

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 19, 2010.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Southern Nevada Supplemental Airport Infrastructure Facilities, SPK-2010-0324-

Name of water being evaluated on this JD form: Drainages associated with Jean Dry Lake

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Nevada County: Clark City: Jean

Center coordinates of site (lat/long in degree decimal format): Lat: 35.84 **N**, Long: -115.268 **W**

Universal Transverse Mercator: _____

Name of nearest waterbody: Jean Dry Lake.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: NA.

Name of watershed or Hydrologic Unit Code (HUC): Ivanpah-Pahrump Valleys 16060015.

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: Drainages associated with Roach Dry Lake and Las Vegas Wash are assessed separately

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: July 19, 2010.

Field Determination. Date(s): April 29, 2010.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: _____.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: _____ linear feet _____ width (ft) and/or _____ acres.

Wetlands: _____ acres.

c. Limits (boundaries) of jurisdiction based on: **Pick List and **Pick List****

Elevation of established OHWM (if known): _____.

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **Jean Dry Lake is a closed basin located entirely within the state of Nevada. Jean Lake is separated from Roach Lake by Sheep Mountain to the southwest, from the El Dorado Basin by the McCullough Range, and from the**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

Las Vegas Wash watershed by a number of topographic features that direct water to the southwest (mountains and/or uphill gradients). In addition, drainages to the northwest drain from the Bird Springs Mountains and terminate in Jean Lake. The majority of the 19 washes flow south from the Bird Springs Mountains, several flow to the north from the McCullough Range and a few flow from the southwest out of Sheep Mountain.

SECTION III: CWA ANALYSIS

- A. TNWs AND WETLANDS ADJACENT TO TNWs: NOT APPLICABLE
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS: NOT APPLICABLE
- C. SIGNIFICANT NEXUS DETERMINATION: NOT APPLICABLE
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE: NOT APPLICABLE
- E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):⁴

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: _____.
- Other factors. Explain: _____.

Identify water body and summarize rationale supporting determination: _____

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: _____ linear feet _____ width (ft).
- Other non-wetland waters: _____ acres.

Identify type(s) of waters: _____.

- Wetlands: _____ acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS:

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
 - Other: (explain, if not covered above): **All 19 drainages associated with the Jean Lake Basin, flow from the Bird Springs Mountains, the McCullough Range and Sheep Mountain and terminate within the ephemeral playa, Jean Lake. Jean Dry Lake is an intrastate, isolated water with no surface connection to any other water-bodies. An analysis of interstate commerce connections did indicate that the lake is used for a variety of activities ranging from the launching of model rockets to rock collecting; none of which were water-dependent activities (see attached documentation). Prior to the January 2001 Ruling on Migratory Birds, it is likely that Jean Dry Lake would have been jurisdictional based on the usage by birds. However, it is not likely that the area is used much by migratory birds based on lack of water and motorsports associated with the lake.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): **49843.0** linear feet _____ width (ft).
- Lakes/ponds: _____ acres.
- Other non-wetland waters: _____ acres. List type of aquatic resource: _____.
- Wetlands: _____ acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).
- Lakes/ponds: _____ acres.

⁴ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Other non-wetland waters: _____ acres. List type of aquatic resource: _____.
- Wetlands: _____ acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Newfields. 2009. Jurisdictional Delineation of the Southern Nevada Supplemental Airport Infrastructure Facilities, Clark County, Nevada.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: _____.
- Corps navigable waters' study: _____.
- U.S. Geological Survey Hydrologic Atlas: Ivanpah-Pahrump Valleys 16010015.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 24 K Quad Jean, NV
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS. 2010. <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
- National wetlands inventory map(s). Cite name: USFWS, NWI. 2010. <http://137.227.242.85/wetland/wetland.html>.
- State/Local wetland inventory map(s): _____
- FEMA/FIRM maps: _____.
- 100-year Floodplain Elevation is: _____ (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Maps, 2010
or Other (Name & Date): Photographs from Jurisdictional Determination (2009).
- Previous determination(s). File no. and date of response letter: _____.
- Applicable/supporting case law: _____.
- Applicable/supporting scientific literature: _____.
- Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD: An analysis of interstate commerce indicates that the area is used for a variety of recreational activities. The lake bed is popular with ATV's and is included in a number of ATV tours. In addition, there is an event schedule for model rocketeering. It is also known as a place for meteorite collecting. None of these activities, however, is water dependent. Jean Dry Lake and associated drainages are located entirely in Nevada and constitute a "closed basin". There may be a groundwater or subsurface connection with Roach Dry lake to the southwest, but there is no apparent surface water connection. All 19 drainages flow from surrounding mountain ranges and terminate in Jean Lake. Jean Lake is a closed hydrologic basin with no outlets and no tributary connections to Traditionally Navigable Waters. The nearest TNW is approximately 38.0 miles away and separated from Jean Lake by the McCullough Range and the El Dorado Mountains. The nearest A2 water is Ivanpah Lake, which is located approximately 14.8 miles away. None of the 19 tributaries of Jean Lake are interstate waters and are therefore isolated, non-jurisdictional drainages.

Table of Waters found within the Jean Dry Lake Watershed:

Regulatory Action Type	Size	Cowardin	HGM	Local Waterway
SPK-2010-0324(52) (ISOLATE)	1267.2	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(53) (ISOLATE)	2006.4	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(54) (ISOLATE)	2059.2	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(55) (ISOLATE)	4540.8	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(56) (ISOLATE)	5332.8	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(57) (ISOLATE)	4646.4	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(58) (ISOLATE)	7392	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(59) (ISOLATE)	2006.4	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(49) (ISOLATE)	1584	R4SB2	RIVERINE	Roach Lake
SPK-2010-0324(60) (ISOLATE)	3326.4	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(61) (ISOLATE)	2217.6	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(62) (ISOLATE)	2376	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(63) (ISOLATE)	1689.6	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(64) (ISOLATE)	1900.8	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(65) (ISOLATE)	2164.8	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(66) (ISOLATE)	1584	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(67) (ISOLATE)	1953.6	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(68) (ISOLATE)	1214.4	R4SB2	RIVERINE	Jean Dry Lake
SPK-2010-0324(69) (ISOLATE)	580.8	R4SB2	RIVERINE	Jean Dry Lake
Total Linear Feet	49843			