

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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

- A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 4, 2016**
- B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Channel 10 Drive/Eastern Avenue Congregate Care Facility, SPK-2015-00925**
- C. PROJECT LOCATION AND BACKGROUND INFORMATION:**  
State: **Nevada** County/parish/borough: **Clark** City: **Las Vegas**  
Center coordinates of site (lat/long in degree decimal format): Lat. **36.1094286245961°**, Long. **-115.11983863367°**  
Universal Transverse Mercator: **11 669229.42 3997722.49**  
Name of nearest waterbody: **Las Vegas Wash**  
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Lake Meade**  
Name of watershed or Hydrologic Unit Code (HUC): **Las Vegas Wash, 15010015**  
 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:
- D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**  
 Office (Desk) Determination. Date: **4 May 2016**  
 Field Determination. Date(s): **17 May 2016**

**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):<sup>1</sup>**

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (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,            wide, and/or            acres.  
Wetlands:                    acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known):

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The wash on the property did not show any indications of an ordinary high water mark, indicators of regular flow, or sorting. In addition, the wash is heavily vegetated throughout. The drainage was determined to have no potentially jurisdictional stream running through it. However, there were two wetlands of approximately 156 square foot that did meet the criteria for wetland as defined by the 1987 Corps of Engineers Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). These wetlands are located on the eastern end of the**

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

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.

wash, and positioned closer to the hillside than the center of the wash. Indeed, low points in the wash did not have the hydric soils found in this small wetland. The reasons for this wetland are likely two-fold. First, a small three foot high berm was created at the downstream end of the drainage to slow flood waters passing through the wash. The wetlands are located approximately 75 feet from this berm. During flood events water likely inundates these wetlands for a short period. Secondly, the wetlands may receive runoff from and adjacent parking area. This would explain the wetlands being located closer to the base of the hillside than in the lowest point of the wash.

### **SECTION III: CWA ANALYSIS**

#### **A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

##### **1. TNW**

Identify TNW:

Summarize rationale supporting determination:

##### **2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent":

#### **B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

##### **1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

###### **(i) General Area Conditions:**

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: \_\_\_\_\_ inches

Average annual snowfall: \_\_\_\_\_ inches

###### **(ii) Physical Characteristics:**

###### **(a) Relationship with TNW:**

Tributary flows directly into TNW.

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.



apply): If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that

- |  |  |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by:              | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list):                             |  |

**(iii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain:  
Identify specific pollutants, if known:

**(iv) Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

**(a) General Wetland Characteristics:**

Properties:

Wetland size: **0.00358** acres

Wetland type. Explain: **Palustrine, Emergent; Cattails are present in these two small wetlands**

Wetland quality. Explain: **Good; wetlands are small urban wetlands with enough hydrology to support cattails**

Project wetlands cross or serve as state boundaries. Explain: **N/A**

**(b) General Flow Relationship with Non-TNW:**

Flow is: **Ephemeral flow**. Explain: **During the two site visits, there was no evidence of recent flow. Flow into the wash occurs during storm events; However, because of the 3 foot berm at the end of the wash, flow through the wash likely happens only a few times a year (annual precipitation is 5 inches).**

Surface flow is: **Discrete and confined**

Characteristics: **No evidence of OHM, or recent flow within wash. There is a 3 foot berm at end of wash that confines all but the heaviest rainfall events.**

Subsurface flow: **Unknown**. Explain findings: **Since this is an arid region, subsurface flow is likely to be minimal.**

Dye (or other) test performed: **No dye test performed; not deemed necessary.**

**(c) Wetland Adjacency Determination with Non-TNW:**

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain: **Nearest RPW is approximately 6 miles away, and water must travel through a series of culverts and pipes to get there.**

Separated by berm/barrier. Explain: **Berm hinders flow for all except major rainfall events, which likely occurs once or twice/year.**

**(d) Proximity (Relationship) to TNW**

Project wetlands are **20-25** river miles from TNW.

Project waters are **15-20** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **2-year or less** floodplain.

**(ii) Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **No water on surface or soil saturation during site visits, Urban surfaces (concrete, gravel, etc.) contribute to wetland hydrology.**  
Identify specific pollutants, if known: **Unknown**

**(iii) Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: **Cattails account for 100% of vegetation within these two wetlands.**
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

**3. Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **2**  
Approximately **0.00358** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
<b>Wetland 1 (N)</b>	<b>0.003</b>		
<b>Wetland 2 (N)</b>	<b>0.001</b>		

Summarize overall biological, chemical and physical functions being performed: **Because of the small size of these two wetlands, the berm found within the wash limiting their connection to an RPW, and the distance of these wetlands from an RPW/TNW their biological, chemical and physical effects on WOUS are negligible.**

**C. SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

**Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:**

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **The approximate 0.00358 acre (156 square feet) of wetlands are located in an open upland wash that is connected to a stormwater system in an urban area that receives approximately 5 inches of precipitation annually. The wash is heavily vegetated and there is no ordinary high water mark or bed and bank that would indicate the presence of a potentially jurisdictional stream within the wash. A 3-foot high berm is located near the "downstream" end of the wash, where the waters from the wash enter culverts. The berm likely ponds water during major storm events, though not frequently or of long enough duration to form wetlands in the low areas near the berm. Nor are there indications within the wash (flow lines, debris lines, etc.) that would suggest that major storms are frequent events. The wash lacks the hydrology to form either stream or wetlands in the wash's bottomlands. The two small wetlands located within the wash are situated on higher ground within the wash and near the toe of the slope, approximately 75 feet "upstream" of the berm. The hydrology that formed the wetlands likely comes from the runoff of an adjacent parking area rather than water ponded behind the berm.**

In addition, waters from the wash must travel approximately 6 miles through a series of underground storm water pipes and culverts to reach the nearest jurisdictional waterway, the Las Vegas Wash (a Relatively Permanent Waterway). It is more than 23 miles to Lake Meade, the nearest Traditional Navigable Waterway. Because of the size of the wetlands (0.003583 acre/156 square feet) in this wash, their location within the wash, the infrequency of storm events that would allow water to overtop the berm within the wash, and the distance from a Traditional Navigable Waterway, the two wetlands within the wash do not contribute in a more than speculative or have more than an insubstantial effect on the chemical, physical, and/or biological integrity of a Traditional Navigable Waterway and therefore do not have a significant nexus with a Water of the United States. These wetlands have been determined to have no significant nexus to a Traditional Navigable Waterway and are therefore not jurisdictional.

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: linear feet, wide, Or acres.  
 Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

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

- Tributary waters: linear feet wide.  
 Other non-wetland waters: acres.  
Identify type(s) of waters:

3. **Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

- Tributary waters: linear feet, wide.  
 Other non-wetland waters: acres.  
Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

<sup>8</sup>See Footnote # 3.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: \_\_\_\_\_ acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: \_\_\_\_\_ acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: \_\_\_\_\_ acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

**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):<sup>10</sup>**

- 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, \_\_\_\_\_ wide.
- Other non-wetland waters: \_\_\_\_\_ acres.  
Identify type(s) of waters:
- Wetlands: \_\_\_\_\_ acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- 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).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: **The approximate 0.00358 acre (156 square feet) of wetlands are located in an open upland wash that is connected to a stormwater system in an urban area that receives approximately 5 inches of precipitation annually. The**

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> 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.

wash is heavily vegetated and there is no ordinary high water mark or bed and bank that would indicated the presence of a jurisdictional stream within the wash. A 3-foot high berm is located near the "downstream" end of the wash, where the waters from the wash enter culverts. The berm likely ponds water during major storm events, though not frequently or of long enough duration to form wetlands in the low areas near the berm. Nor are there indications within the wash (flow lines, debri lines, etc.) that would suggest that majore storm are frequent events. The wash lacks the hydrolgy to form either stream or wetlands in the washe's bottomlands. The two small wetlands located within the wash are situated on higher ground within the wash and near the toe of the slope, approximately 75 feet "upsteam' of the berm. The hydrology that formed the wetlands likley comes from the runoff of an adjacent parking area rather than water ponded behind the berm.

In addition, waters from the wash must travel approximately 6 miles through a series of underground storm water pipes and culverts to reach the nearest jurisdictional waterway, the Las Vegas Wash (a Relatively Permanent Waterway). It is more than 23 miles to Lake Meade, the nearest Traditional Navigable Waterway. Because of the size of the wetlands (0.003583 acre/156 square feet) in this wash, their location within the wash, the infrequency of storm events that would allow water to overtop the berm within the wash, and the distance from a Traditional Navigable Waterway, the two wetlands within the wash do not contribute in a more than speculative or have more than an insubstantial effect on the chemical, physical, and/or biological integrity of a Traditional Navigable Waterway and therefore do not have a significant nexus with a Water of the United States. These wetlands have been determined to have no significant nexus to a Traditional Navigable Waterway and are therefore not jurisdictional.

Other: (explain, if not covered above):

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):            linear feet,            wide.
- 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,            wide.
- Lakes/ponds:            acres.
- Other non-wetland waters:            acres. List type of aquatic resource:
- Wetlands: **0.003583** 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:
- 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:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; NV-LAS VEGAS SE**
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:            (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):
  - or  Other (Name & Date): **Google Earth; various dates.**
- 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:**

The wash on the property did not show any indications of an ordinary high water mark, indicators of regular flow, or sorting. In addition, the wash is heavily vegetated throughout. The wash was determined to have no potential jurisdictional stream running through it. However, there were two wetlands of approximately 156 square feet that did meet the criteria for wetland as defined by the 1987 Corps of Engineers Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). These wetlands are located on the eastern end of the wash, and positioned closer to the hillside than the center of the wash. Indeed, low points in the wash did not have the hydric soils found in this small wetland. The reasons for the wetlands are likely two-fold. First, a small three foot high berm was created at the downstream end of the drainage to slow flood waters passing through the wash. The wetlands are located approximately 75 feet from this berm. During flood events water likely inundates the wetland for a short period. Secondly, the wetlands may be receiving runoff from an adjacent parking area. This would explain the wetlands being located closer to the the base of the hillside than in the lowest point of the wash.