



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): April 2, 2021

ORM Number: SPK-2020-00662

Associated JDs: N/A.

Review Area Location¹:

State/Territory: NV County: Clark County

Center Coordinates of Review Area: Latitude 36.7193 Longitude -114.6134

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
Meadow Valley Wash Lower	2628 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This portion of Meadow Valley Wash is intermittent.

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.



**U.S. ARMY CORPS OF ENGINEERS
 REGULATORY PROGRAM
 APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
 NAVIGABLE WATERS PROTECTION RULE**

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
Meadow Valley Wash Upper	3919 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV01	2565 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV03	309 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV04	3540 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV05	5074 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV06	4237 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV07	881 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV08	1190 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV09	2023 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV10	2244 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV11	1633 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV12	921 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV13	1526 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV14	796 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV15	270 feet	(b)(3) Ephemeral feature, including	The subject channels flow only in direct response to

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 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.

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.



**U.S. ARMY CORPS OF ENGINEERS
 REGULATORY PROGRAM
 APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
 NAVIGABLE WATERS PROTECTION RULE**

		an ephemeral stream, swale, gully, rill, or pool	precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV16	663 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV17	792 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV18	656 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV19	927 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV20	3541 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV21	3431 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV22	15848 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV23	3081 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV24	2778 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV25	1483 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV26	3280 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV27	479 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV28	524 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV29	5899 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV30	5001 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV31	978 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV32	2251 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully,	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR

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 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.

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.



**U.S. ARMY CORPS OF ENGINEERS
 REGULATORY PROGRAM
 APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
 NAVIGABLE WATERS PROTECTION RULE**

		rill, or pool	328.3(c)(3)
RV33	278 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV34	1721 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV35	7730 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV36	1269 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV37	1216 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV38	646 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV39	2704 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV40	317 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV41	2099 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV42	3052 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV43	1266 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV44	1078 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV45	1029 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV46	3924 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV47	565 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV48	205 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
RV49	3197 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))

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 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.

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

RV50	1638 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channels flow only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
------	-----------	--	--

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: Red Valley Solar Project Wetlands and Waters of the U.S. Survey Report dated August 2020, revised March 2021. This information is sufficient for purposes of this AJD.
Rationale: N/A or describe rationale for insufficiency (including partial insufficiency).
Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Photographs: Aerial and Other. Red Valley Solar Project Wetlands and Waters of the U.S. Survey Report, Appendix A Photographs dated May 22, 2020. GoogleEarth 7.3.3.7692. (2021 March 2016 July 2013 August 2010 September 2008 February 2006 October 2005 August 2004 July 1994 September 1985 December). Clark County, Nevada. 36.7193 latitude, -114.6134 longitude, eye alt 17320 ft. Retrieved March 22, 2021, from <http://www.earth.google.com>
- ___ 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). Red Valley Solar Project Wetlands and Waters of the U.S. Survey Report, Figure 2 dated August 21, 2020.
- ___ 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): APT report (Appendix B), precipitation records show no recent precipitation events for the area but show that the previous 7 months have been wetter than a typical year (30-year average). Therefore, it is assumed that the observed conditions within the survey area during field surveys are normal or wetter than normal.

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 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.

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

- C. Additional comments to support AJD:** Precipitation gage records show that the area has experienced wetter than normal conditions in the past 7 months, but features within the survey area, including Meadow Valley Wash, did not exhibit any recent flow indicators and appear to only contain flowing water during periods of high rainfall and flow only in direct response to precipitation. Approximately half of the ephemeral washes within the survey area do not reach Meadow Valley Wash; OHWM indicators dissipate as the water turns to sheet flow and infiltrates into the ground upstream of Meadow Valley Wash. Within the southern portion of the survey area, most of the ephemeral washes flow into a larger unnamed ephemeral wash that flows south. Meadow Valley Wash is ephemeral within the survey area.

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 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.

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.