U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): November 13, 2020.
ORM Number: SPK-2020-00557 .
Associated JDs: SPK-2006-00303.
Review Area Location[1]: State/Territory: NV. City: Reno. County/Parish/Borough: Washoe County.
Center Coordinates of Review Area: Latitude 39.398521. Longitude -119.743633.

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

[1] Map(s)/figure(s) are attached to the AJD provided to the requestor.

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	acres	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters):[3]				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	acres	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Whites Creek 1	0.2	acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	AR delineation has shown with data points and aerial photographs that this tributary is perennial and flows into an (a)(1) water.
Steamboat Creek	0.03	acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	AR delineation has shown with data points and aerial photographs that this tributary is perennial and flows into an (a)(1) water.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	acres	N/A	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Whites Creek 2	.49	acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wetland is an emergent marsh directly abutting an (a)(2) water which flows into an (a)(1) water, the Truckee River. Cattails can be seen in aerial photos.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]

[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.
[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Ephemeral Drainage	0.07	acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This aquatic feature is an ephemeral stream that only flows in direct response to precipitation. A review of historic aerials focusing on times of non-drought conditions, snowpack, or when flows would be expected for an intermittent feature, resulted in no signatures of saturation or inundation for the features or adjacent areas. There are no physical indicators of water persisting in this channel beyond response to rainfall.
Irrigation Ditch	0.49	acres	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	A ditch located in the Damonte Ranch agricultural fields. As seen as far back as 1953 in historical aerial photos and topographic maps, there is a nearby tributary existing alongside the ditch when it was constructed, however the tributary has not been relocated by the ditch nor constructed within, and no wetlands exist in project area for the ditch to be constructed in. The ditches did not exist in 1948 but neither did a tributary that could have been relocated.
Unnamed Drainage	0.12	acres	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	A ditch located in the Damonte Ranch agricultural fields. As seen as far back as 1953 in historical aerial photos and topographic maps, there is a nearby tributary existing alongside the ditch when it was constructed, however the tributary has not been relocated by the ditch nor constructed within, and no wetlands exist in project area for the ditch to be constructed in. The ditches did not exist in 1948 but neither did a tributary that could have been relocated.
Stormwater Drainage	0.014	acres	(b)(10) Stormwater control feature constructed or excavated in upland	This ditch was constructed in uplands and is used to convey

[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	storm water. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: Final Aquatic Resources Delineation Report Washoe County Pleasant Valley Interceptor - Reach 3 Project - July 2020.
This information is. sufficient for purposes of this AJD.
Rationale: N/A.

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

☒ Photographs: Aerial and Other. Ground photos: Field photos from delineation dated December 19, 2018, April 27, 2019 and June 18, 2019; Aerial Imagery: GoogleEarth 7.3.3.7692. (2018, September 14). Washoe County, Nevada. Latitude 39.398521°N, longitude 119.743633 °W, eye alt 7865 ft. Retrieved October 26, 2020, from http://www.earth.google.com. Historical aerial imagery: EarthExplorer Entity ID: AR2CA0000040041, Coordinates: 39.418202 , -119.765351, Acquisition Date: 1953-04-01, Scale: 20000. Retrieved on November 12, 2020 from: https://earthexplorer.usgs.gov/.

☒ Corps site visit(s) conducted on: Date(s).

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SPK-2006-00303.

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☐ USDA NRCS Soil Survey: Title(s) and/or date(s).

☐ USFWS NWI maps: Title(s) and/or date(s).

☒ USGS topographic maps: ORM Topographic map accessed on October 26, 2020.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
CorpsMap ORM Map Layers	N/A.
State/Local/Tribal Sources	N/A.
Other Issues	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to give context to this site based on the inspection dates of: December 19, 2018 as well as on April 27, 2019 and June 18, 2019. The three-month antecedent precipitation normality leading up to the December 19, 2018 was: Normal, dry and normal. On December 19, 2018 the PDSI was Normal and it was the wet season. On April 27, 2019 the PDSI was Moderate wetness and it was the dry season. On June 18, 2019 the PDSI was: Severe wetness and it was the dry season. Google Earth aerial images were reviewed showing dry conditions in the wet season month of November 2018.

C. Additional comments to support AJD: When the ephemeral drainage was observed on December 19, 2018 as well as on April 27, 2019 and June 18, 2019, the ephemeral drainage was dry. According to a previous jurisdictional determination on December 14, 2005 for project SPK-2006-00303, in the past it was likely that hydrology in the project area was dervied from a high water tavle and overland flow from local hot springs. However, the hot springs have not flowed since 1990 according to USFWS and precipiation runoff appears to be the only hydrology under current conditions. The document also mentions that the reastern reach has evidence of a seasonal spring, howwever I have spoken to the applicant's agent who explained to me that this spring has dried up due to the construction of Highway 395 which has blocked groundwater from seeping east to the project area. This area might have been considered jurisdictional at the time of that determination, but it is no longer considered jurisdictional considering the NWPR criteria.