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): September 7, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, COEUR NV PACKARD PROJECT MINE PERSHING, SPK-2000-25123 (American Canyon)

	PERSHING, SPK-2000-25123 (American Canyon)
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: State: Nevada County/parish/borough: Pershing County City: Rochester Mine Center coordinates of site (lat/long in degree decimal format): Lat. 40.28395°, Long118.15014° Universal Transverse Mercator: 11 402231.17 4459908.19 Name of nearest waterbody: American Canyon Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A Name of watershed or Hydrologic Unit Code (HUC): Dixie Valley, 16060001 ☐ 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: September 7, 2018 Field Determination. Date(s):
	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	re Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) no 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:
В.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area quired]
	1. Waters of the U.S. a. Indicate presence of waters of U.S. in review area (check all that apply): 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, wide, and/or acres. Wetlands: acres.
	c. Limits (boundaries) of jurisdiction based on: 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: Playa Loc 4 and Playa Loc 5 are adjacent but do not directly abut American Canyon. American Canyon Spring and Lower American Canyon Spring are contiguous with the American Canyon drainage. South American Canyon Spring is contiguous with South American Canyon, a 22,704-linear foot (If) ephemeral drainage that flows into American Canyon a 51,744-If ephemeral drainage. American Canyon loses evidence of an OHWM approximately 7 miles from the mine within the Buena Vista alkali flat. American Canyon, is an intrastate isolated, non-navigable waters with no interstate commerce connection.

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.

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 waterbody⁴ 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.

☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

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

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

	(b)	General Tributan	y Characteristics (check all that app	oly):	
		Tributary is:	☐ Natural		
			Artificial (man-made). Explain		
			☐ Manipulated (man-altered). E	xpiain:	
		Tributary proper	ties with respect to top of bank (est	imate):	
		Average wid			
		Average dep			
		Average side	e slopes: Pick List.		
		Primary tributary	substrate composition (check all th	at apply):	
		☐ Silts	☐ Sands		☐ Concrete
		Cobbles	Gravel		Muck
		☐ Bedrock☐ Other. Ex	☐ Vegetation. Type/% (cover:	
			.piairi.		
		Tributary condition	on/stability [e.g., highly eroding, slo	ughing bani	ks]. Explain:
			riffle/pool complexes. Explain:		• ,
		Tributary geomet		0/	
		i ributary gradien	t (approximate average slope):	%	
	(c)	Flow:			
	30.000	Tributary provide			
			e number of flow events in review a	rea/year: P	ick List
		Describe flow	w regime: n on duration and volume:		
			on datation and voiding.		
		Surface flow is: F	Pick List. Characteristics:		
		Subsurface flour	Pick List. Explain findings:		
			ther) test performed:		
			and, tool political		
			eck all that apply):		
		☐ Bed and			
			(check all indicators that apply): natural line impressed on the bank	□ the n	resence of litter and debris
			ges in the character of soil		uction of terrestrial vegetation
		☐ shelvi	ng	☐ the p	resence of wrack line
			ation matted down, bent, or absent		nent sorting
			tter disturbed or washed away	Scour	
			ent deposition staining		ole observed or predicted flow events of change in plant community
		☐ other			A Grange in plant community
		☐ Discontin	uous OHWM.7 Explain:		
		16 6	the OUNANT ware word to determ	-!	and at \$1000 invitation (about all that
		apply):	an the Ohyvivi were used to determ	iine laterai	extent of CWA jurisdiction (check all that
			Line indicated by:	☐ Mean	High Water Mark indicated by:
		☐ oil or	scum line along shore objects	□ sı	ırvey to available datum;
			hell or debris deposits (foreshore)		nysical markings;
			cal markings/characteristics	∐ ve	egetation lines/changes in vegetation types
		☐ ildai g	auges (list):		
			(·y-		
(iii)		emical Character			
			(e.g., water color is clear, discolor	ed, oily film	; water quality; general watershed
		haracteristics, etc. ntify specific pollut			
	1401	iniy opooliio poliut	sino, il Mietti.		
(iv)	Bio	logical Characte	ristics. Channel supports (check	all that ap	oply):

⁸A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷lbid.

			Wetland fringe. Characte Habitat for: ☐ Federally Listed spec ☐ Fish/spawn areas. E	cies. Explain findings: Explain findings: Explain findings:	·	
2.	Ch	arac			low directly or indirectly i	into TNW
	(i)		ysical Characteristics: General Wetland Characteristics: Properties: Wetland size: Wetland type. Expla Wetland quality. Exproject wetlands cross of	acres	es. Explain:	
		(b)	General Flow Relationsh Flow is: Pick List. Expla			
			Surface flow is: Pick Li Characteristics:	st		
			Subsurface flow: Pick L Dye (or other) tes			
		(c)	☐ Directly abutting ☐ Not directly abutting ☐ Discrete wetland ☐ Ecological connection	ermination with Non-TNW: hydrologic connection. Extion. Explain: m/barrier. Explain:		
		(d)	Project waters are Pick Flow is from: Pick List	to TNW tk List river miles from TN List aerial (straight) miles cation of wetland as within	from TNW.	
	(ii)	Cha	emical Characteristics: aracterize wetland system tharacteristics; etc.). Expl ntify specific pollutants, if	ain:	, brown, oil film on surface;	water quality; general watershed
	(iii		Riparian buffer. Characte Vegetation type/percent o Habitat for:	ies. Explain findings: plain findings: y-sensitive species. Expl	th):	
3.	Ch	All	wetland(s) being consider	adjacent to the tributary red in the cumulative analy n total are being considen		is.
		For	each wetland, specify the	e following:		
			Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
		Sui	mmarize overall biological	, chemical and physical fu	inctions being performed:	

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:

- 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:
- 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 T	HAT
	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 ⁸ 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.

⁸See Footnote #3.

Identify type(s) of waters:

E.

F.

4.	Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. ☐ 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 jurisidictional. 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.9 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).
WA 	CLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, GRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH ATERS (CHECK ALL THAT APPLY): 10 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:
lde	entify water body and summarize rationale supporting determination:
	ovide 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.
	N-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: Other: (explain, if not covered above):

To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook,

10 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.

	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: 0.56 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: acres.
SE	CTION 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: Aquatic Resources Map Index. Figures A-2b, A-2c, A-2f and A-2g, prepared by SRK Consulting, September 6, 2018. Data sheets prepared/submitted by or on behalf of the applicant/consultant. Coeur Rochester Mine Request for Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017 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; Rochester ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed September 6, 2018 ☑ National wetlands inventory map(s). Cite name: https://www.fws.gov/wetlands/Data/Mapper.html. Accessed September 6, 2018
	State/Local wetland inventory map(s): FEMA/FIRM maps: 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) Photographs: Aerial (Name & Date): Google Earth Pro, December 30, 2016, Imagery Date or Other (Name & Date): Coeur Rochester Mine Request for Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017
	 ✓ Previous determination(s). File no. and date of response letter: SPK-2000-25123, June 8, 2001, November 29, 2006 and June 6, 2012 ✓ Applicable/supporting case law: ✓ Applicable/supporting scientific literature:
	Other information (please specify):
В.	ADDITIONAL COMMENTS TO SUPPORT JD: American Canyon is an ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site within the Buena Vista alkali flat, a playa that does not connect to any Waters of the U.S. Playa Loc 4 and Playa Loc 5 are adjacent but do not directly abut American Canyon, American Canyon Spring and Lower American Canyon Spring are contiguous with the American Canyon drainage. South American Canyon Spring is contiguous with South American Canyon, an ephemeral drainage that flows into the ephemeral drainage, American Canyon. American Canyon is an intrastate isolated, non-navigable waters with no interstate commerce connection. Playa Loc 4, Playa Loc 5, American Canyon Spring Lower American Canyon Spring and South American Canyon Spring are documented on wetland determination forms located in the documents submitted by SRK Consulting, appendix E, dated March, 2017. These sheets include the general area conditions, physical characteristics, chemical characteristics, and biological characteristics of each wetland evaluated. American

Canyon and South American Canyon are documented on OHWM data sheets located in the documents submitted by SRK Consulting, appendix F, dated March, 2017. These sheets include the general area conditions, physical

characteristics, and biological characteristics.

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): September 7, 2018

В.	DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, COEUR NV PACKARD PROJECT MINE
	PERSHING, SPK-2000-25123 (Dry Gulch)

	FERSIMOS, SFR-2000-23123 (Dry Guich)
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: State: Nevada County/parish/borough: Pershing County City: Rochester Mine Center coordinates of site (lat/long in degree decimal format): Lat. 40.28395°, Long118.15014° Universal Transverse Mercator: 11 402231.17 4459908.19 Name of nearest waterbody: Dry Gulch Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A Name of watershed or Hydrologic Unit Code (HUC): Dixie Valley, 16060001 ☐ 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: September 7, 2018 Field Determination. Date(s):
	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) no 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:
В.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area quired]
	1. Waters of the U.S. a. Indicate presence of waters of U.S. in review area (check all that apply): 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, wide, and/or acres. Wetlands: acres.
	c. Limits (boundaries) of jurisdiction based on: 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: Dry Gulch is a 55,728-linear foot ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site within the Buena Vista alkali flat, a playa that does not connect to any Waters of the U.S. Dry Gulch is an intrastate isolated, non-navigable waters with no interstate commerce connection.

SECTION III: CWA ANALYSIS

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.

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 waterbody⁴ 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.

☐ Tributary flows through Pick List tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries, Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

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

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

		Tributary is:	☐ Natural ☐ Artificial (man-made). Explain: ☐ Manipulated (man-altered). Ex	plain:
		Average wid Average der		nate):
		Primary tributary Silts Cobbles Bedrock Other. Ex		☐ Concrete ☐ Muck
		Presence of run/ Tributary geometri	on/stability [e.g., highly eroding, slout riffle/pool complexes. Explain: try: Pick List tt (approximate average slope):	ghing banks]. Explain:
	(c)	Describe flo	e number of flow events in review are	ea/year: Pick List
		Surface flow is: F	Pick List. Characteristics:	
			Pick List . Explain findings: ther) test performed:	
		☐ Bed and ☐ OHWM ⁶ ☐ clear, ☐ chang ☐ shelvi ☐ veget ☐ leaf lit ☐ sedim ☐ water ☐ other	(check all indicators that apply): natural line impressed on the bank ges in the character of soil ing ation matted down, bent, or absent tter disturbed or washed away nent deposition staining	□ the presence of litter and debris □ destruction of terrestrial vegetation □ the presence of wrack line □ sediment sorting □ scour □ multiple observed or predicted flow events □ abrupt change in plant community
		If factors other th apply):	an the OHWM were used to determi	ne lateral extent of CWA jurisdiction (check all that
		☐ High Tide ☐ oil or ☐ fine s ☐ physie	e Line indicated by: scum line along shore objects hell or debris deposits (foreshore) cal markings/characteristics gauges (list):	 Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
(iii)	Cha	emical Character aracterize tributary haracteristics, etc ntify specific pollut	(e.g., water color is clear, discolored). Explain:	d, oily film; water quality; general watershed
(iv)			ristics. Channel supports (check Characteristics (type, average width haracteristics:	

⁹A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷lbid.

			Habitat for: Federally Listed spectors Fish/spawn areas. E Other environmental	xplain findings: ly-sensitive species. Expl	ain findings:	
2.	Cha	arac	teristics of wetlands adj	acent to non-TNW that i	low directly or indirectly int	o TNW
	(i)		ysical Characteristics: General Wetland Chara Properties: Wetland size: Wetland type. Expla Wetland quality. Exp	acres in:	es. Explain:	
		(b)	General Flow Relations Flow is: Pick List. Expla			
			Surface flow is: Pick Li Characteristics:	st		
			Subsurface flow: Pick L Dye (or other) tes			
		(c)	☐ Directly abutting ☐ Not directly abutting			
		(d)	Project waters are Pick Flow is from: Pick List	k List river miles from TN List aerial (straight) miles		
	(ii)	Cha	emical Characteristics: aracterize wetland system haracteristics; etc.). Expl ntify specific pollutants, if	ain:	, brown, oil film on surface; w	ater quality; general watershed
	(iii)	日.	Riparian buffer. Characte Vegetation type/percent o Habitat for:	cies. Explain findings: xplain findings: y-sensitive species. Expl	th):	
3.	Cha	All	wetland(s) being consider	adjacent to the tributary red in the cumulative anal n total are being consider		
		For	each wetland, specify the	e following:		
			Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

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:

- 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:
- 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 ⁸ 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.

⁸See Footnote #3.

	☐ 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. ☐ 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 jurisidictional. 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.9 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).
WA	DLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, GRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH ATERS (CHECK ALL THAT APPLY): 10 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:
Ide	ntify water body and summarize rationale supporting determination:
	ovide 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.
	In-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).

E.

F.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook,
¹⁰ 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.

	☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:☐ 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: acres.
SE	ECTION IV: DATA SOURCES.
Α.	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: Aquatic Resources Map Index. Figures A-2b and A-2f, prepared by SRK Consulting, September 6, 2018. Data sheets prepared/submitted by or on behalf of the applicant/consultant. Coeur Rochester Mine Request for Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017 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; Rochester USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey.
	https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed September 6, 2018 National wetlands inventory map(s). Cite name: https://www.fws.gov/wetlands/Data/Mapper.html. Accessed September 6, 2018
	 State/Local wetland inventory map(s): FEMA/FIRM maps: 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) Photographs: Aerial (Name & Date): Google Earth Pro, December 30, 2016, Imagery Date or
	Previous determination(s). File no. and date of response letter: SPK-2000-25123, June 8, 2001, November 29, 2006 and June 6, 2012
	Applicable/supporting case law: Applicable/supporting scientific literature: Other information (please specify):
В.	ADDITIONAL COMMENTS TO SUPPORT JD: Dry Gulch is an ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site within the Buena Vista alkali flat, a playa that does not connect to any Waters

B. ADDITIONAL COMMENTS TO SUPPORT JD: Dry Gulch is an ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site within the Buena Vista alkali flat, a playa that does not connect to any Waters of the U.S. Dry Gulch is an intrastate isolated, non-navigable waters with no interstate commerce connection. Dry Gulch is documented on OHWM data sheets located in the documents submitted by SRK Consulting, appendix F, dated March, 2017. These sheets include the general area conditions, physical characteristics, and biological characteristics.

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): September 7, 2018

B.	DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, COEUR NV PACKARD PROJECT MINE PERSHING, SPK-2000-25123 (Fisher Canyon)
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: State: Nevada County/parish/borough: Pershing County City: Rochester Mine Center coordinates of site (lat/long in degree decimal format): Lat. 40.28395°, Long118.15014° Universal Transverse Mercator: 11 402231.17 4459908.19 Name of nearest waterbody: Fisher Canyon Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A Name of watershed or Hydrologic Unit Code (HUC): Dixie Valley, 16060001 ☐ 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: September 7, 2018 Field Determination. Date(s):
	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) ne 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 foreig commerce. Explain:
В.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
The	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area

1. Waters of the U.S.

[Required]

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 waters ² (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: 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: SRK-SP16 is contiguous with Fisher Canyon. WRC-1041, Buffalo Springs 1 and Buffalo Springs 3 are adjacent to but do not directly abut Fisher Canyon. Fisher Canyon is a 50,359-linear foot ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site within the Buena Vista alkali flat. Fisher Canyon is an intrastate isolated, non-navigable waters with no interstate commerce connection.

SECTION III: CWA ANALYSIS

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.

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 waterbody⁴ 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.

☐ Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries, Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

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

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

		Tributary is:	☐ Natural ☐ Artificial (man-made). Explain: ☐ Manipulated (man-altered). Ex	plain:
		Average wid Average der		nate):
		Primary tributary Silts Cobbles Bedrock Other. Ex		☐ Concrete ☐ Muck
		Presence of run/ Tributary geometri	on/stability [e.g., highly eroding, slout riffle/pool complexes. Explain: try: Pick List tt (approximate average slope):	ghing banks]. Explain:
	(c)	Describe flo	e number of flow events in review are	ea/year: Pick List
		Surface flow is: F	Pick List. Characteristics:	
			Pick List . Explain findings: ther) test performed:	
		☐ Bed and ☐ OHWM ⁶ ☐ clear, ☐ chang ☐ shelvi ☐ veget ☐ leaf lit ☐ sedim ☐ water ☐ other	(check all indicators that apply): natural line impressed on the bank ges in the character of soil ing ation matted down, bent, or absent tter disturbed or washed away nent deposition staining	□ the presence of litter and debris □ destruction of terrestrial vegetation □ the presence of wrack line □ sediment sorting □ scour □ multiple observed or predicted flow events □ abrupt change in plant community
		If factors other th apply):	an the OHWM were used to determi	ne lateral extent of CWA jurisdiction (check all that
		☐ High Tide ☐ oil or ☐ fine s ☐ physie	e Line indicated by: scum line along shore objects hell or debris deposits (foreshore) cal markings/characteristics gauges (list):	 Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
(iii)	Cha	emical Character aracterize tributary haracteristics, etc ntify specific pollut	(e.g., water color is clear, discolored). Explain:	d, oily film; water quality; general watershed
(iv)			ristics. Channel supports (check Characteristics (type, average width haracteristics:	

⁹A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷lbid.

			Habitat for: Federally Listed spectors Fish/spawn areas. E Other environmental	xplain findings: ly-sensitive species. Expl	ain findings:	
2.	Cha	arac	teristics of wetlands adj	acent to non-TNW that i	low directly or indirectly int	o TNW
	(i)		ysical Characteristics: General Wetland Chara Properties: Wetland size: Wetland type. Expla Wetland quality. Exp	acres in:	es. Explain:	
		(b)	General Flow Relations Flow is: Pick List. Expla			
			Surface flow is: Pick Li Characteristics:	st		
			Subsurface flow: Pick L Dye (or other) tes			
		(c)	☐ Directly abutting ☐ Not directly abutting			
		(d)	Project waters are Pick Flow is from: Pick List	k List river miles from TN List aerial (straight) miles		
	(ii)	Cha	emical Characteristics: aracterize wetland system haracteristics; etc.). Expl ntify specific pollutants, if	ain:	, brown, oil film on surface; w	ater quality; general watershed
	(iii)	日.	Riparian buffer. Characte Vegetation type/percent o Habitat for:	cies. Explain findings: xplain findings: y-sensitive species. Expl	th):	
3.	Cha	All	wetland(s) being consider	adjacent to the tributary red in the cumulative anal n total are being consider		
		For	each wetland, specify the	e following:		
			Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

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:

- 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:
- 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 ⁸ 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.

⁸See Footnote #3.

	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. ☐ 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 jurisidictional. 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.9 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).
WA CONTRACTOR	DLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, GRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH ATERS (CHECK ALL THAT APPLY): 10 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:
Ide	ntify water body and summarize rationale supporting determination:
	ovide 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.
	N-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).

E.

F.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook,
¹⁰ 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.

		Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: Other: (explain, if not covered above):
	the usir	vide acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> potential basis of jurisdiction is MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), and 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: 0.62 acres.
	whe	vide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, are such a finding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet, wide. _akes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: acres.
SE	CTIO	N IV: DATA SOURCES.
Α.	whe	PPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, are checked and requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Aquatic Resources Map Index. Figures A-2d and A-2h, prepared by SRK Consulting, September 6, 2018.
	\boxtimes	Data sheets prepared/submitted by or on behalf of the applicant/consultant. Coeur Rochester Mine Request for Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017
		 ☑ Office concurs with data sheets/delineation report. ☑ Office does not concur with data sheets/delineation report.
		Data sheets prepared by the Corps:
	日	Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas:
		USGS NHD data.
	\square	USGS 8 and 12 digit HUC maps.
		U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; Rochester USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey.
		https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed September 6, 2018
	\boxtimes	National wetlands inventory map(s). Cite name: https://www.fws.gov/wetlands/Data/Mapper.html . Accessed September 6, 2018
		State/Local wetland inventory map(s): FEMA/FIRM maps:
	H	100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
	\boxtimes	Photographs: Aerial (Name & Date): Google Earth Pro, December 30, 2016, Imagery Date
		or ☐ Other (Name & Date): Coeur Rochester Mine Request for Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017
	\boxtimes	Previous determination(s). File no. and date of response letter: SPK-2000-25123, June 8, 2001, November 29, 2006 and June 6, 2012
	\Box	Applicable/supporting case law:
	日	Applicable/supporting scientific literature: Other information (please specify):
В.	ADI	DITIONAL COMMENTS TO SUPPORT JD: Fisher Canyon is a 50,359-linear foot ephemeral drainage that loses
-05		evidence of an OHWM approximately 7 miles from the mine site within the Ruena Vista alkali flat, a playa that does not

and Diffional Comments To Support JD: Fisher Canyon is a 50,359-linear foot ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site within the Buena Vista alkali flat, a playa that does not connect to any Waters of the U.S. SRK-SP16 is contiguous with Fisher Canyon. WRC-1041, Buffalo Springs 1 and Buffalo Springs 3 are adjacent to but do not directly abut Fisher Canyon. Fisher Canyon is an intrastate isolated, non-navigable waters with no interstate commerce connection. SRK-SP16, WRC-1041, Buffalo Springs 1 and Buffalo Springs 3 are documented on wetland determination forms located in the documents submitted by SRK Consulting, appendix E, dated March, 2017. These sheets include the general area conditions, physical characteristics, chemical characteristics, and biological characteristics of each wetland evaluated. Fisher Canyon is documented on OHWM data sheets located in the documents submitted by SRK Consulting, appendix F, dated March, 2017. These sheets include the general area conditions, physical characteristics, and biological characteristics.

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): September 7, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, COEUR NV PACKARD PROJECT MINE PERSHING, SPK-2000-25123 (Limerick Canyon)

	PERSHING, SPK-2000-25123 (Limerick Canyon)
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: State: Nevada County/parish/borough: Pershing County City: Rochester Mine Center coordinates of site (lat/long in degree decimal format): Lat. 40.28395°, Long118.15014° Universal Transverse Mercator: 11 402231.17 4459908.19 Name of nearest waterbody: Limerick Canyon Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A Name of watershed or Hydrologic Unit Code (HUC): Lower Humboldt, 16040108 ☐ 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: September 7, 2018 ☐ Field Determination. Date(s):
	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) 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:
В.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. equired
	 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, wide, and/or acres. Wetlands: acres.
	c. Limits (boundaries) of jurisdiction based on: 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: Limerick Canyon is a 39,930-linear foot ephemeral drainage that loses evidence of an OHWM once it reaches the valley floor, at a location approximately 4 miles away from the Humboldt River. Limerick Canyon Spring 1, Limerick Canyon Spring 2, Limerick Canyon Spring 3, and Limerick Canyon Spring 4 are contiguous with Limerick Canyon drainage. McCarty Spring is adjacent to but does not directly abut Limerick Canyon drainage. Limerick Canyon is an intrastate isolated, non-navigable water with no interstate commerce connection.

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.

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 waterbody⁴ 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.

☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

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

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

	(b)	General Tributar	y Characteristics (check all that app	<u>y):</u>	
		Tributary is:	☐ Natural		
			Artificial (man-made). Explain:	- No. Fac.	
			☐ Manipulated (man-altered). Ex	plain:	
		Tributary proper	ties with respect to top of bank (esti	mate):	
		Average wid			
		Average der			
		Average side	e slopes: Pick List.		
		Primary tributary	substrate composition (check all the	it apply):	
		☐ Silts	☐ Sands		Concrete
		☐ Cobbles	☐ Gravel		Muck
		Bedrock	0 /	over:	
		Other. Ex	tpiain:		
		Tributary condition	on/stability [e.g., highly eroding, slou	ghing banks].	Explain:
		Presence of run/	riffle/pool complexes. Explain:		·
		Tributary geome		04	
		Inbutary gradier	t (approximate average slope):	%	
	(c)	Flow:			
	• •	Tributary provide			
			e number of flow events in review ar	ea/year: Pick	: List
		Describe flor	w regime: n on duration and volume:		
		Other information	Ton duration and volume.		
		Surface flow is: F	Pick List. Characteristics:		
		Subsurface flour	Disk List Explain findings		
			Pick List. Explain findings: other) test performed:		
			and the performed.		
			eck all that apply):		
		Bed and			
			(check all indicators that apply): natural line impressed on the bank	☐ the pres	ence of litter and debris
			ges in the character of soil		ion of terrestrial vegetation
		☐ shelvi			ence of wrack line
			ation matted down, bent, or absent	sedimen	t sorting
			tter disturbed or washed away	scour	-b
			nent deposition staining		observed or predicted flow events hange in plant community
		☐ other		abiapi o	nainge in plant community
		☐ Discontin	nuous OHWM.7 Explain:		
		15.5	(I. CURAN		
		apply):	an the Ohvvivi were used to determ	ine lateral ext	ent of CWA jurisdiction (check all that
			e Line indicated by:	☐ Mean Hi	gh Water Mark indicated by:
			scum line along shore objects		ey to available datum;
			hell or debris deposits (foreshore)		ical markings;
			cal markings/characteristics	∐ vege	tation lines/changes in vegetation types
		☐ tidal g	gauges (list):		
			(not).		
(iii)		emical Character			75 AMPA VI 15 AMPA VI
			(e.g., water color is clear, discolore	d, oily film; w	ater quality; general watershed
		haracteristics, etc. htify specific pollut			
	146	my specific pollul	ano, ii riiviii.		
(iv)	Bio	logical Characte	ristics. Channel supports (check	all that apply	y):

⁸A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷lbid.

			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.	Cha	arac	teristics of wetlands adjacent to non-TNW that flow directly or indirectly in	nto TNW
	(i)	(a)	ysical Characteristics: General Wetland Characteristics: Properties: Wetland size: acres Wetland type. Explain: Wetland quality. Explain: Project wetlands cross or serve as state boundaries. Explain: General Flow Relationship with Non-TNW: Flow is: Pick List. Explain:	
			Surface flow is: Pick List Characteristics: Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:	
		(c)	Wetland Adjacency Determination with Non-TNW: ☐ Directly abutting ☐ Discrete wetland hydrologic connection. Explain: ☐ Ecological connection. Explain: ☐ Separated by berm/barrier. Explain:	
		(d)	Proximity (Relationship) to TNW Project wetlands are Pick List river miles from TNW. Project waters are Pick List aerial (straight) miles from TNW. Flow is from: Pick List Estimate approximate location of wetland as within the Pick List floodplain.	
	(ii)	Cha	emical Characteristics: aracterize wetland system (e.g., water color is clear, brown, oil film on surface; characteristics; etc.). Explain: entify specific pollutants, if known:	water quality; general watershed
	(iii)		Diogical Characteristics. Wetland supports (check all that apply): Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:	
3.	Chi	All	teristics of all wetlands adjacent to the tributary (if any) wetland(s) being considered in the cumulative analysis: Pick List proximately acres in total are being considered in the cumulative analysis	S .
		For	r each wetland, specify the following: <u>Directly abuts? (Y/N)</u> Size (in acres) Directly abuts? (Y/N) Summarize overall biological, chemical and physical functions being performe	Size (in acres) d:

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:
- 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 ⁸ 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:

. .

⁸See Footnote #3.

4.	Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. 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 jurisidictional. 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.9 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).			
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): 10 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:				
Ide	entify water body and summarize rationale supporting determination:			
	ovide 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.			
	ON-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: Other: (explain, if not covered above):			

E.

F.

To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

To 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.

	the usir	vide acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> potential basis of jurisdiction is MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), and best professional judgment (check all that apply):
		Non-wetland waters (i.e., rivers, streams): linear feet, wide. _akes/ponds: acres.
		Other non-wetland waters: acres. List type of aquatic resource: Wetlands: 4.14 acres.
	whe	vide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, ere such a finding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet, wide. _akes/ponds: acres.
		Other non-wetland waters: acres. List type of aquatic resource: Wetlands: acres.
SE	CTIO	N IV: DATA SOURCES.
A.		PPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and,
		ere checked and requested, appropriately reference sources below):
	\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Aquatic Resources Map Index. Figures A-2a and A-2c, prepared by SRK Consulting, September 6, 2018.
	\boxtimes	Data sheets prepared/submitted by or on behalf of the applicant/consultant. Coeur Rochester Mine Request for
	9 9	Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017
		Office concurs with data sheets/delineation report.
		Office does not concur with data sheets/delineation report.
	H	Data sheets prepared by the Corps: Corps navigable waters' study:
	H	U.S. Geological Survey Hydrologic Atlas:
		USGS NHD data.
		USGS 8 and 12 digit HUC maps.
	\boxtimes	U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; Rochester
	\boxtimes	USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey.
		https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed September 6, 2018
	\boxtimes	National wetlands inventory map(s). Cite name: https://www.fws.gov/wetlands/Data/Mapper.html . Accessed September 6, 2018
	П	State/Local wetland inventory map(s):
	百	FEMA/FIRM maps:
		100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
	\boxtimes	Photographs: Aerial (Name & Date): Google Earth Pro, December 30, 2016, Imagery Date
		or Other (Name & Date): Coeur Rochester Mine Request for Approved Jurisdictional Determination,
	\boxtimes	prepared by SRK Consulting, March 2017 Previous determination(s). File no. and date of response letter: SPK-2000-25123, June 8, 2001, November 29, 2006
	<u> </u>	and June 6, 2012.
		Applicable/supporting case law:
		Applicable/supporting scientific literature:
	П	Other information (please specify):
Е). <i>i</i>	ADDITIONAL COMMENTS TO SUPPORT JD: Limerick Canyon is an ephemeral drainage that loses evidence of an OHWM once it reaches the valley floor, at a location approximately 4 miles away from the Humboldt River. Limerick Canyon Spring 1, Limerick Canyon Spring 2, Limerick Canyon Spring 3, and Limerick Canyon Spring 4
		are contiguous with Limerick Canyon drainage. McCarty Spring is adjacent to but does not directly abut Limerick

B. ADDITIONAL COMMENTS TO SUPPORT JD: Limerick Canyon is an ephemeral drainage that loses evidence of an OHWM once it reaches the valley floor, at a location approximately 4 miles away from the Humboldt River. Limerick Canyon Spring 1, Limerick Canyon Spring 2, Limerick Canyon Spring 3, and Limerick Canyon Spring 4 are contiguous with Limerick Canyon drainage. McCarty Spring is adjacent to but does not directly abut Limerick Canyon drainage. Limerick Canyon, Limerick Canyon Spring 1, Limerick Canyon Spring 2, Limerick Canyon Spring 3, Limerick Canyon Spring 4, McCarty Spring are isolated with no connection to the nearest RPW (the Humboldt River) and have no effect on its chemical, physical or biological integrity and are intrastate isolated, non-navigable waters with no interstate commerce connection. Limerick Canyon Spring 1, Limerick Canyon Spring 2, Limerick Canyon Spring 3, Limerick Canyon Spring 4, McCarty Spring are documented on wetland determination forms located in the documents submitted by SRK Consulting, appendix E, dated March, 2017. These sheets include the general area conditions, physical characteristics, chemical characteristics, and biological characteristics of each wetland evaluated. Limerick Canyon is documented on OHWM data sheets located in the documents submitted by SRK Consulting, appendix F, dated March, 2017. These sheets include the general area conditions, physical characteristics, and biological characteristics.

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): September 7, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, COEUR NV PACKARD PROJECT MINE

PERSHING, SPK-2000-25123 (Packard Wash) C. PROJECT LOCATION AND BACKGROUND INFORMATION: State: **Nevada** County/parish/borough: **Pershing County** City: Rochester Mine Center coordinates of site (lat/long in degree decimal format): Lat. 40.28395°, Long. -118.15014° Universal Transverse Mercator: 11 402231.17 4459908.19 Name of nearest waterbody: Packard Wash Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A Name of watershed or Hydrologic Unit Code (HUC): Carson Desert, 16050203 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: September 7, 2018 ☐ Field Determination. Date(s): **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.

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]

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

1. Waters of the U.S.

commerce. Explain:

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 waters ² (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: 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: Weaver Spring 3 is adjacent to but does not directly abut Weaver Canyon drainage. Keath Spring, WRC-1032, WRC-1034 and SRK-SP17 are adjacent to but do not directly abut Woody Canyon drainage. SRK-RC-W1 is contiguous with Relief Canyon. SRK-SRC-W2 is adjacent to but does not directly abut South Relief Canyon. Weaver Canyon a 23,760-linear foot (If) ephemeral stream, Woody Canyon a 22,704-If ephemeral stream, Willow Creek a 26,400-If ephemeral stream, Relief Canyon a 28,512-If ephemeral stream and South Relief Canyon a 34,320-If ephemeral stream are tributaries to the Packard Wash. Mystic Spring, Packard Flat Artesian, Cole Canyon Spring, Black Knob Spring and Black Knob Spring 1 are adjacent to but do not directly abut Packard

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.

Wash. Packard Wash Spring directly abuts Packard Wash. The Packard Wash is a 100,320-If ephemeral wash that losses any sign of an OHWM at elevation 1183 feet above mean sea level (amsl), ~9 miles from the Holocene boundary of the Carson Sink (Elevation 1180 feet amsl), the terminus of the Carson River. The Packard Wash is an intrastate isolated, non-navigable water with no interstate commerce connection.

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:

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 waterbody⁴ 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 **Pick List** Drainage area: inches Average annual rainfall: Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW. ☐ Tributary flows through **Pick List** tributaries before entering TNW. Project waters are Pick List river miles from TNW. Project waters are Pick List river miles from RPW. Project waters are Pick List aerial (straight) miles from TNW. Project waters are Pick List aerial (straight) miles from RPW.

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

	Project waters cross or serve as state boundaries. Explain:
	Identify flow route to TNW ⁵ : Tributary stream order, if known:
(b)	General Tributary Characteristics (check all that apply): Tributary is:
	Tributary properties with respect to top of bank (estimate): Average width: feet Average depth: feet Average side slopes: Pick List.
	Primary tributary substrate composition (check all that apply): Silts Sands Concrete Cobbles Gravel Muck Bedrock Vegetation. Type/% cover: Other. Explain:
	Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Presence of run/riffle/pool complexes. Explain: Tributary geometry: Pick List Tributary gradient (approximate average slope):
(c)	Flow: Tributary provides for: Pick List Estimate average number of flow events in review area/year: Pick List Describe flow regime: Other information on duration and volume:
	Surface flow is: Pick List. Characteristics:
	Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
	Tributary has (check all that apply): Bed and banks OHWM ⁶ (check all indicators that apply): clear, natural line impressed on the bank changes in the character of soil shelving vegetation matted down, bent, or absent leaf litter disturbed or washed away sediment deposition water staining other (list): Discontinuous OHWM. ⁷ Explain:
	If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
	High Tide Line indicated by: oil or scum line along shore objects survey to available datum; physical markings/characteristics physical markings/characteristics vegetation lines/changes in vegetation types other (list):

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into

TNW.

A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷lbid.

	(iii)	Cha	emical Characteristics: aracterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed haracteristics, etc.). Explain: ntify specific pollutants, if known:
	(iv)		Plogical 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.	Cha	arac	teristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW
	(i)		ysical Characteristics: General Wetland Characteristics: Properties: Wetland size: acres Wetland type. Explain: Wetland quality. Explain: Project wetlands cross or serve as state boundaries. Explain:
		(b)	General Flow Relationship with Non-TNW: Flow is: Pick List. Explain: Surface flow is: Pick List Characteristics:
			Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
		(c)	Wetland Adjacency Determination with Non-TNW: Directly abutting Not directly abutting Discrete wetland hydrologic connection. Explain: Ecological connection. Explain: Separated by berm/barrier. Explain:
		(d)	Proximity (Relationship) to TNW Project wetlands are Pick List river miles from TNW. Project waters are Pick List aerial (straight) miles from TNW. Flow is from: Pick List Estimate approximate location of wetland as within the Pick List floodplain.
(ii) Chemical Characteristics: Characterize wetland system (e.g., water color is clear, brow characteristics; etc.). Explain: Identify specific pollutants, if known:		Cha	aracterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed haracteristics; etc.). Explain:
	(iii)	8	Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
3.	Cha	All	teristics of all wetlands adjacent to the tributary (if any) wetland(s) being considered in the cumulative analysis: Pick List proximately acres in total are being considered in the cumulative analysis.
		For	each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

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:

- 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:
- 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: 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: Other non-wetland waters: Identify type(s) of waters:

3.	Non-RPWs ⁸ 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. ☐ 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 jurisidictional. 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.9 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).		
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): 10 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:			
lde	ntify water body and summarize rationale supporting determination:		
	vide 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.		

E.

^{*}See Footnote # 3.

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

10 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.

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: ☐ Other: (explain, if not covered above):
	Provide acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> 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: 3.094 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: acres.
SEC	CTION IV: DATA SOURCES.
Α.	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: Aquatic Resources Map Index. Figures A-2c through A-2e, prepared by SRK Consulting, September 6, 2018. Data sheets prepared/submitted by or on behalf of the applicant/consultant. Coeur Rochester Mine Request for Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017 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; Rochester USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed September 6, 2018 National wetlands inventory map(s). Cite name: https://www.fws.gov/wetlands/Data/Mapper.html. Accessed September 6, 2018 State/Local wetland inventory map(s):
	 FEMA/FIRM maps: 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) Photographs:
	Applicable/supporting case law: Applicable/supporting scientific literature: Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: Weaver Spring 3 is adjacent to but does not directly abut Weaver Canyon drainage. Keath Spring, WRC-1032, WRC-1034 and SRK-SP17 are adjacent to but do not directly abut Woody Canyon drainage. SRK-RC-W1 is contiguous with Relief Canyon. SRK-SRC-W2 is adjacent to but does not directly abut South Relief Canyon. Weaver Canyon, Woody Canyon, Willow Creek, Relief Canyon and South Relief Canyon are ephemeral tributaries to the Packard Wash. Mystic Spring, Packard Flat Artesian, Cole Canyon Spring, Black Knob Spring and Black Knob Spring 1 are adjacent to but do not directly abut Packard Wash. Packard Wash Spring directly abuts Packard Wash. The Packard Wash is an ephemeral wash that losses any sign of an OHWM at elevation 1,183 feet above mean sea level (amsl), ~9 miles from the Holocene boundary of the Carson Sink (Elevation 1180 feet amsl), the terminus of the Carson River. The Packard Wash, its tributaries, and the adjacent and abutting wetlands are isolated with no connection to the nearest traditional navigable water

of the U.S. (the Carson River) and has no effect on its chemical, physical or biological integrity and are intrastate isolated, non-navigable waters with no interstate commerce connection. Wetlands are documented on wetland determination forms located in the documents submitted by SRK Consulting dated March, 2017. These sheets include the general area conditions, physical characteristics, chemical characteristics, and biological characteristics of each wetland evaluated.

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): September 7, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, COEUR NV PACKARD PROJECT MINE PERSHING, SPK-2000-25123 (Rochester Canyon)

	PERSHING, SPK-2000-25123 (Rochester Canyon)
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: State: Nevada County/parish/borough: Pershing County City: Rochester Mine Center coordinates of site (lat/long in degree decimal format): Lat. 40.28395°, Long118.15014° Universal Transverse Mercator: 11 402231.17 4459908.19 Name of nearest waterbody: Rochester Canyon Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A Name of watershed or Hydrologic Unit Code (HUC): Lower Humboldt, 16040108 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: September 7, 2018 Field Determination. Date(s):
SE A.	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) no 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:
В.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area quired]
	1. Waters of the U.S. a. Indicate presence of waters of U.S. in review area (check all that apply): 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, wide, and/or acres. Wetlands: acres.
	c. Limits (boundaries) of jurisdiction based on: 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: Rochester Canyon is a 44,367-linear foot ephemeral drainage that loses evidence of an OHWM once it reaches the valley floor approximately 3.7 miles from the Humboldt River. Lower Rochester Spring and Rochester Tule Spring are adjacent to but do not directly abut Rochester Canyon drainage. Rochester Canyon is an intrastate isolated, non-navigable waters with no interstate commerce connection.

SECTION III: CWA ANALYSIS

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.

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 waterbody⁴ 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.

☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries, Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

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

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

		Tributary is:	☐ Natural ☐ Artificial (man-made). Explain: ☐ Manipulated (man-altered). Ex	plain:
		Average wid Average de		nate):
		Primary tributary Silts Cobbles Bedrock Other. E	☐ Vegetation. Type/% c	☐ Concrete ☐ Muck
		Presence of run/ Tributary geome	on/stability [e.g., highly eroding, slou /riffle/pool complexes. Explain: vtry: Pick List nt (approximate average slope):	ghing banks]. Explain:
	(c)	Describe flo	e number of flow events in review are	ea/year: Pick List
		Surface flow is: I	Pick List. Characteristics:	
			: Pick List . Explain findings: other) test performed:	
		☐ Bed and ☐ OHWM ⁶ ☐ clear, ☐ chang ☐ shelv ☐ veget ☐ leaf li ☐ sedin ☐ water	(check all indicators that apply): , natural line impressed on the bank ges in the character of soil ring tation matted down, bent, or absent itter disturbed or washed away nent deposition r staining	□ the presence of litter and debris □ destruction of terrestrial vegetation □ the presence of wrack line □ sediment sorting □ scour □ multiple observed or predicted flow events □ abrupt change in plant community
		If factors other thapply):	nan the OHWM were used to determ	ne lateral extent of CWA jurisdiction (check all that
		☐ oil or ☐ fine s ☐ physi ☐ tidal g	e Line indicated by: scum line along shore objects shell or debris deposits (foreshore) ical markings/characteristics gauges (list):	 Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
(iii)	Cha c	emical Character aracterize tributary haracteristics, etc ntify specific pollu	y (e.g., water color is clear, discolore c.). Explain:	d, oily film; water quality; general watershed
(iv)			oristics. Channel supports (check Characteristics (type, average width Characteristics:	

⁹A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷lbid.

			Habitat for: Federally Listed spec Fish/spawn areas. Ex Other environmentally Aquatic/wildlife divers	xplain findings: y-sensitive species. Expl	ain findings:	
2.	Ch	агас	teristics of wetlands adj	acent to non-TNW that i	low directly or indirectly int	o TNW
	(i)		ysical Characteristics: General Wetland Charac Properties: Wetland size: Wetland type. Explai Wetland quality. Exp Project wetlands cross o	acres n: lain:	es. Explain:	
		(b)	General Flow Relationsh Flow is: Pick List. Expla	i <u>p with Non-TNW</u> : in:		
			Surface flow is: Pick Lis Characteristics:	at		
			Subsurface flow: Pick Li Dye (or other) test			
		(c)	Wetland Adjacency Dete ☐ Directly abutting ☐ Not directly abutting ☐ Discrete wetland h ☐ Ecological connect ☐ Separated by berr	nydrologic connection. Extition. Explain:		
		(d)	Proximity (Relationship) Project wetlands are Pic Project waters are Pick I Flow is from: Pick List Estimate approximate loc	k List river miles from TN List aerial (straight) miles	IW. from TNW. n the Pick List floodplain.	
	(ii)	Cha	emical Characteristics: aracterize wetland system characteristics; etc.). Expla ntify specific pollutants, if I	ain:	r, brown, oil film on surface; wa	ater quality; general watershed
	(iii)	日	Plogical Characteristics. Riparian buffer. Characte Vegetation type/percent of Habitat for: Federally Listed spec Fish/spawn areas. Ex Other environmentally Aquatic/wildlife divers	ristics (type, average wid over. Explain: ies. Explain findings: plain findings: y-sensitive species. Expl	th):	
3.	Cha	All	teristics of all wetlands a wetland(s) being consider proximately acres in	ed in the cumulative anal		
		For	each wetland, specify the Directly abuts? (Y/N)	following: Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
		Sui	mmarize overall highogical	chemical and physical fo	inctions being performed:	

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:
- 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 ⁸ 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.

, ,

⁸See Footnote #3.

	─ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. ─ 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:
	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 jurisidictional. 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.9 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).
WA 	CLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, GRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH STERS (CHECK ALL THAT APPLY): 10 which are or could be used by interstate or foreign travelers for recreational or other purposes. If 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:
lde	ntify water body and summarize rationale supporting determination:
	vide 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.
	N-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: Other: (explain, if not covered above):

E.

F.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook, ¹⁰ 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.

	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: 0.044 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: acres.
<u>SE</u>	CTION IV: DATA SOURCES.
Α.	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: Aquatic Resources Map Index. Figures A-2a and A-2c, prepared by SRK Consulting, September 6, 2018. Data sheets prepared/submitted by or on behalf of the applicant/consultant, Coeur Rochester Mine Request for Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017 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; Rochester USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed September 6, 2018
	 National wetlands inventory map(s). Cite name: https://www.fws.gov/wetlands/Data/Mapper.html. Accessed September 6, 2018 State/Local wetland inventory map(s): FEMA/FIRM maps: 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) Photographs:
	prepared by SRK Consulting, March 2017 Previous determination(s). File no. and date of response letter: SPK-2000-25123, June 8, 2001, November 29, 2006 and June 6, 2012 Applicable/supporting case law: Applicable/supporting scientific literature: Other information (please specify):
E	3. ADDITIONAL COMMENTS TO SUPPORT JD: Lower Rochester Spring, and Rochester Tule Spring are adjacent to but do not directly abut Rochester Canyon drainage. Rochester Canyon is an ephemeral drainage that loses evidence of an OHWM once it reaches the valley floor approximately 3.7 miles from the Humboldt River. Rochester Canyon, Lower Rochester Spring and Rochester Tule Spring are isolated with no connection to the nearest RPW (the Humboldt River) and have no effect on its chemical, physical or biological integrity and are

B. ADDITIONAL COMMENTS TO SUPPORT JD: Lower Rochester Spring, and Rochester Tule Spring are adjacent to but do not directly abut Rochester Canyon drainage. Rochester Canyon is an ephemeral drainage that loses evidence of an OHWM once it reaches the valley floor approximately 3.7 miles from the Humboldt River. Rochester Canyon, Lower Rochester Spring and Rochester Tule Spring are isolated with no connection to the nearest RPW (the Humboldt River) and have no effect on its chemical, physical or biological integrity and are intrastate isolated, non-navigable waters with no interstate commerce connection. Lower Rochester Spring, and Rochester Tule Spring are documented on wetland determination forms located in the documents submitted by SRK Consulting, appendix E, dated March, 2017. These sheets include the general area conditions, physical characteristics, chemical characteristics, and biological characteristics of each wetland evaluated. Rochester Canyon is documented on OHWM data sheets located in the documents submitted by SRK Consulting, appendix F, dated March, 2017. These sheets include the general area conditions, physical characteristics, and biological characteristics.

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): September 7, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, COEUR NV PACKARD PROJECT MINE PERSHING, SPK-2000-25123 (Spring Valley)

	PERSHING, SPK-2000-25123 (Spring Valley)
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: State: Nevada County/parish/borough: Pershing County Center coordinates of site (lat/long in degree decimal format): Lat. 40.28395°, Long118.15014° Universal Transverse Mercator: 11 402231.17 4459908.19 Name of nearest waterbody: Spring Valley Canyon Name of nearest Traditional Navigable Water (TNVV) into which the aquatic resource flows: N/A Name of watershed or Hydrologic Unit Code (HUC): Dixie Valley, 16060001 ☐ 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: September 7, 2018 ☐ Field Determination. Date(s):
	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) 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:
В.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area equired]
	 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, wide, and/or acres. Wetlands: acres.
	c Limits (houndaries) of jurisdiction based on: Pick List

Elevation of established OHVVIVI (if known):

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: SRK-SP3, SRK-SP-4, SRK-SP-7, SRK-SP-9, WRC-1089, WRC-1090, WRC-1094, Spring Valley Spring 1 and Spring Valley Spring 2 are adjacent to but do not directly abut Spring Valley Canyon. Spring Valley Canyon is a 47,946-linear foot ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site and prior to reaching Indian Creek. Indian Creek flows to the Buena Vista alkali flat a playa that does not connect to any Waters of the U.S. Spring Valley Canyon is an intrastate isolated, non-navigable waters with no interstate commerce connection.

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.

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 waterbody⁴ 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.

☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

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

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

	(b)	General Tributary Characteristics (check all that apply): Tributary is:
		Tributary properties with respect to top of bank (estimate): Average width: feet Average depth: feet Average side slopes: Pick List.
		Primary tributary substrate composition (check all that apply): Silts Sands Concrete Cobbles Gravel Muck Bedrock Vegetation. Type/% cover: Other. Explain:
		Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Presence of run/riffle/pool complexes. Explain: Tributary geometry: Pick List Tributary gradient (approximate average slope):
	(c)	Flow: Tributary provides for: Pick List Estimate average number of flow events in review area/year: Pick List Describe flow regime: Other information on duration and volume:
		Surface flow is: Pick List. Characteristics:
		Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
		Tributary has (check all that apply): Bed and banks OHWM ⁶ (check all indicators that apply): clear, natural line impressed on the bank changes in the character of soil shelving vegetation matted down, bent, or absent leaf litter disturbed or washed away sediment deposition water staining other (list): Discontinuous OHWM. ⁷ Explain:
		If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
		High Tide Line indicated by: oil or scum line along shore objects survey to available datum; physical markings; physical markings/characteristics vegetation lines/changes in vegetation types other (list):
(iii)	Cha cl	emical Characteristics: aracterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed haracteristics, etc.). Explain: ntify specific pollutants, if known:
(iv)	Bio	logical Characteristics. Channel supports (check all that apply):

⁸A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷lbid.

			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.	Cha		cteristics of wetlands adjacent to non-TNW that flow directly or indirectly into	TNW
	(i)		ysical Characteristics: General Wetland Characteristics: Properties:	
			Wetland size: acres Wetland type. Explain:	
			Wetland quality. Explain: Project wetlands cross or serve as state boundaries. Explain:	
		(b)	General Flow Relationship with Non-TNW: Flow is: Pick List, Explain:	
			Surface flow is: Pick List Characteristics:	
			Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:	
		(c)	Wetland Adjacency Determination with Non-TNW: Directly abutting Discrete wetland hydrologic connection. Explain: Ecological connection. Explain:	
		(d)	☐ Separated by berm/barrier. Explain: Proximity (Relationship) to TNW Project wetlands are Pick List river miles from TNW.	
			Project waters are Pick List aerial (straight) miles from TNW. Flow is from: Pick List. Estimate approximate location of wetland as within the Pick List floodplain.	
	(ii)	Cha	nemical Characteristics: naracterize wetland system (e.g., water color is clear, brown, oil film on surface; wat	ter quality; general watershed
			characteristics; etc.). Explain: entify specific pollutants, if known:	
	(iii)		ological Characteristics. Wetland supports (check all that apply): Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Habitat for: Federally Listed species. Explain findings:	
			☐ Fish/spawn areas. Explain findings: ☐ Other environmentally-sensitive species. Explain findings: ☐ Aquatic/wildlife diversity. Explain findings:	
3.	Cha	All	teristics of all wetlands adjacent to the tributary (if any) wetland(s) being considered in the cumulative analysis: Pick List proximately acres in total are being considered in the cumulative analysis.	
		For	r each wetland, specify the following:	
		Sur	<u>Directly abuts? (Y/N)</u> <u>Size (in acres)</u> <u>Directly abuts? (Y/N)</u> Immarize overall biological, chemical and physical functions being performed:	Size (in acres)

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:
- 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: Inear feet wide. Other non-wetland waters: acres. Identify type(s) of waters:
3.	Non-RPWs ⁸ 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:

_

⁸See Footnote #3.

4.	Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. ☐ 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 jurisidictional. 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.9 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).
WA 	CLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, EGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH ATERS (CHECK ALL THAT APPLY): 10 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:
Ide	entify water body and summarize rationale supporting determination:
	ovide 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.
	ON-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: Other: (explain, if not covered above):

E.

F.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook,
¹⁰ 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.

	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): Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: 1.54 acres. Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard waters are a finding in required for jurisdiction (shorts all that apply):
	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: acres.
SE	CTION 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: Aquatic Resources Map Index. Figures A-2b and A-2f, prepared by SRK Consulting, September 6, 2018. Data sheets prepared/submitted by or on behalf of the applicant/consultant. Coeur Rochester Mine Request for
	Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017 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; Rochester USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey.
	https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed September 6, 2018 National wetlands inventory map(s). Cite name: https://www.fws.gov/wetlands/Data/Mapper.html. Accessed September 6, 2018
	State/Local wetland inventory map(s): FEMA/FIRM maps:
	□ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) □ Photographs: □ Aerial (Name & Date): Google Earth Pro, December 30, 2016, Imagery Date or □ Other (Name & Date): Coeur Rochester Mine Request for Approved Jurisdictional Determination,
	prepared by SRK Consulting, March 2017 Previous determination(s). File no. and date of response letter: SPK-2000-25123, June 8, 2001, November 29, 2006 and June 6, 2012
	 □ Applicable/supporting case law: □ Applicable/supporting scientific literature: □ Other information (please specify):
B.	ADDITIONAL COMMENTS TO SUPPORT JD: Spring Valley Canyon is an ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site and prior to reaching Indian Creek. Indian Creek flows to the Buena Vista alkali flat, a playa that does not connect to any Waters of the U.S. SRK-SP3, SRK-SP-4, SRK-SP-7, SRK-SP-9, WRC-1089, WRC-1090, WRC-1094, Spring Valley Spring 1 and Spring Valley Spring 2 are adjacent to but do not directly abut Spring Valley Canyon. Spring Valley Canyon is an intrastate isolated, non-navigable waters with no interstate commerce connection. SRK-SP3, SRK-SP-4, SRK-SP-7, SRK-SP-9, WRC-1089, WRC-1090, WRC-1094, Spring Valley Spring 1 and Spring Valley Spring 2 are documented on wetland determination forms located in the documents submitted by SRK Consulting, appendix E, dated March, 2017. These sheets include the general area conditions, physical characteristics, chemical characteristics, and biological characteristics of each wetland evaluated. Spring Valley Canyon is documented on OHWM data sheets located in the documents submitted by SRK Consulting, appendix F, dated March, 2017. These sheets include the general area conditions, physical characteristics, and biological characteristics.
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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): September 7, 2018

	, , ,
В.	DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, COEUR NV PACKARD PROJECT MINE PERSHING, SPK-2000-25123 (Troy Canyon)
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: State: Nevada County/parish/borough: Pershing County City: Rochester Mine Center coordinates of site (lat/long in degree decimal format): Lat. 40.28395°, Long118.15014° Universal Transverse Mercator: 11 402231.17 4459908.19 Name of nearest waterbody: Troy Canyon Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A Name of watershed or Hydrologic Unit Code (HUC): Dixie Valley, 16060001 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: September 7, 2018 Field Determination. Date(s):
	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) 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:
В.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area equired]
	 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

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

☐ Isolated (interstate or intrastate) waters, including isolated wetlands

Non-wetland waters: linear feet, wide, and/or Wetlands:

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

Elevation of established OHWM (if known):

acres.

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: WRC-1036, WRC-1037 and SRK-SP12 are contiguous with Troy Canyon. Troy Canyon is a 45,946-linear foot ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site within the Buena Vista alkali flat. Troy Canyon is an intrastate isolated, non-navigable waters with no interstate commerce connection.

SECTION III: CWA ANALYSIS

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.

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 waterbody⁴ 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.

☐ Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries, Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

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

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

		Tributary is:	☐ Natural ☐ Artificial (man-made). Explain: ☐ Manipulated (man-altered). Ex	plain:
		Average wid Average de		mate):
		Primary tributary Silts Cobbles Bedrock Other. E	☐ Vegetation. Type/% c	☐ Concrete ☐ Muck
		Presence of run. Tributary geome	on/stability [e.g., highly eroding, slou /riffle/pool complexes. Explain: etry: Pick List nt (approximate average slope):	ghing banks]. Explain:
	(c)	Describe flo	e number of flow events in review ar	ea/year: Pick List
		Surface flow is:	Pick List. Characteristics:	
			: Pick List . Explain findings: other) test performed:	
		☐ Bed and ☐ OHWM ⁶ ☐ clear ☐ chang ☐ shelv ☐ veget ☐ leaf li ☐ sedin ☐ water ☐ other	(check all indicators that apply): , natural line impressed on the bank ges in the character of soil ring tation matted down, bent, or absent itter disturbed or washed away ment deposition r staining	□ the presence of litter and debris □ destruction of terrestrial vegetation □ the presence of wrack line □ sediment sorting □ scour □ multiple observed or predicted flow events □ abrupt change in plant community
		apply): ☐ High Tid ☐ oil or	e Line indicated by: scum line along shore objects	ine lateral extent of CWA jurisdiction (check all that ☐ Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical madriage.
		☐ physi ☐ tidal :	shell or debris deposits (foreshore) ical markings/characteristics gauges (list):	 □ physical markings; □ vegetation lines/changes in vegetation types
(iii)	Cha	emical Character aracterize tributary haracteristics, etc ntify specific pollu	y (e.g., water color is clear, discolore c.). Explain:	d, oily film; water quality; general watershed
(iv)			oristics. Channel supports (check Characteristics (type, average width Characteristics:	

^eA natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷lbid.

			Habitat for: Federally Listed speci Fish/spawn areas. Extended to the control of the contro	plain findings: -sensitive species. Expl	ain findings:	
2.	Cha	агас	teristics of wetlands adja	cent to non-TNW that	Now directly or indirectly into	TNW
	(i)		ysical Characteristics: General Wetland Charac Properties: Wetland size: Wetland type. Explai Wetland quality. Expl Project wetlands cross of	acres n: ain:	es. Explain:	
		(b)	General Flow Relationsh Flow is: Pick List. Explai			
			Surface flow is: Pick Lis Characteristics:	t		
			Subsurface flow: Pick Lie Dye (or other) test			
		(c)	Wetland Adjacency Dete Directly abutting Not directly abutting Discrete wetland h Ecological connect Separated by bern	ydrologic connection. E tion. Explain:		
		(d)	Proximity (Relationship) (Project wetlands are Pick Project waters are Pick I Flow is from: Pick List Estimate approximate local Proximate Inc.)	k List river miles from TN List aerial (straight) miles		
	(ii)	Cha	emical Characteristics: aracterize wetland system tharacteristics; etc.). Expla ntify specific pollutants, if I	iin:	r, brown, oil film on surface; wa	ater quality; general watershed
	(iii)	吕.	Nogical Characteristics. Riparian buffer. Character Vegetation type/percent contains the contain	ristics (type, average wid over. Explain: es. Explain findings: plain findings: r-sensitive species. Expl	th):	
3.	Cha	All	teristics of all wetlands a wetland(s) being consider proximately acres in	ed in the cumulative anal		
		For	each wetland, specify the	following:		
			Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

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:

- 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:
- 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 ⁸ 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.

⁸See Footnote #3.

	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. ☐ 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 jurisidictional. 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.9 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).
WA COLO	DLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, GRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH ATERS (CHECK ALL THAT APPLY): 10 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:
Ide	ntify water body and summarize rationale supporting determination:
	ovide 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.
	N-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).

E.

F.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook,
¹⁰ 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.

	 ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: ☐ 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): Innear feet, wide. Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: 0.05 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: acres.
SE	CTION IV: DATA SOURCES.
Α.	where checked and requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Aquatic Resources Map Index. Figures A-2c, A-2g and A-2h, prepared by SRK Consulting, September 6, 2018. Data sheets prepared/submitted by or on behalf of the applicant/consultant. Coeur Rochester Mine Request for Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017 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; Rochester USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed September 6, 2018 National wetlands inventory map(s). Cite name: https://www.fws.gov/wetlands/Data/Mapper.html. Accessed September 6, 2018 State/Local wetland inventory map(s):
	FEMA/FIRM maps: 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) Photographs: Aerial (Name & Date): Google Earth Pro, December 30, 2016, Imagery Date or Other (Name & Date): Coeur Rochester Mine Request for Approved Jurisdictional Determination, prepared by SRK Consulting, March 2017
	Previous determination(s). File no. and date of response letter: SPK-2000-25123, June 8, 2001, November 29, 2006 and June 6, 2012 Applicable/supporting case law: Applicable/supporting scientific literature: Other information (please specify):
В.	ADDITIONAL COMMENTS TO SUPPORT JD: Troy Canyon is an ephemeral drainage that loses evidence of an OHWM approximately 7 miles from the mine site within the Buena Vista alkali flat, a playa that does not connect to any Waters

approximately 7 miles from the mine site within the Buena Vista alkali flat, a playa that does not connect to any Waters of the U.S. WRC-1036, WRC-1037 and SRK-SP12 are contiguous with Troy Canyon. Troy Canyon is an intrastate isolated, non-navigable waters with no interstate commerce connection. WRC-1036, WRC-1037 and SRK-SP12 are documented on wetland determination forms located in the documents submitted by SRK Consulting, appendix E, dated March, 2017. These sheets include the general area conditions, physical characteristics, chemical characteristics, and biological characteristics of each wetland evaluated. Troy Canyon is documented on OHWM data sheets located in the documents submitted by SRK Consulting, appendix F, dated March, 2017. These sheets include the general area conditions, physical characteristics, and biological characteristics, and biological characteristics.