



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): 23-JUL-2021

ORM Number: SPK-2017-00102

Associated JDs: SPK-2017-00102 AJD dated December 21, 2017

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 39.669994 Longitude -119.339395

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

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

D. Excluded Waters or Features

Excluded waters (b)(1) – (b)(12)⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2020 IED01	342.813 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02a	1614.041 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02b	570.059 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02c	1088.868 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02d	329.125 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02e	357.735 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02f	382.052 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02g	1099.403 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02h	136.426 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02i	94.638 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED02j	99.435 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED03a	2113.576 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED03b	52.32 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED03c	380.99 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED03d	183.018 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED03e	53.197 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully,	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach 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 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	TNW.
2020 IED03f	23.478 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED04	377.688 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED05	848.447 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED06	777.005 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED07	136.688 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED08a	1326.487 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 IED08b	732.979 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Isolated tributary exhibits flow only in direct response to precipitation and channelized flow does not reach a TNW.
2020 JED01a	4400.003 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED01b	443.72 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED01c	843.19 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED01d	1986.243 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED02	1869.025 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED03a	5304.885 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED03b	2186.128 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED03c	743.79 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED03d	160.747 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED04a	3778.922 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.

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

2020 JED04b	1172.552 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED05a	527.202 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.
2020 JED05b	417.365 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Flows only in response to precipitation events.

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 Report for the Dodge Flat Solar Energy Project, Washoe County, Nevada (Updated November 2020).

This information *(is)* sufficient for purposes of this AJD.

Rationale: N/A

___ Data sheets prepared by the Corps: N/A

Photographs: Jurisdictional Delineation Report for the Dodge Flat Solar Energy Project, Washoe County, Nevada (Updated November 2020), Attachment B.

Jurisdictional Delineation Report for the Dodge Flat Solar Energy Project, Washoe County, Nevada, July 14, 2017, Attachment 3.

Aerial Imagery: Google Earth imagery (13 June 2015; 07 June 2019). Wadsworth, Nevada. Latitude 39.669994 Longitude -119.339395, eye alt. 4197 feet. Retrieved July 23, 2021 from <http://www.earth.google.com>.

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

Previous Jurisdictional Determinations (AJDs or PJDs): *SPK-2017-00102 AJD dated December 21, 2017*

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

___ USDA NRCS Soil Survey: N/A

___ USFWS NWI maps: N/A

___ USGS topographic maps: N/A

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.

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

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

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

C. Additional comments to support AJD: The December 21, 2017 AJD issued for this project was supported by a site visit that confirmed the site conditions presented in the report. A review of aerial photography found no change in the site conditions.

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.