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): May 18, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Bald Mountain AJD isolated waters, SPK-1998-25194

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Nevada** County/parish/borough: **White Pine** City: **65 miles NW of Ely**
Center coordinates of site (lat/long in degree decimal format): Lat. **39.92214°**, Long. **-115.51218°**
Universal Transverse Mercator: **11 627146.55 4420175.25**
Name of nearest waterbody: **N/A**
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **N/A**
Name of watershed or Hydrologic Unit Code (HUC): **Long-Ruby Valleys, 16060007 & Little Smokey-Newark Valley, 16060006**
☒ 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: **May 11, 2017**
☐ 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):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☐ Relatively permanent waters[2] (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):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: This Approved Jurisdictional Determination (AJD) covers all drainage and wetland features within the approximately 3,925 acres of the Bald Mountain Mine project area, consolidating three separate expired or soon to be expired AJD's that were issued on April 17, 2012, August 29, 2012 and November 8, 2012 under action ID SPK-1998-25194.

[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.

The project area is located within the Great Basin Region, an arid region that receives 6-12 inches of precipitation annually, though higher elevations can receive +20 inches annually. Valley floors average 5,000-6,000 foot elevations, with surrounding mountains sometimes reaching +10,000 foot elevations. The region is characterized by rugged, north-south trending mountain ranges and broad intervening valleys, and is known for its internal drainage system where water flows do not reach the sea. The great majority of streams within the Great Basin are ephemeral in nature, and only see occasional flows during major storm events. Streambeds within the Great Basin are typically comprised of gravelly loams and are highly porous. Water that does eventually make it to the valley floors typically ponds temporarily before evaporating or infiltrating into the soil.

Within the project area, there are eight springs and their associated wetlands that were determined to be potentially jurisdictional based on USACE delineation manuals, as well as eight ephemeral streams that exhibit an ordinary high water mark and bed and bank features. These 16 potentially jurisdictional features are located within three watershed basins: Huntington Valley, Long Valley, and Newark Valley.

Huntington Valley (center point: Lat. 40.0326, Long. -115.7319): The Huntington Valley is flanked by the Ruby Mountains on the east, the Pinon Range on the west and unnamed ridges on the south and the north, making it an intermontane valley with no exterior drainage. One stream (Drainage 17) is fed by five springs and their associated wetlands (Spring 6, 9, 10, 11 and 12) and flows for nearly 4,000 feet through the project area. Drainage 17 becomes less defined as it leaves the mountain springs and travels to the Huntington Valley floor, before losing ordinary high water mark (OHM) and bed and bank features.

Long Valley (center point: Lat. 39.6776, Long. -115.4119): 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. The valley floor is dominated by a large, dry playa in which the five streams from the project area (Drainages 79, 130, 132, 139 and 166) drain. Drainage 79 is the longest of the drainages within the project area, and has a defined channel averaging two feet in width and continues for 14,656 feet through Rattlesnake Canyon. Drainage 79 exits the survey area and continues for another 32,849 feet before definition is lost on the valley floor.

Newark Valley (center point: Lat. 39.6711, Long. -115.7230): The Newark Valley is bordered by the Diamond Mountains to the west, including the northern extension of the Pancake Range to the south and Pogonip Ridge, Antelope Mountain, and Buck Mountain to the east. The Newark Valley is a broad valley with a number of prominent Peaks surrounding it. The valley floor is dominated by a large, dry playa in which the five streams from the project area (Drainages 28 – fed by Springs 4, 14, and 15, as well as Drainage 29) flow to the valley floor. No water flows out of the playa on the valley floor.

Ruby Valley (center point: Lat. 40.4225, Long. -115.3094): In addition to the three watersheds previously discussed, there are drainages within the project area that are within the Ruby Valley watershed. However, none of these drainages had defined channels exhibit an ordinary high watermark or bed and bank features, nor were there any wetlands that were potentially jurisdictional waters.

The Bald Mountain Mine project area is located in the Great Basin, a geographic region characterized by drainages flowing into isolated playas and dry lakes with no hydrologic outlets. The 16 potentially jurisdictional waters found within the project area flow into enclosed basins and have no hydrologic outlets. Based on the above information, the 8 ephemeral streams (non-RPW's), and the 8 wetlands that flow into these non-RPW's do not flow to an interstate water or any TNW, and have no other non-agricultural connection to interstate or foreign commerce or industry. They are therefore isolated waters and not jurisdictional waters of the U.S.

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[4] 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:

Identify flow route to TNW[5]:
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):
☐ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain:

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] 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.

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

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

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

(iii) Chemical Characteristics:
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:

[6]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.
[7]Ibid.

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[8] 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:

[8]See Footnote # 3.

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 jurisidictional. 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.[9]**
   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):[10]

☐ 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.

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): linear feet, wide.
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☒ Wetlands: **38.87** 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):

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[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10] 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, 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-BIG BALD 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): **Google Earth (various years)**
or ☒ Other (Name & Date): "Waters of the United States Jurisdictional Determination and Wetland Delineation Survey Bald Mountain Mine Expansion – White Pine County, Nevada." JBR Environmental Consultants, Inc. November 8, 2011.
☒ Previous determination(s). File no. and date of response letter: **Three separate expired or soon to be expired AJD's that were issued on April 17, 2012, August 29, 2012 and November 8, 2012 under action id SPK-1998-25194.**
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Table 1: List of waters associated with the Bald Mountain Mine Expansion Project Jurisdictional Determination.

Water Name	Watershed Basin	Defined Drainage Acreage	Linear Feet	Wetland Acreage
Drainage 17	Huntington Valley	0.18	3,958	-
Spring 6 and wetland	Huntington Valley	-	-	2.11
Spring 9 and wetland	Huntington Valley	-	-	0.63
Spring 10 and wetland	Huntington Valley	-	-	0.99
Spring 11 and wetland	Huntington Valley	-	-	0.52
Spring 12 and wetland	Huntington Valley	-	-	0.46
Drainage 79	Long Valley	0.67	14,656	-
Drainage 130	Long Valley	0.28	8,077	-
Drainage 132	Long Valley	0.06	812	-
Drainage 139	Long Valley	0.03	398	-
Drainage 166	Long Valley	0.28	7,366	-

Drainage 28	Newark Valley	0.82	17,931	-
Drainage 29	Newark Valley	0.37	1,877	-
Spring SWC 4 and wetland	Newark Valley	-	-	19.20
Spring 14 and wetland	Newark Valley	-	-	13.68
Spring 15 and wetland	Newark Valley	-	-	1.28

Additional information from "Waters of the United States Jurisdictional Determination and Wetland Delineation Survey Bald Mountain Mine Expansion – White Pine County, Nevada." JBR Environmental Consultants, Inc. November 8, 2011.

Drainage 17 (Huntington Valley watershed)
Drainage 17 is located in the northwest portion of the survey area in the Bald Mountain Mine Area. This drainage becomes defined at a spring source within the survey area where water begins flowing and these is a presence of an OWHM. Several seeps and springs feed this channel until definition is lost downstream of the Old Lower Mill Spring or Spring #2. The defined channel averages two feet in width and continues for 3,958 feet within the survey area before definition is lost. Springs 6, 9, 10, 11 and 12 contribute to Drainage 17.

Drainage 79 (Long Valley watershed)
Drainage 79 is located in the northeast portion of the survey area in the Bald Mountain Mine Area. This drainage becomes defined with an OHWM after exiting a riprap channel east of the leach pad construction in Mooney Basin. The defined channel averages two feet in width and continues for 14,656 feet through Rattlesnake Canyon. Drainage 79 exits the survey area and continues for another 32,849 feet before definition is lost.

Drainage 130 (Long Valley watershed)
Drainage 130 is located in the western portion of the Alligator Ridge Area and connects to Drainage 139. This drainage originates near Buck Mountain and continues west to east. Drainage 130 becomes defined outside the survey area when runoff and storm water are directed through a culvert under the country road at Buck pass. Definition continues with an OHWM and bed and bank as Drainage 130 converges with Drainage 139. Flow and storm water are directed though another culvert before definition is lost at an earthen dam pond. The defined channel averages 1.5 feet and continues for 8,077 feet within the survey area. Several undefined drainages converge with the defined portion of Drainage 130, but do not contribute to definition. The old drainage is still visible below the pond but lacks definition.

Drainage 132 (Long Valley watershed)
Drainage 132 is located in the eastern portion of the Alligator Ridge Area. This drainage is not defined for the majority of the survey area. This drainage becomes defined when runoff and storm water are directed through a culvert under a two-track road. Definition continues with an OHWM for 812 feet before definition is last at a stock pond. The defined channel averages three feet in width.

Drainage 139 (Long Valley watershed)
Drainage 139 is located in the southern portion of the Alligator Ridge Area. This drainage originates near Buck Mountain and continues west to east. Drainage 139 becomes defined outside of the survey area when runoff and storm water are directed through a culvert under the county road east of Buck Pass. Definition continues for 5,097 feet before entering the survey area. Drainage 139 is defined as it enters the survey area and continues with an OHWM for 398 feet before definition is lost to the substrate. The defined channel averages three feet in width. The drainage is not define for the resort of the survey area. The drainage is partially covered by mine disturbance.

Drainage 166 (Long Valley watershed)
Drainage 166 is located in the central portion of the Yankee Area. This drainage is not defined from the western survey area boundary to the center of the Yankee area. Definition begins downstream of mine disturbance when runoff and storm water are directed through a culvert under an access road. Definition continues with an OHWM and sorting through another culvert. The defined channel continues for 7,366 feet within the survey area before exiting the eastern survey area boundary. The defined channel continues for another 4,716 feet before definition is lost. The defined channel averages 1.75 feet in width.

Drainage 28 (Newark Valley watershed)
Drainage 28 is located in the northwest portion of the survey area in the Bald Mountain Mine Area in Water Canyon. This drainage becomes defined at South Water Canyon Seep (Spring SWC 4) where Drainage 29 connects to Drainage 28. At this point, water was lowing and there was presence of an OHWM. The defined channel averages two feet in width and continues for 16,018 feet, passing through three culverts within the survey area. Drainage 28 exits the survey area and continues for another 1,912 before definition is lost.

Drainage 29 (Newark Valley watershed)

Drainage 29 is located in the northwest portion of the survey area and connects to Drainage 28 from the north. This drainage becomes defined at Spring 15 and the defined channel connects to Drainage 28 at Spring 4. The defined channel averages one foot in width and continues for 1,877 feet before converging with Drainage 28.