



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): March 29, 2021

ORM Number: SPK-2007-00715

Associated JDs: Previous AJD dated August 30, 2007 and March 16, 2016 and SPK-1994-00842.

Review Area Location<sup>1</sup>:

State/Territory: NV County/Parish/Borough: White Pine County

Center Coordinates of Review Area: Latitude 39.26 Longitude -114.935

**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 or describe rationale.
- 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).

**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

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

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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 independent 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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**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
Gleason Creek NWPR	13,000 feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Gleason Creek dissipates before reaching the town of Ely to the east, and then dissipates before reaching a TNW. The closest A(2) water, White River Wash, is 6.11 miles away to the Southwest. Gleason Creek does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.

**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: Gleason Creek location map dated November 20, 2015, Robinson Operation Gleason Creek Project Area Overview dated February 11, 2016, Stormwater Management Map dated November 20, 2015 and an email from Frederick Partey dated February 4, 2021.

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: (NA, aerial, other, aerial and other) Title(s) and/or date(s).
- \_\_\_ Corps Site visit(s) conducted on: Date(s).
- \_\_\_ Previous Jurisdictional Determinations (AJDs or PJDs): Previous AJD dated August 30, 2007 and March 16, 2016 and SPK-1994-00842.
- \_\_\_ 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: Title(s) and/or date(s).

**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.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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**B. Typical year assessment(s):** N/A.

**C.** Additional comments to support AJD: In April 2016 the Corps approved a jurisdictional determination stating that Gleason Creek is an intrastate isolated water with no apparent interstate or foreign commerce connection. As such, this water was not considered regulated by the Corps of Engineers. The proponent has confirmed that nothing has changed either at Gleason Creek or Robinson Mine's project and association with the Creek since this determination was made in 2016. Gleason Creek is still considered non-jurisdictional under the Navigable Waters Protection Rule.

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