



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 2, 2021

ORM Number: SPK-2013-00076

Associated JDs:

Review Area Location¹:

State/Territory: NV City: County/Parish/Borough: Esmeralda County

Center Coordinates of Review Area: Latitude 37.744861 Longitude -117.242231

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)²

§ 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)³

(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

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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 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.

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.

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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Drainage 1	0.46 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Upon exiting the survey area, Drainage 1, an ephemeral drainage, converges with Drainage 2, and terminates in the large, historical borrow pit that receives all surface water from the survey area. Since Drainage 1 does not connect to any other jurisdictional feature after converging with Drainage 2, it is an isolated, non-jurisdictional feature.
Drainage 2	4.43 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Drainage 2, an ephemeral drainage, terminates in a large depression, located approximately one mile north of the survey area, that appears to have been used as a historical borrow pit. This historical borrow pit collects all the surface water that is conveyed through the survey area and impounds it permanently. There is no outlet to this depression, and it does not connect to any other jurisdictional drainage.
Drainage 3	0.59 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Drainage 3, an ephemeral drainage, drains into Drainage 2, a non-jurisdictional drainage, and so Drainage 3 is an isolated feature and is not subject to regulation under the Clean Water Act.
Drainage 4	0.42 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Drainage 4, an ephemeral drainage, drains into Drainage 2, a non-jurisdictional drainage, Drainage 4 is an isolated feature and is not subject to regulation under the Clean Water Act.
Drainage 6	0.93 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Drainage 6, an ephemeral drainage, flows into Drainage 2, a non-jurisdictional drainage. Drainage 6 is an isolated feature and is not subject to regulation under the Clean Water Act.
Drainage 7	0.08 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in	Drainage 7, an ephemeral drainage, terminates in the same location as Drainage 2, in the large historical borrow pit, located approximately one mile north of the survey

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		a typical year	area. As mentioned previously, this historical borrow pit collects all surface water that is conveyed through the survey area and impounds it permanently. There is no outlet to this large depression, and it does not connect to any other jurisdictional drainage. Therefore, Drainage 7 is an isolated feature
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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: Waters of the United States Jurisdictional Determination Gemfield Project – Metallic Goldfield, Inc. Esmeralda County, Nevada dated January 8, 2013.

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: GoogleEarth 7.3.3.7692. (09 August 2013, 30 December 2009, 02 September 1999) Esmeralda County, NV. Latitude 37.744861°, Longitude: -117.242231°, eye alt 47,537 ft. Retrieved March 1, 2021, from <http://www.earth.google.com>.

Ground photos: Aquatic Resources Delineation Appendix A

___ Corps Site visit(s) conducted on: Date(s).

___ Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).

___ 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.

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

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- C. **Additional comments to support AJD:** This is a reverification of an approved Jurisdictional Determination issued April 28, 2014. The Corps disclaimed jurisdiction of all aquatic resources at the Gemfield Project location, concurring that the 2,740-acre project site contains 43,635 linear feet of ephemeral drainages that are intrastate isolated waters with no apparent interstate or foreign commerce connection. The project site lies within a watershed that is a closed basin with no outlet to a TNW.

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