



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):  
ORM Number: SPK-2021-00269  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: NV City: County/Parish/Borough: Clark County  
Center Coordinates of Review Area: Latitude 36.625773, Longitude -114.417953

**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
Valley Wash	556.495 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Valley Wash is a direct intermittent tributary to the Muddy River, a tributary to the Virgin River- a perennial (a)(2) water.

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

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<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 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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
A-1	2913 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
A-10	23748.22 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
A-2	2930.7 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
A-3	509.8469 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
A-4	4679.13 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
A-5	4867.16 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
A-6	7714.75 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
A-7	3390.79 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
A-8	1363.56 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
A-9	4074.31 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
B-1	1476.05 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water

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<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 simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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B-2	2652.56 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
B-3	90389.47 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
B-4	64655.1 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
C-1	4072.74 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
C-2	6431.91 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
C-3	14940.77 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
C-4	6353.8228 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
C-5	39070.362 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
C-6	13136.6335 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
D-1	468.3433 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
D-2	23205.203 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
D-3	2392.7089 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
D-4	2202.32 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water

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D-5	9609.5345 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
E-1	5067.2948 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
E-2	26147.3828 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
E-3	2564.8867 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-1	870.5847 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-10	1249.46 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-11	833.043 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-12	1340.7915 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-13	1838.2104 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-14	4112.8353 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-15	342.187 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-16	256.7383 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-17	312.7616 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water

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F-18	1385.81 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-19	1666.69 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-2	880.6087 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-3	539.2228 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-4	554.5451 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-5	1932.7182 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-6	1106.8838 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-7	3227.5921 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-8	2172.2855 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
F-9	2323.3838 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-1	976.6381 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-10	918.0051 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-11	590.5845 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water

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G-12	809.0698 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-13	3924.4587 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-2	1417.32 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-3	1017.55 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-4	391.067 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-5	2580.2417 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-6	943.5431 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-7	687.7921 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-8	604.1071 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
G-9	126.4422 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-1	641.288 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-10	1244.64 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-11	609.2717 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water

<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 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 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 simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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			directly or indirectly during a typical year.
H-12	1778.36 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-13	629.6306 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-14	3034.9874 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-15	988.7285 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-16	658.7174 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-17	3833.7902 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-18	556.1994 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-2	102.8875 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-3	310.583 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-4	2840.1932 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-5	734.6575 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-6	1063.53 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-7	512.5618 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water

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<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 simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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			directly or indirectly during a typical year.
H-8	1040.34 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
H-9	509.3612 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
I-1	1746.7751 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
I-2	270.7686 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
I-3	1245.97 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
I-4	262.0183 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-1	6861.289 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-10	580.2681 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-11	828.323 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-12	1189.29 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-13	1020.96 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-14	261.2455 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-2	104.0661 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water

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<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.

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			directly or indirectly during a typical year.
J-3	535.1736 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-4	850.5029 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-5	2345.02 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-6	857.1685 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-7	662.789 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-8	535.2803 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
J-9	646.6921 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
K-1	520.3742 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
K-2	567.7904 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
K-3	1124.2142 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
K-4	12344.0814 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
L-1	283.2399 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
M-1	141.7004 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water

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			directly or indirectly during a typical year.
M-2	127.8871 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
N-1	449.2804 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
N-2	553.4625 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
N-3	453.9291 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
N-4	273.3036 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
N-5	215.8412 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
N-6	365.7698 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
O-1	317.8987 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
O-2	327.8905 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
O-3	349.8738 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
O-4	245.8589 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
O-5	340.9531 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water directly or indirectly during a typical year.
O-6	252.1955 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject channel flows only in direct response to precipitation (e.g., rain or snow fall) (33 CFR 328.3(c)(3)) and does not flow to an (a)(1) water

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			directly or indirectly during a typical year.
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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: *Jurisdictional Delineation for the Battle Born Development Project, dated February 4, 2021.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *N/A*

Photographs: (*aerial and other*) *Ground photos: Jurisdictional Delineation for the Battle Born Development Project Exhibit 4, pages 1-7, dated February 4, 2021.*

*Aerial imagery: Google Earth Imagery (3 April 2015; 23 May 2013; 14 August 2010). Moapa Valley, Nevada. Latitude 36.625773 N, Longitude -114.417953 W, eye alt 4325 feet. Retrieved 28 June 2021.*

Corps Site visit(s) conducted on: *N/A*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

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

USDA NRCS Soil Survey: *Jurisdictional Delineation for the Battle Born Development Project Exhibit 6, sheets A-K, dated February 4, 2021.*

USFWS NWI maps: *N/A*

USGS topographic maps: *Jurisdictional Delineation for the Battle Born Development Project Exhibit 2, Dated February 4, 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):** The Corps Antecedent Precipitation Calculator indicated that at the time field data was collected—July 2020—the area was experiencing drier than normal conditions. The ground photos provided by Glenn Lukos Associates, Inc. document channels lacking ordinary high-water marks and evidence of persistent flow. Xeric vegetation borders these channels rather than the hydrophytic vegetation typically observed with intermittent or perennial streams in this region. Review

<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 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 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 simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

of aerial imagery did not reveal the presence of surface water anywhere within the review area except for Valley Wash.

- C. **Additional comments to support AJD:** A review of best available information indicates that the subject channels flow only in direct response to precipitation (e.g., rain or snow fall). There is no information available to indicate that the subject channels flow continuously or seasonally and more than in direct response to precipitation (e.g., seasonally when the groundwater table is elevated) except for Valley Wash. No adjacent or abutting wetlands which could contribute water have been identified. This data supports the conclusion that the subject channels A1-O6 are ephemeral and not seasonally intermittent.

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

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