



**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): [January 11, 2021](#).

ORM Number: [SPK-2020-00075](#).

Associated JDs: [SPK-2000-25139](#).

Review Area Location<sup>1</sup>: State/Territory: [Nevada](#). City: [near Carlin](#). County/Parish/Borough: [Elko](#).

Center Coordinates of Review Area: Latitude [41.046556](#). Longitude [-116.392347](#).

**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).

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<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.



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**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

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

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

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.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 2	0.24 acres	(b)(1) Non-adjacent wetland.	Isolated feature that drains through Channel 9 to Boulder Creek, a feature previously determined to be isolated with no direct or indirect connection to the Rye Patch Reservoir, the closest Traditional Navigable Waters (TNW).

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 4	0.01	acres	(b)(1) Non-adjacent wetland.	Therefore, Wetland 2 is an isolated, intrastate waters with no connection to interstate commerce and is not jurisdictional.  Isolated feature that drains through Channel 9 to Boulder Creek, a feature previously determined to be isolated with no direct or indirect connection to the Rye Patch Reservoir, the closest Traditional Navigable Waters (TNW). Therefore, Wetland 4 is an isolated, intrastate waters with no connection to interstate commerce and is not jurisdictional.
Wetland 5	0.1	acres	(b)(1) Non-adjacent wetland.	Isolated feature that drains through Channel 12 to Boulder Creek, a feature previously determined to be isolated with no direct or indirect connection to the Rye Patch Reservoir, the closest Traditional Navigable Waters (TNW). Therefore, Wetland 5 is an isolated, intrastate waters with no connection to interstate commerce and is not jurisdictional.
Channel 1	1,890	Linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Isolated feature that drains to Boulder Creek, a feature previously determined to be isolated with no direct or indirect connection to the Rye Patch Reservoir, the closest Traditional Navigable Waters (TNW). Therefore, Channel 1 is an isolated, intrastate waters with no connection to interstate commerce and is not jurisdictional.
Channel 2	5,746	Linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year. AND (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill,	Isolated feature that drains to Boulder Creek, a feature previously determined to be isolated with no direct or indirect connection to the Rye Patch Reservoir, the closest Traditional Navigable Waters (TNW). Therefore, Channel 2 is an



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Channel 3	6,916	Linear feet	or pool.  (b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year. AND (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	isolated, intrastate waters with no connection to interstate commerce and is not jurisdictional.  Isolated feature that drains to Boulder Creek, a feature previously determined to be isolated with no direct or indirect connection to the Rye Patch Reservoir, the closest Traditional Navigable Waters (TNW). Therefore, Channel 3 is an isolated, intrastate waters with no connection to interstate commerce and is not jurisdictional.
Channel 4	3,378	Linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year. AND (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated feature that drains to Boulder Creek, a feature previously determined to be isolated with no direct or indirect connection to the Rye Patch Reservoir, the closest Traditional Navigable Waters (TNW). Therefore, Channel 4 is an isolated, intrastate waters with no connection to interstate commerce and is not jurisdictional.
Channel 9	8,182	Linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Isolated feature that drains to Boulder Creek, a feature previously determined to be isolated with no direct or indirect connection to the Rye Patch Reservoir, the closest Traditional Navigable Waters (TNW). Therefore, Channel 9 is an isolated, intrastate waters with no connection to interstate commerce and is not jurisdictional.
Channel 12	72	Linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Isolated feature that drains to Boulder Creek, a feature previously determined to be isolated with no direct or indirect connection to the Rye Patch Reservoir, the closest Traditional Navigable Waters (TNW). Therefore, Channel 12 is an isolated, intrastate waters with no connection to interstate commerce and is not jurisdictional.



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**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: [Aquatic Resources Delineation REN Exploration Project Elko County, prepared by Stantec Consulting Services Inc. November, 2019.](#)  
This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: .

Photographs: [Aerial and Other. Aquatic Resources Delineation REN Exploration Project Elko County, Appendix C , prepared by Stantec Consulting Services Inc. November, 2019. GoogleEarth 7.3.3.7692. \(July, 4, 2014\). Carlin, Nevada. 41.0465° latitude, -116.3923° longitude, eye alt 32581 ft. Retrieved October 19, 2020, from http://www.earth.google.com.](#)

Corps site visit(s) conducted on: .

Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2000-25139, June 9, 2017. Boulder Creek.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: .

USFWS NWI maps: [USFWS. \(n.d.\). National Wetland Inventory. Project ID: R08Y16P03: GBLCCFY16 Phase 2. Project title and area: State of Nevada. Source imagery date: 2015 and 2013 NAIP. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved October 19, 2020, from Wetlands Mapper: https://www.fws.gov/wetlands/data/mapper.html.](#)

USGS topographic maps: [USGS. \(2018\). Topographic Maps BEAVER PEAK, NV and SANTA RENIA FIELDS, NV. 1:24,000 scale. 2018. Reston, VA, USA: U.S. Dept. of the Interior. Retrieved from https://ngmdb.usgs.gov/topview/viewer/#12/42.2093/-111.0122 .](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Issues</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [N/A, all features on site isolated.](#)

**C. Additional comments to support AJD:** [The subject aquatic resources \(Wetland 2, Wetland 4, Wetland 5, Channel 1, Channel 2, Channel 3, Channel 4, Channel 9 and Channel 12\) within the delineation boundary](#)



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have been demonstrated by Stantec Consulting Services Inc. to flow to Boulder Creek. Channel 9 flows to Bell Creek (Channel 12) which flows to Rodeo Creek (mapped as R4, USGS), Rodeo Creek flows to Boulder Creek (mapped as R4, USGS). Boulder Creek is an isolated feature which has no demonstrated physical, chemical or biological connection to the Rye Patch Reservoir, a Traditional Navigable Water (TNW). Boulder Creek was determined to be isolated on August 13, 2010, by the Corps after coordination with EPA Region 9 and again November 17, 2011. The gradient of Boulder Valley averages approximately 11 feet per mile or a 0.2% slope. This flat valley setting and local climate (arid) ensure that surface water infiltrates and/or evaporates before reaching any TNW or their tributaries. There is no new information to indicate that Boulder Creek has a connection to any TNW. Each wetland and stream is documented on individual forms located in the Aquatic Resources Delineation REN Exploration Project Elko County, Nevada report submitted by Stantec Consulting Services Inc. dated November, 2019. These sheets include the general area conditions, physical characteristics, chemical characteristics, and biological characteristics of each water evaluated. The subject aquatic resources are isolated, intrastate waters with no connection to interstate commerce and are not jurisdictional.