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): April 14, 2020

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, **Daybreak Master Plan**, **SPK-2017-00275**

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: **Nevada** County/parish/borough: **Washoe County** City: **Reno**
Center coordinates of site (lat/long in degree decimal format): Lat. **39.46335**°, Long. **-119.73335**°
Universal Transverse Mercator: **11 264848.46 4371763.6**
Name of nearest waterbody: **Thomas Creek and Steamboat Creek**
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Truckee River**
Name of watershed or Hydrologic Unit Code (HUC): **Truckee, 16050102**
☒ 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 30, 2020
☐ 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 and are not** "*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: **13,879** linear feet, wide, and/or **3.698** acres.
      Wetlands: **7.46** acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**
      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: **Six aquatic resources were found to be not jurisdictional in the review area, Alexander Reservoir, IS-1B, PS-1A, S-5, WF-1, and WS-6. Alexander Reservoir is not an impoundment of Thomas Creek, as was previously documented, but rather was an open water feature that was excavated wholly in uplands and was fed by irrigation tailings that exceeded specific flows in Thomas Creek.**

[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.

Alexander Reservoir was de-watered over the fall/winter 2019 and in March 2020 was evaluated for wetland characteristics. No hydric soils or hydrology was detected during the assessment. Per this assessment and the findings that the open water feature was not an impoundment of a jurisdictional waterway, Alexander Reservoir, IS-1B, PS-1A, S-5, WF-1, and WS-6 were all found to be non-jurisdictional resources.

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: **779,072 acres**
Drainage area: **Pick List**
Average annual rainfall: **7.48** inches
Average annual snowfall: **22** inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **3** tributaries before entering TNW.

Project waters are **2-5** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **2-5** aerial (straight) miles from TNW.
Project waters are **1 (or less)** aerial (straight) miles from RPW.

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

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW[5]:
Thomas Creek (PS-1C, WS-9, PS-1G, and PS-1B) is an RPW that flows to Steamboat Creek which flows to the Truckee River, a TNW.
IS-1A is a spring-fed RPW that flows to PS-2, which flows to Steamboat Creek with flows to the Truckee River, a TNW.
PS-2 is a RPW that flows to Steamboat Creek which flows to the Truckee River, a TNW.
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☒ Manipulated (man-altered). Explain: **All waters across the project review area have been historically manipulated to support agricultural practices in the area since the mid-1800s.Waters have been used for crop irrigation and livestock watering access.**

Tributary properties with respect to top of bank (estimate):
Average width: 6-15feet
Average depth: 0.5 feet
Average side slopes: **3:1.**

Primary tributary substrate composition (check all that apply):
☒ Silts ☒ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Incised and eroding due to cattle access.
Presence of run/riffle/pool complexes. Explain:
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): %

(c) Flow:
Tributary provides for: **Seasonal flow**
Estimate average number of flow events in review area/year: **1**
Describe flow regime: **Thomas Creek (PS-1C, WS-9, PS-1G, and PS-1B) is perennial flow; IS-1A is a spring-fed RPW that flows seasonally, and; PS-2 is perennial flow.**
Other information on duration and volume:

Surface flow is: **Discrete and confined.** Characteristics:

Subsurface flow: **Unknown**. 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:

[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.
[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.

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

☐ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
- ☐ fine shell or debris deposits (foreshore)
- ☐ physical markings/characteristics
- ☐ tidal gauges
- ☐ other (list):

☐ Mean High Water Mark indicated by:
- ☐ survey to available datum;
- ☐ physical markings;
- ☐ vegetation lines/changes in vegetation types.

(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: **Wetland fringe along all RPWs are included in this assessment.**

☐ Habitat for:
- ☐ Federally Listed species. Explain findings:
- ☐ Fish/spawn areas. Explain findings:
- ☐ Other environmentally-sensitive species. Explain findings:
- ☒ Aquatic/wildlife diversity. Explain findings: **seasonal/perennial streams in arid environments are known to be important habitat for fauna such as amphibians, birds, mammals, and aquatic invertebrates.**

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: **7.46** acres

Wetland type. Explain: **Wetland types on site include emergent marsh, seep wetlands, seasonal wetlands, and wetland swales, wetland with flowing channel.**

Wetland quality. Explain: Moderate. **Vegetation dominated by native species and hydrology apparently intact.**

Project wetlands cross or serve as state boundaries. Explain: **No**.

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: **Seasonally intermittent and perennial flows support the wetland areas.**

Surface flow is**: Discrete and confined**

Characteristics:

Subsurface flow: **Unknown**. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

☒ Directly abutting

☒ Not directly abutting

☒ Discrete wetland hydrologic connection. Explain: **Seasonally intermittent and perennial flow supports the wetland areas**.

☐ Ecological connection. Explain:

☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** river miles from TNW.

Project waters are **2-5** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **100 - 500-year** 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: **Wetlands located within the zone of influence of Steamboat Creek could**

receive mercury and arsenic contamination from that system. Nutrient levels are generally high in the area due to agricultural use.

Identify specific pollutants, if known: **Mercury, arsenic, nitrogen, phosphorus, sediment.**

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

☐ Riparian buffer. Characteristics (type, average width):
☒ Vegetation type/percent cover. Explain: **80-100% herbaceous wetland cover**
☐ Habitat for:
- ☐ Federally Listed species. Explain findings:
- ☐ Fish/spawn areas. Explain findings:
- ☐ Other environmentally-sensitive species. Explain findings:
- ☒ Aquatic/wildlife diversity. Explain findings: **Widmer and Jersch (2002) found that the riparian corridors within the Thomas Creek and Whites Creek watersheds provide very good habitat for deer, coyotes, small mammals, and birds.**

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

All wetland(s) being considered in the cumulative analysis: **15-20**
Approximately **7.46** 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)	
EM-1	Y	2.647	N	0.913	S-1
EM-2	Y	0.068	N	0.327	S-2
EM-3	Y	0.004	N	0.535	SW-1
S-3/S-4	Y	0.299	N	0.076	SW-2
WS-3	Y	0.162	N	0.389	SW-3
WS-4	Y	0.343	N	0.398	WS-1
WS-5	N	0.29	N	0.015	WS-2
WS-7	N	0.194	N	0.122	WS-8
WS-10	N	0.078	N	0.179	WS-11
WS-12	N	0.421			

Summarize overall biological, chemical and physical functions being performed: **Groundwater recharge and streamflow maintenance, water quality improvement through sediment removal, carbon and detritus contributions and flood protection through runoff detention. The wetlands in the review area are some of the last wetlands in the Truckee Meadows area and their contributions to water quality to the greater Truckee River watershed are important.**

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: **The wetlands adjacent to Thomas Creek include WS-5, 7, 8, 10, 11, and 12 and SW-1, 2, and 3. Each and all of these wetlands reduce and covey floodwaters, would convey any encountered pollutants, cycle nutrients and provide organic carbon to Steamboat Creek which is a significant tributary to the Truckee River, a TNW.**
The wetlands adjacent to IS-1A include S-1, 2 and WS-1, 2. S-1 and S-2 are emergent seep wetlands that flow seasonally provide the primary seasonal flow for IS-1A. WS-1 and WS-2 are depressional wetland swales that have seasonal flow as well. These resources work together to provide measurable seasonal flow to Steamboat Creek and the greater Truckee River watershed. Further, each of these wetlands reduce and covey floodwaters, are known to convey pollutants such as sediment and excess nutrients, cycle nutrients and provide organic carbon to Steamboat Creek and thus to the Truckee River.

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: **Thomas Creek is one of the largest tributaries to Steamboat Creek that drains a major portion of the northeastern Carson Range. Thomas Creek has a drainage area of 16.1 square miles and has an average stream flow of 3-8 cubic feet per second. Aerial photography going back to 1969 shows flows passing through the Thomas Creek channels.**
     PS-2 is an unnamed perennial tributary to Steamboat Creek. This channel appears to have been specifically developed to drain the existing developed areas north and east of the project area. It is unclear the exact drainage area of this resource, but flows have been documented as present in every investigation since 2017 and flow is visible in aerial photography since 1990.
   - ☒ 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: **IS-1A has seasonal flow that is supported by two seeps and receives supplemental irrigation waters during the growing season. Aerial photography back to 1990 supports this documentation.**

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   - ☒ Tributary waters: **13,879** linear feet **3-18** 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: **Thomas Creek passes through EM-1, WS-3 and WS-4. Wetlands EM-2 and EM-3 directly abuts PS-2with no barriers. IS-1A flows through S-3/S-4 wetland.**

[8]See Footnote # 3.

☒ 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: **3.523** 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: **3.937** 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): **Since the construction of Alexander Reservoir in 1899, Thomas Creek flows around the feature to the south and the inlet feature for Alexander Reservoir sets at an elevation higher than Thomas Creek and was controlled via a gate structure until recent years, in which plywood and sandbags have been used to control the inlet flow. Alexander Reservoir was constructed at the mid-point of a narrow set of hills, in an upland area, so it would have the elevation necessary to allow gravity flows to irrigate lands adjacent to Steamboat Creek, more than 1.5 miles away. The bottom elevation of Alexander Reservoir is higher than the water table in the surrounding valley, thus once the reservoir was**

[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.*

dewatered over the fall/winter of 2019, there was no remaining hydrology to support the other upland aquatic features that were being supported by this resource, as they are also features that are located in uplands. These features include IS-1B, PS-1A, S-5, WF-1, and WS-6.

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: 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: **Reclassification of Alexander Lake Reservoir, Reno, NV, February 7, 2020, Attachment 1.**
☒ 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; Steamboat**
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Reclassification of Alexander Lake Reservoir, Reno, NV, February 7, 2020, Attachment 1, Figure 8**
☒ National wetlands inventory map(s). Cite name: **https://www.fws.gov/wetlands/data/Mapper.html, accessed 5/30/2020**
☐ State/Local wetland inventory map(s):
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): **Reclassification of Alexander Lake Reservoir, Reno, NV, February 7, 2020, Attachment 1.**
Open Source Imagery, Google Earth Pro, and accessed 5/30/2020
or ☒ Other (Name & Date): **2017 Report photographs and March 2020 assessment photographs.**
☒ Previous determination(s). File no. and date of response letter: **SPK-2017-00275 July 14, 2017 and April 30, 2019**
☐ Applicable/supporting case law:
☒ Applicable/supporting scientific literature: **Widmer, Michael and Jeff Jesch. 2002. Watershed Assessment for the Tributaries to the Truckee River. Washoe County Regional Water Planning Commission.**
☒ Other information (please specify): **Wetland Delineation for the 608-acre Bella Vista Ranch Phase III Study Area, City of Reno, Washoe County, Nevada. February 2017. Salix Consulting, Inc.**

B. ADDITIONAL COMMENTS TO SUPPORT JD: The attached table of aquatic resources summarizes all of the resources located within the project area, the acreage, and the jurisdictional status as documented on this form.