



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 9, 2021

ORM Number: SPK-2018-00986

Associated JDs: SPK-2015-01039 dated February 10, 2016, SPK-2002-25061 dated June 16, 2015, and February 25, 2010, SPK-2015-00066 dated July 23, 2015, SPK-2014-00139 dated August 20, 2015, SPK-2018-00986 dated June 24, 2019

Review Area Location¹:

State/Territory: NV County: Lander County

Center Coordinates of Review Area: Latitude 40.299502 Longitude -116.696515

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

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

² 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.

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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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))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
D-1 (Indian Creek)	5527 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	Located in the northeastern portion of the project area, Indian Creek exhibits perennial and intermittent flows that dissipate in southern Crescent Valley. If flows from these drainages do reach the valley floor, they seep into valley fill or evaporate on the playa. As it exits the project area, Indian Creek flows to the southeast under a paved highway and intersects an agricultural pivot in Crescent Valley. At the agricultural pivot, the drainage makes a hard turn to the south, where it eventually dissipates into the substrate in the flats/playa that is part of Crescent Valley. As seen on aerials and topo maps, Indian Creek terminates before connecting with a TNW. The closest TNW (Humboldt River) is 24.67 mi away.
W1	0.03 acres	(b)(1) Non-adjacent wetland	This wetland abuts Indian Creek, a non-jurisdictional water due to being isolated and not contributing water flow to an (a)(1) water in a typical year. Therefore, this wetland is also non-jurisdictional.

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.

X Information submitted by, or on behalf of, the applicant/consultant: Aquatic Resource

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Delineation Report Robertson Project dated October 27, 2020, submitted by Stantec.
This information is sufficient for purposes of this AJD.

Rationale: NA.

___ Data sheets prepared by the Corps: NA

Photographs: aerial and other. Photographs from: Aquatic Resource Delineation Appendix C. Field visit was conducted on August 17, 2020. GoogleEarth 7.3.3.7692. (May 31, 2014) Retrieved March 8, 2021.

___ Corps Site visit(s) conducted on: NA

Previous Jurisdictional Determinations (AJDs or PJDs: See above in Section I.

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

___ USDA NRCS Soil Survey: NA

___ USFWS NWI maps: NA

USGS topographic maps: ORM Topo map retrieved March 8, 2021.

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.

C. Additional comments to support AJD: The findings of this determination are similar to those found and described in 6 previous approved jurisdictional determinations.

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