



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [December 22, 2020](#).

ORM Number: [SPK-2020-00319](#).

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [Nevada](#). City: [Las Vegas](#). County/Parish/Borough: [Clark County](#).

Center Coordinates of Review Area: Latitude [36.0383°](#). Longitude [-115.2577°](#).

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: [N/A](#).
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	acres	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	acres	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	acres	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	acres	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	acres	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
UT-Duck Creek	0.77	Acres Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The subject channel flows only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Jurisdictional Determination Report for KB Home BLM Parcel 47. Prepared by NewFields, December 2019.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#) .

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other. Jurisdictional Determination Report for KB Home BLM Parcel 47, Appendix C, Photographs. Prepared by NewFields, December 2019. GoogleEarth 7.3.3.7692. \(2019, October 18 and 2020, February, 8\). Enterprise, Nevada. 36.0383° latitude, 115.2577° longitude. Retrieved October 07, 2020, from <http://www.earth.google.com>.](#)

Corps site visit(s) conducted on: .

Previous Jurisdictional Determinations (AJDs or PJDs): .

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: .

USFWS NWI maps: [USFWS. \(n.d.\). National Wetland Inventory. Project area: Stateline, Nevada. Source imagery date: 1983. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved October 07, 2020, from Wetlands Mapper: <https://www.fws.gov/wetlands/data/mapper.html>.](#)

USGS topographic maps: [USGS. \(2018\). Topographic Map Blue Diamond SE, NV. 1:24,000 scale. 2018. Reston, VA, USA: U.S. Dept. of the Interior. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#12/42.2093/-111.0122> <<https://ngmdb.usgs.gov/topoview/viewer/#12/42.2093/-111.0122>>.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Issues	N/A.

B. Typical year assessment(s): The field data collection on September 24 and November 06, 2019 was collected during the dry season. The Antecedent Precipitation Calculator indicated that at the time the field data was collected the area was experiencing normal conditions for the dry season. Aerial photos accessed through Digital Globe were generated for October 18, 2019, in between the two data collection dates, and showed no sign of water within the channel. The ground photographs provided by NewFields (2019) document a channel with a clear ordinary high water mark but without evidence of persistent flow. The channel is free of hydrophytic vegetation and algae which we typically find in low gradient intermittent



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and perennial streams and ditches in this region. Review of Google Earth aerial photography from typically wet periods (2/8/2020) did not reveal the presence of surface water anywhere within the review area.

- C. Additional comments to support AJD:** Review of available information indicates that the water flows or pools only in direct response to precipitation (e.g., rain or snow fall). USGS has mapped the subject channel as a wide wash within the review area (2018). The combination of local climate (arid) and the substrate of the channels are consistent with the observed ephemeral nature of the subject channels. There is no information available to indicate that the subject channel flows continuously seasonally and more than in direct response to precipitation (e.g., seasonally when the groundwater table is elevated). No adjacent or abutting wetlands which could contribute water have been identified. This data supports the conclusion that the subject channel is ephemeral and not seasonally intermittent.