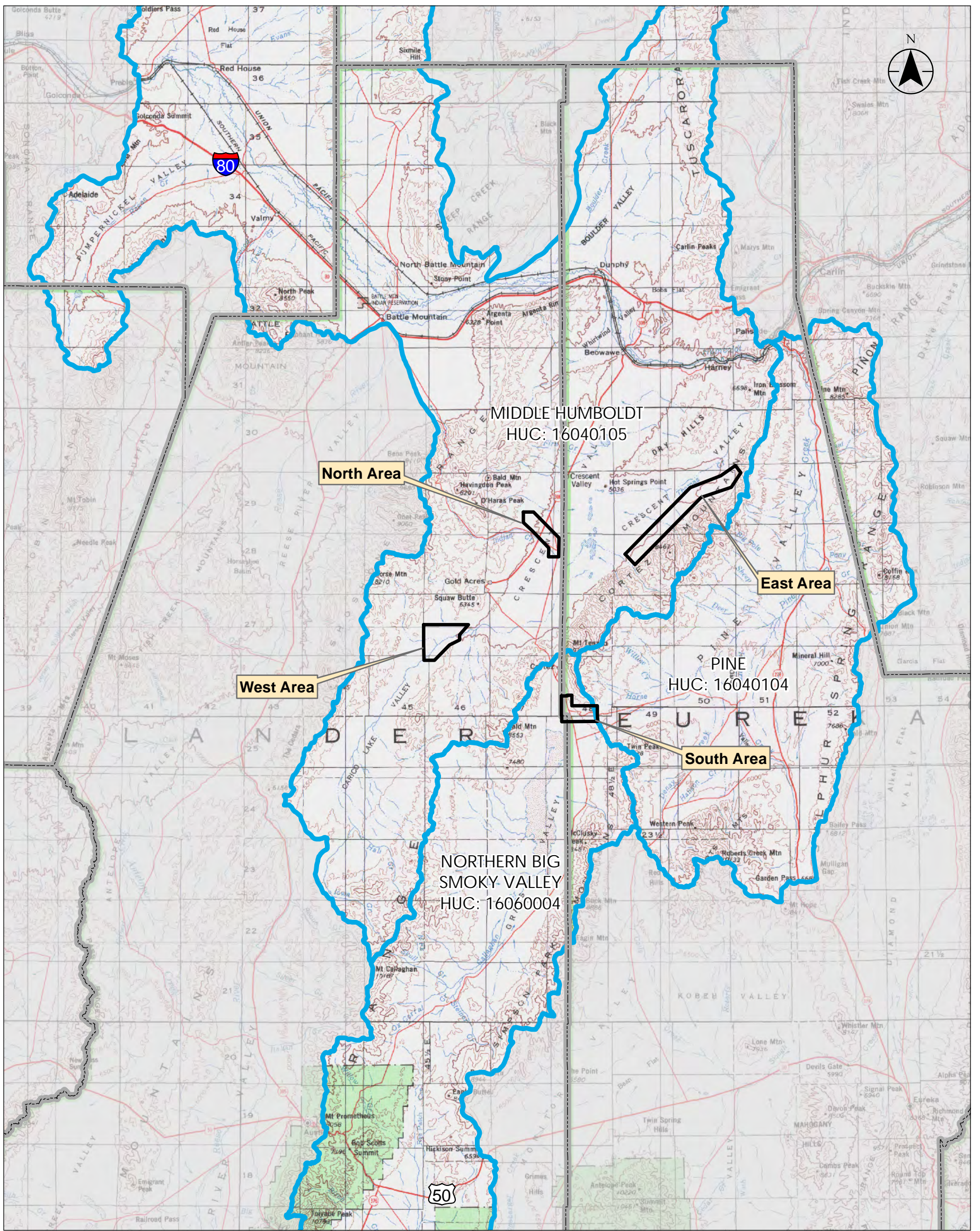
Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

Figure No.: 2

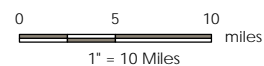
Title: Figure 2  
 Survey Area

**Notes**  
 1. Coordinate System: NAD 1983 UTM Zone 11N  
 2. Base features: USGS 250K-Topographic: Quadrangle: Winnemucca, Nevada (1971)  
 Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents from any and all claims arising in any way from the content or provision of the data.





- Legend**
- Survey Area
  - Watershed Basin
  - County Line



Project Location: Lander & Eureka Counties, NV  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

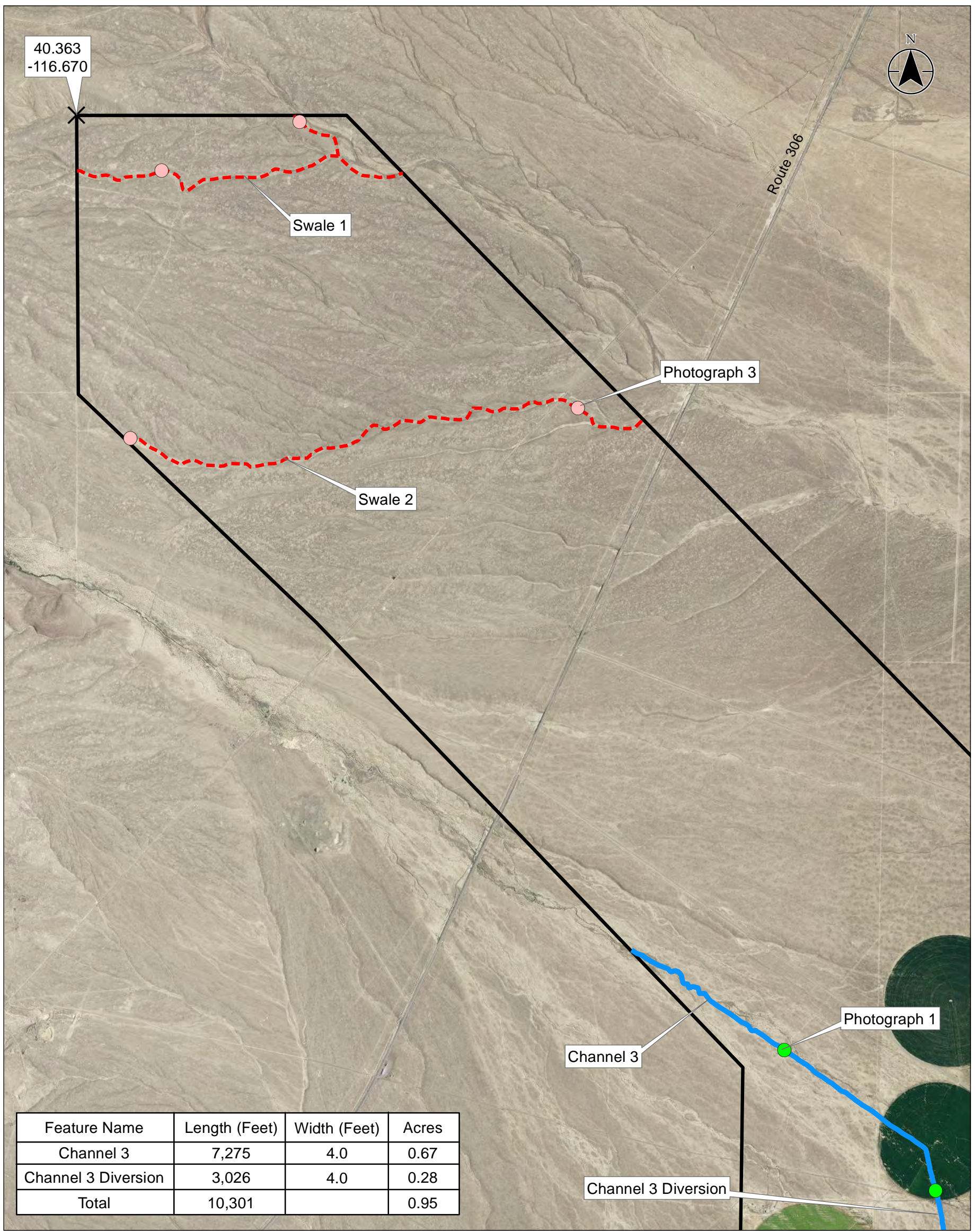
Figure No.: 3  
 Title:

**Figure 3**  
**Watershed Basins**

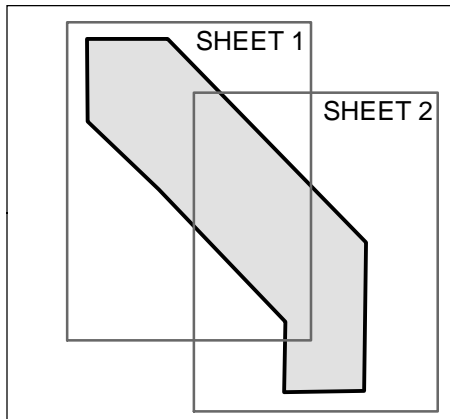
- Notes**
1. Coordinate System: NAD 1983 UTM Zone 11N
  2. Base Data: USGS 500K Topographic Map of Nevada (1984)

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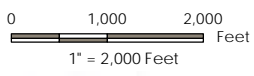




Feature Name	Length (Feet)	Width (Feet)	Acres
Channel 3	7,275	4.0	0.67
Channel 3 Diversion	3,026	4.0	0.28
Total	10,301		0.95



- Legend**
- Survey Area
  - ✕ Control Points (Lat & Long)
  - Channel Without Ordinary High Water Mark
  - Channel With Ordinary High Water Mark
  - Ground Truthed No Ordinary High Water Mark
  - Ground Truthed Ordinary High Water Mark



Project Location: Lander & Eureka Counties, NV  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

Client/Project: Barrick Cortez Inc., 2015 Waters of the United States Delineation Deep South Expansion Project

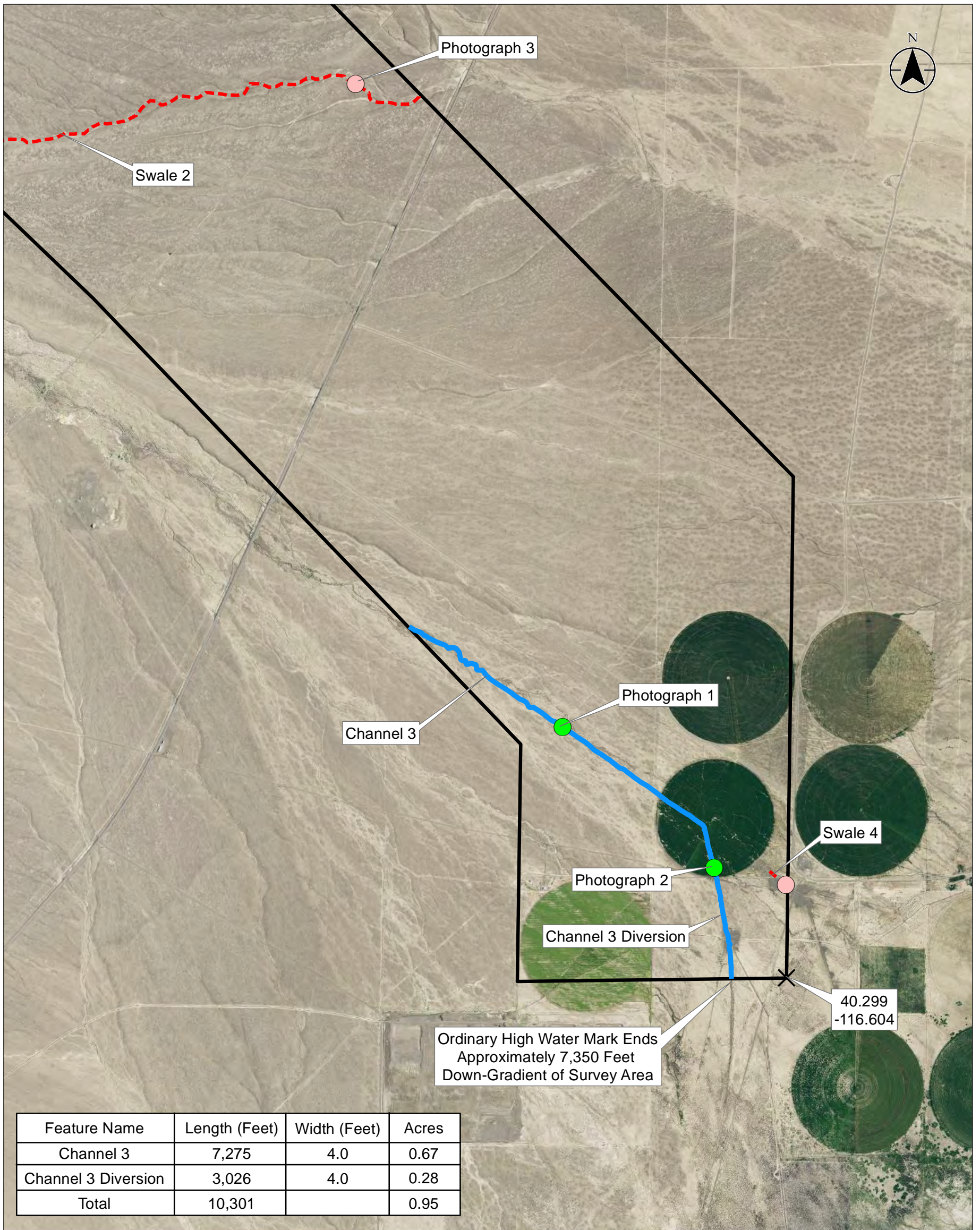
Figure No.: 4A

Title: Figure 4A Delineated Features - North Area Sheet 1 of 2

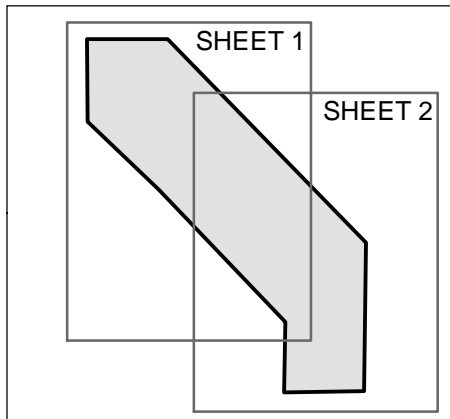
**Notes**  
 1. Coordinate System: NAD 1983 UTM Zone 11N  
 2. Base Data: NAIP Imagery (USDA 2015)

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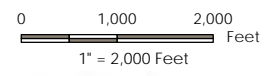


Feature Name	Length (Feet)	Width (Feet)	Acres
Channel 3	7,275	4.0	0.67
Channel 3 Diversion	3,026	4.0	0.28
Total	10,301		0.95



**Legend**

- Survey Area
- × Control Points (Lat & Long)
- Channel Without Ordinary High Water Mark
- Channel With Ordinary High Water Mark
- Ground Truthed No Ordinary High Water Mark
- Ground Truthed Ordinary High Water Mark



Project Location: Lander & Eureka Counties, NV 203703125  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

Figure No.: 4B

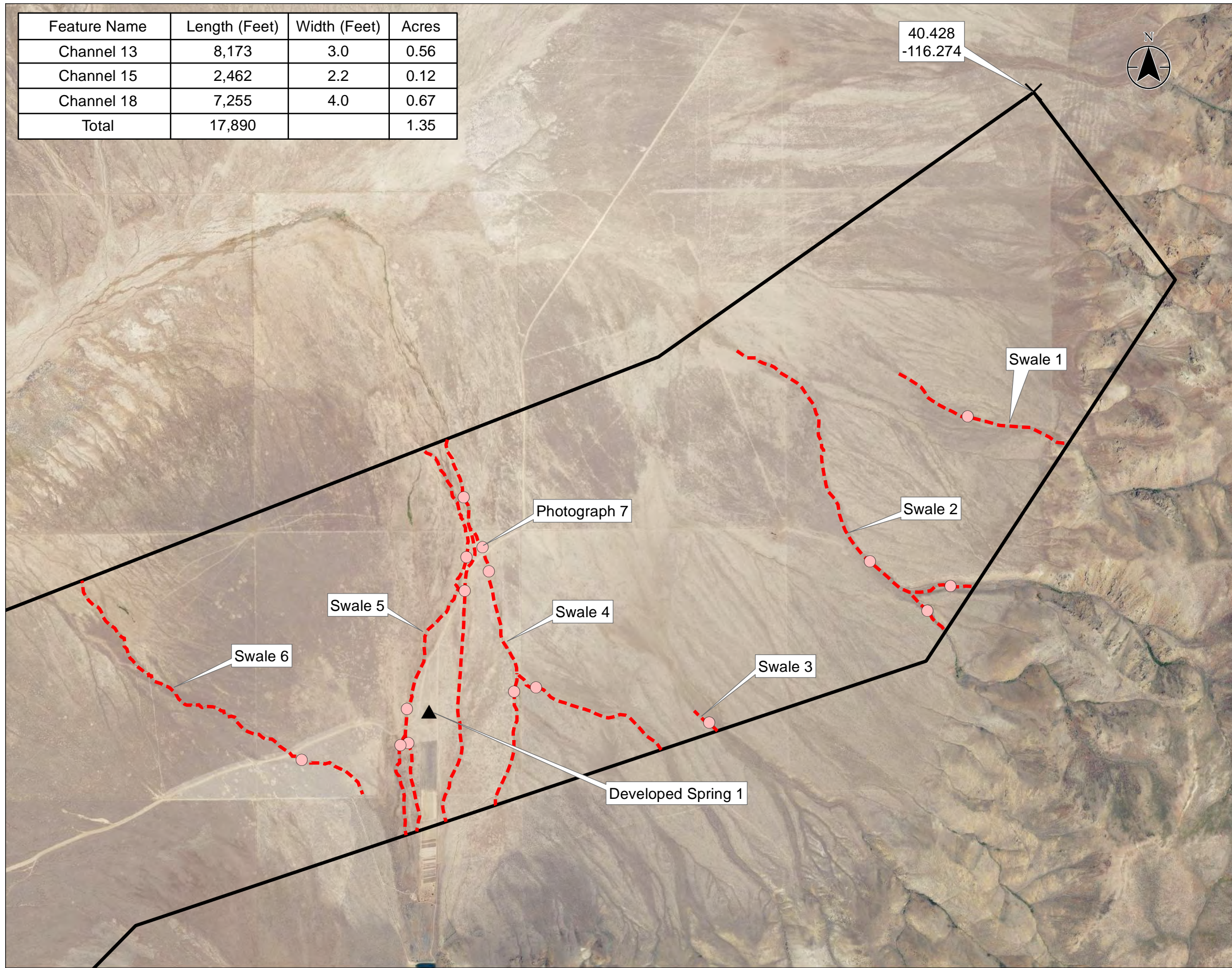
Title: Figure 4B  
 Delineated Features - North Area  
 Sheet 2 of 2

**Notes**  
 1. Coordinate System: NAD 1983 UTM Zone 11N  
 2. Base Data: NAIP Imagery (USDA 2015)

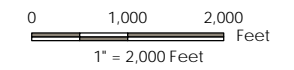
Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.



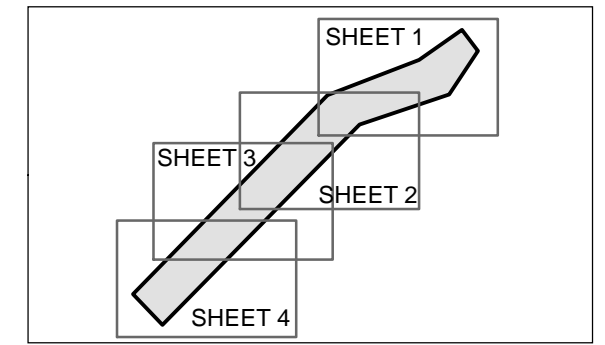
Feature Name	Length (Feet)	Width (Feet)	Acres
Channel 13	8,173	3.0	0.56
Channel 15	2,462	2.2	0.12
Channel 18	7,255	4.0	0.67
Total	17,890		1.35



- Survey Area
- Control Points (Lat & Long)
- Channel Without Ordinary High Water Mark
- Channel With Ordinary High Water Mark
- Ground Truthed No Ordinary High Water Mark
- Ground Truthed Ordinary High Water Mark
- Developed Spring Site



- Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
  2. Base Data: NAIP Imagery (USDA 2015)



Project Location: Lander & Eureka Counties, NV 203703125  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

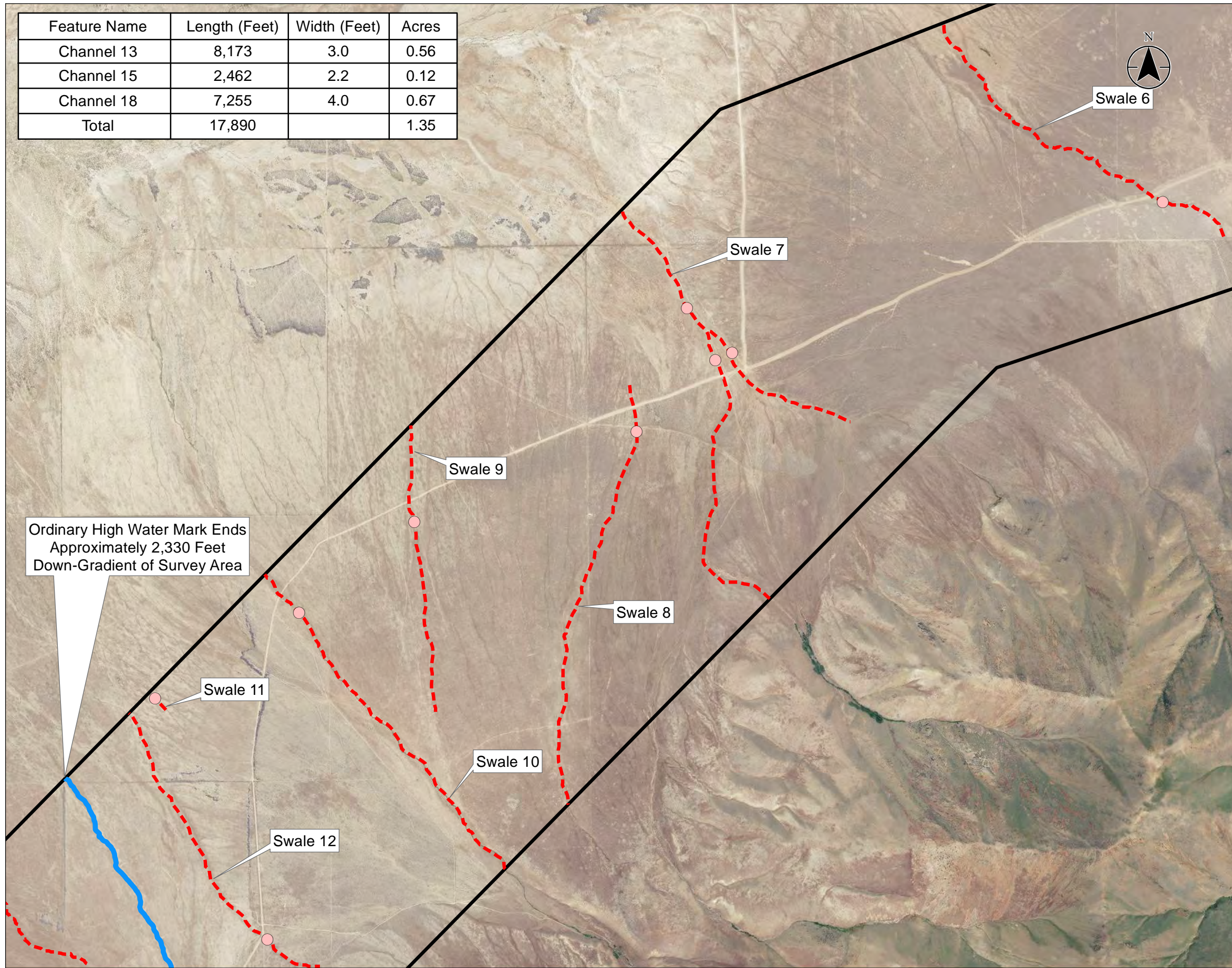
Figure No.: 5A

Title: Figure 5A  
 Delineated Features - East Area  
 Sheet 1 of 4

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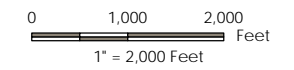
Feature Name	Length (Feet)	Width (Feet)	Acres
Channel 13	8,173	3.0	0.56
Channel 15	2,462	2.2	0.12
Channel 18	7,255	4.0	0.67
Total	17,890		1.35



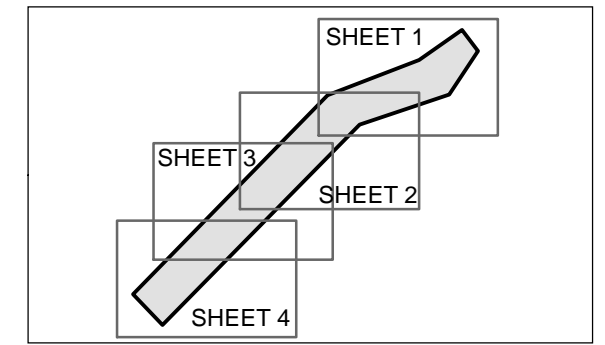
Ordinary High Water Mark Ends  
Approximately 2,330 Feet  
Down-Gradient of Survey Area



- Survey Area
- Channel Without Ordinary High Water Mark
- Channel With Ordinary High Water Mark
- Ground Truthed No Ordinary High Water Mark
- Ground Truthed Ordinary High Water Mark



- Notes
- Coordinate System: NAD 1983 UTM Zone 11N
  - Base Data: NAIP Imagery (USDA 2015)



Project Location: Lander & Eureka Counties, NV  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

Figure No. 5B

Title: Figure 5B  
 Delineated Features - East Area  
 Sheet 2 of 4

\\ARC\CLOUD\Maps\NV\Clients\Barrick\Deep\_South\_2015\3125\MMXD\Working\XDR\WOUS Report\F8\_EastAreaDRAIN.mxd Revised: 2015-11-11 By: cdk



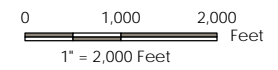
Feature Name	Length (Feet)	Width (Feet)	Acres
Channel 13	8,173	3.0	0.56
Channel 15	2,462	2.2	0.12
Channel 18	7,255	4.0	0.67
Total	17,890		1.35

Ordinary High Water Mark Ends  
Approximately 2,330 Feet  
Down-Gradient of Survey Area

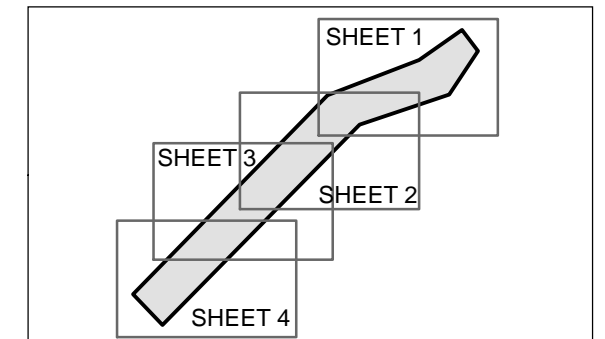
Ordinary High Water Mark Ends  
Approximately 700 Feet  
Down-Gradient of Survey Area



- Survey Area
- Channel Without Ordinary High Water Mark
- Channel With Ordinary High Water Mark
- Ground Truthed No Ordinary High Water Mark
- Ground Truthed Ordinary High Water Mark
- Developed Spring Site



- Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
  2. Base Data: NAIP Imagery (USDA 2015)



Project Location: Lander & Eureka Counties, NV  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

Figure No.: 5C

Title: Figure 5C  
 Delineated Features - East Area  
 Sheet 3 of 4

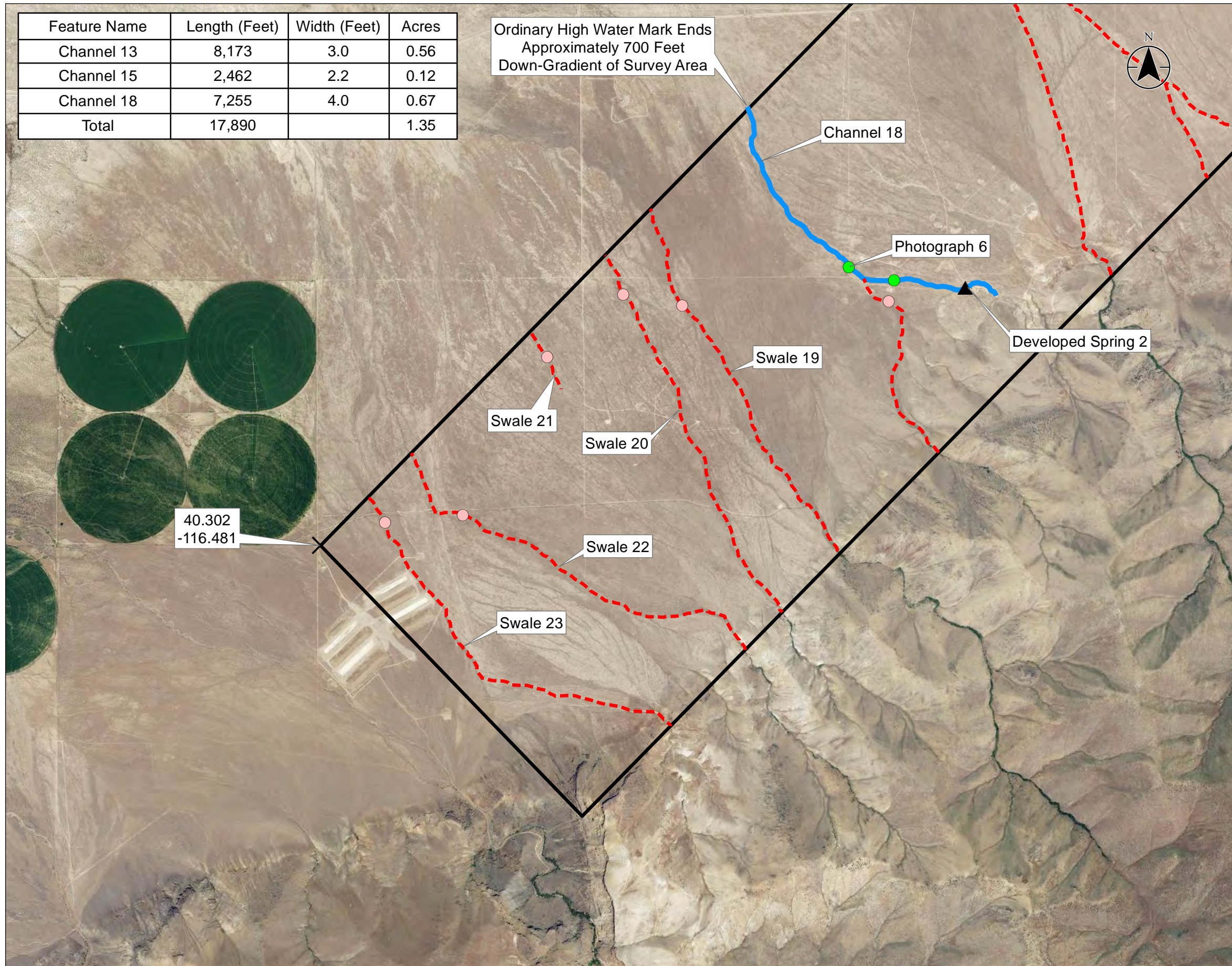
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 Revised: 2015-11-11 By: gdx

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Feature Name	Length (Feet)	Width (Feet)	Acres
Channel 13	8,173	3.0	0.56
Channel 15	2,462	2.2	0.12
Channel 18	7,255	4.0	0.67
Total	17,890		1.35

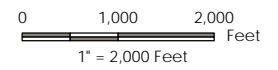
Ordinary High Water Mark Ends  
Approximately 700 Feet  
Down-Gradient of Survey Area



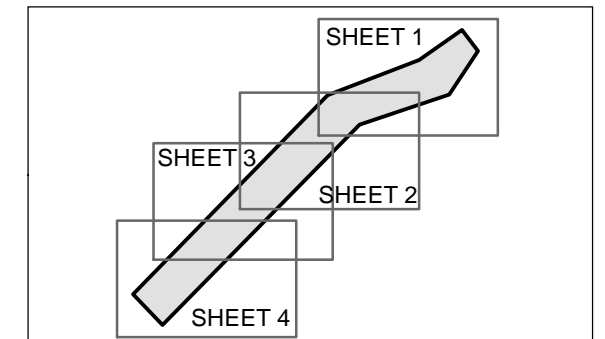
40.302  
-116.481



- Survey
- Control Points (Lat & Long)
- Channel Without Ordinary High Water Mark
- Channel With Ordinary High Water Mark
- Ground Truthed No Ordinary High Water Mark
- Ground Truthed Ordinary High Water Mark
- Developed Spring Site



- Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
  2. Base Data: NAIP Imagery (USDA 2015)



Project Location: Lander & Eureka Counties, NV  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

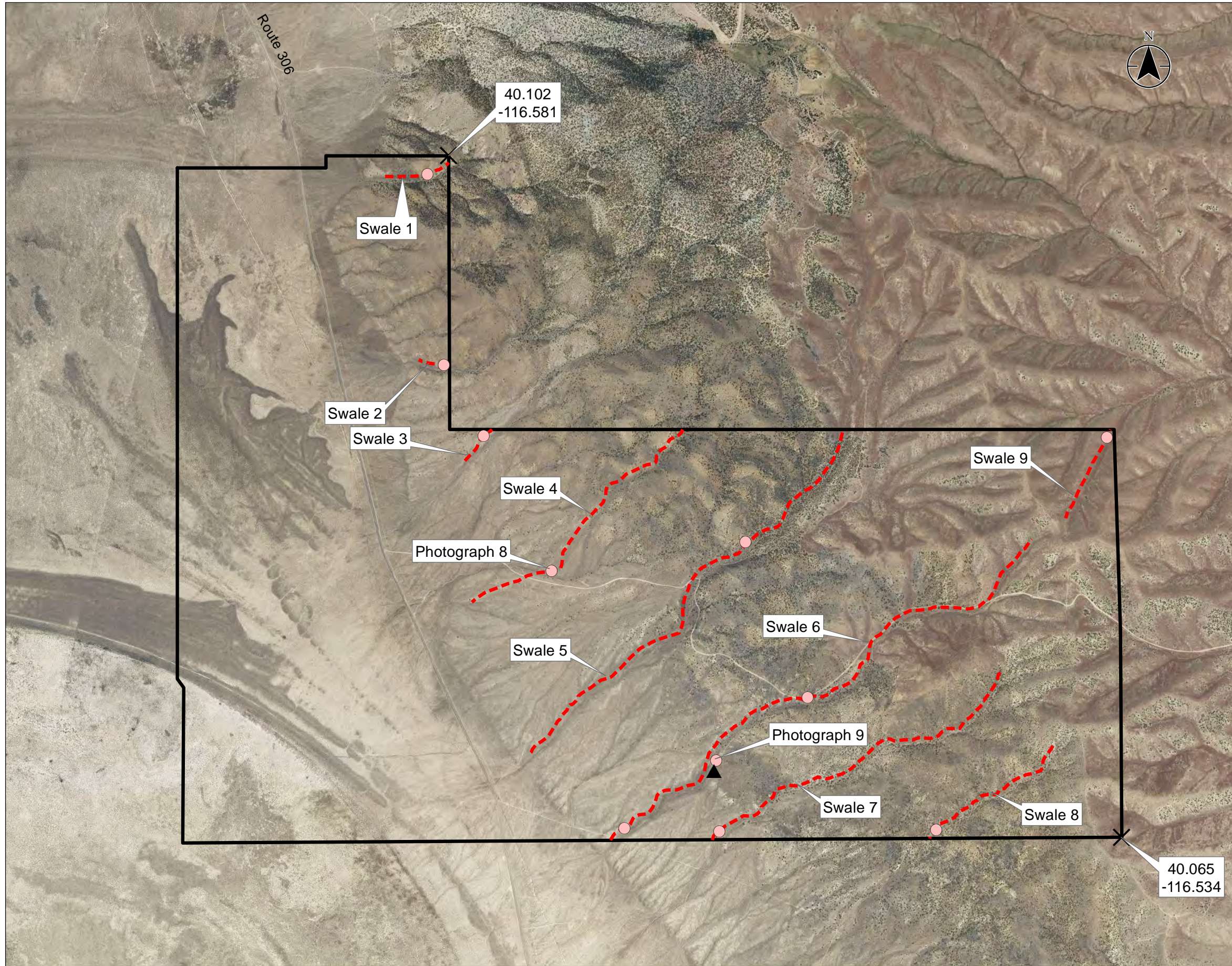
Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

Figure No.  
5D

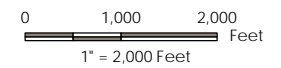
Title  
Figure 5D  
Delineated Features - East Area  
Sheet 4 of 4

\\ARC\CLOUD\Maps\NV\Clients\Barrick\Deep\_South\_2015\3125\MMXD\Working\XDB\WOUS Report\F5D\_EastAreaDeline.mxd Revised: 2015-11-11 By: gdx

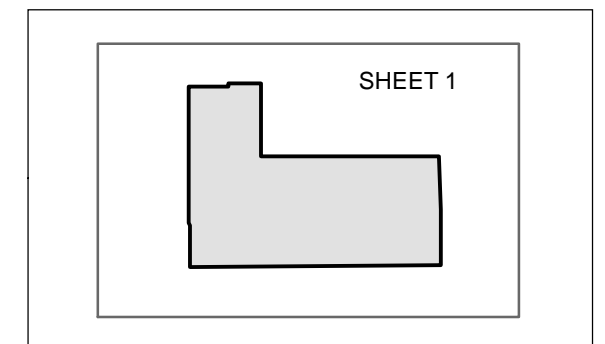




- Survey Area
- Control Points (Lat & Long)
- Channel Without Ordinary High Water Mark
- Channel With Ordinary High Water Mark
- Ground Truthed No Ordinary High Water Mark
- Ground Truthed Ordinary High Water Mark
- Developed Spring Site



- Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
  2. Base Data: NAIP Imagery (USDA 2015)



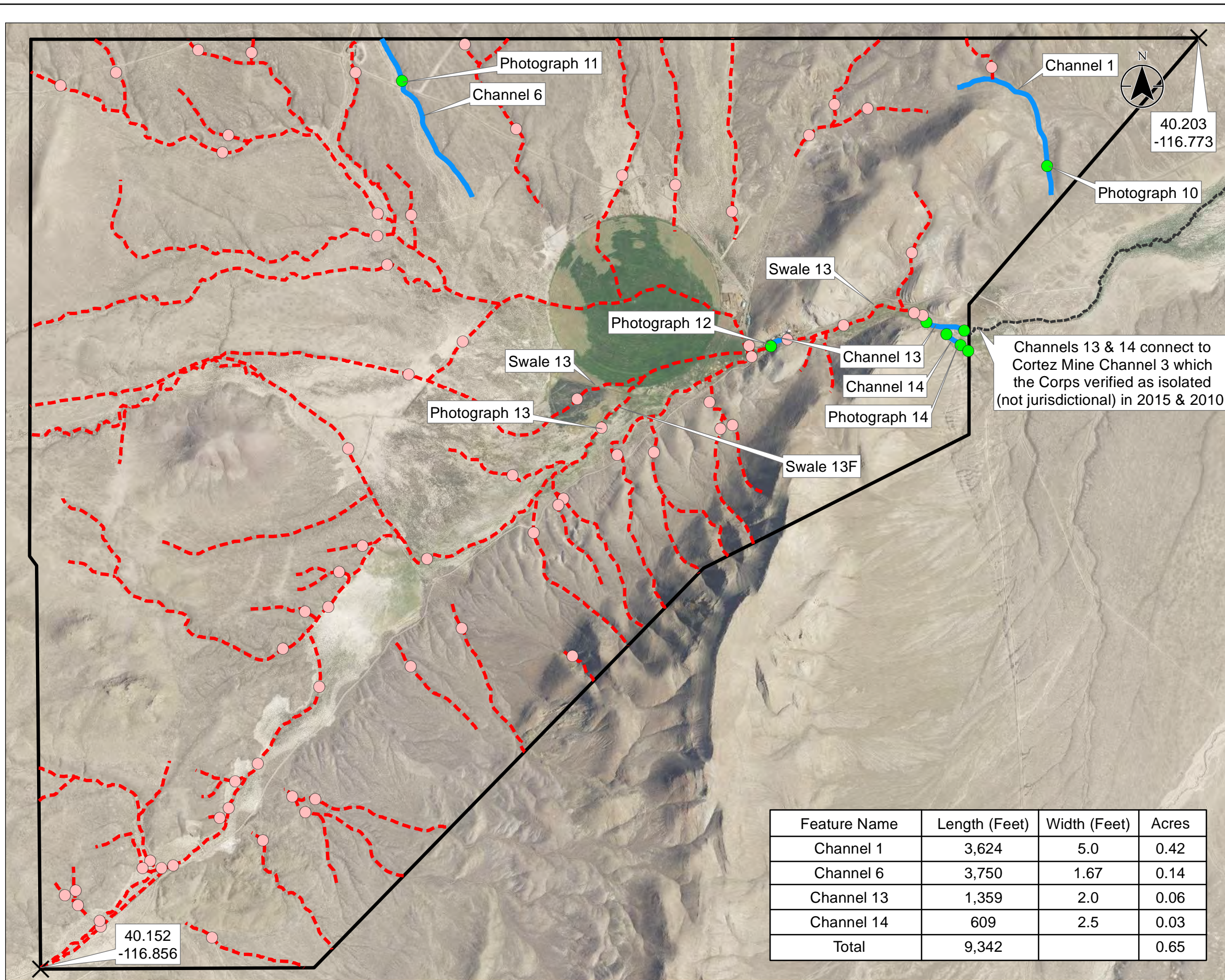
Project Location: Lander & Eureka Counties, NV  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

Figure No.  
 6

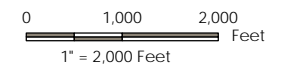
Title  
 Figure 6  
 Delineated Features - South Area  
 Sheet 1 of 1



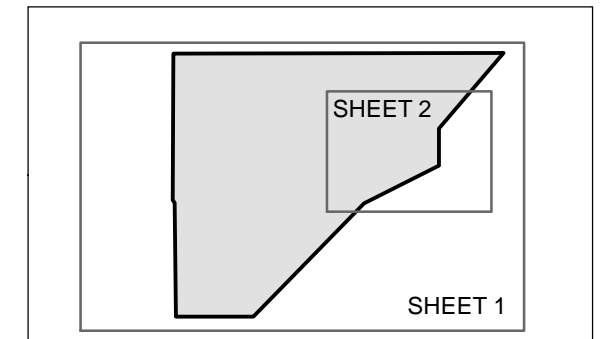


- Survey Area
- Control Points (Lat & Long)
- Channel Without Ordinary High Water Mark
- Channel With Ordinary High Water Mark
- Isolated Channel Verified by the Corps Under Project SPK-2002-25061
- Ground Truthed No Ordinary High Water Mark
- Ground Truthed Ordinary High Water Mark

Channels 13 & 14 connect to Cortez Mine Channel 3 which the Corps verified as isolated (not jurisdictional) in 2015 & 2010.



- Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
  2. Base Data: NAIP Imagery (USDA 2015)



Feature Name	Length (Feet)	Width (Feet)	Acres
Channel 1	3,624	5.0	0.42
Channel 6	3,750	1.67	0.14
Channel 13	1,359	2.0	0.06
Channel 14	609	2.5	0.03
<b>Total</b>	<b>9,342</b>		<b>0.65</b>

Project Location: Lander & Eureka Counties, NV  
 Prepared by GD on 2015-10-08  
 Reviewed by NK on 2015-10-10

Client/Project: Barrick Cortez Inc.  
 2015 Waters of the United States Delineation  
 Deep South Expansion Project

Figure No.: 7A

Title: Figure 7A  
 Delineated Features - West Area  
 Sheet 1 of 2



