



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): January 20, 2021
ORM Number: SPK-2020-00672
Associated JDs: SPK-2009-00597 PJD for North Truckee Drain Realignment Project
Review Area Location¹:
State/Territory: NV City: Sparks County/Parish/Borough: Washoe County
Center Coordinates of Review Area: Latitude 39.552169 Longitude -119.720383

II. FINDINGS

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

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

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

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

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

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

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

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

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

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



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
North Truckee Drain	6.16 acres	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	The North Truckee Drain is a perennial feature that contributes flow in a typical year to the Truckee River, a TNW; however, the North Truckee Drain is not a relocated tributary, constructed in a tributary, or constructed in an adjacent wetland.

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: *Final Aquatic Resources Delineation Report, City of Sparks- North Truckee Drain Project*. NCE, August 2020.

This information (*is and is not*) sufficient for purposes of this AJD.

Rationale: *Additional research was required to try to identify other historic mapping that referenced the Dry Channel, Tule Swamp and Slough features that were identified to determine if the North Truckee Drain was in fact a relocated tributary, constructed in a tributary, or constructed in an adjacent wetland.*

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: *Final Aquatic Resources Delineation Report, City of Sparks- North Truckee Drain Project*. NCE, August 2020. *Appendix C*.

A Cultural Resources Assessment for the North Truckee Drain Relocation Project, Washoe County, Nevada. HDR, August 2012. Pgs 22-33

historicaerials.com, accessed 1/13/2021, Latitude 39.5278916, Longitude - 119.7096977, 1954.

Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): SPK-2009-00597 PJD for North Truckee Drain Realignment Project, October 19, 2010.

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

USDA NRCS Soil Survey: *Final Aquatic Resources Delineation Report, City of Sparks- North Truckee Drain Project*. NCE, August 2020. *Appendix B, Figure 5*.

USFWS NWI maps: *Final Aquatic Resources Delineation Report, City of Sparks- North Truckee Drain Project*. NCE, August 2020. *Appendix B, Figure 7*.

USGS topographic maps: *Final Aquatic Resources Delineation Report, City of Sparks- North Truckee Drain Project*. NCE, August 2020. *Appendix B, Figure 3*.

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historicaerials.com, accessed 1/13/2021, Latitude 39.5278916, Longitude - 119.7096977, 1959.

ngmdb.usgs.gov, accessed 1/20/2021, Latitude 39.5278916, Longitude -119.7096977, 1891 all revisions, 1959 revision of the 1957 topographic map.

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 Sources	<i>A Cultural Resources Assessment for the North Truckee Drain Relocation Project, Washoe County, Nevada.</i> HDR, August 2012. Pgs 22-33

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

C. Additional comments to support AJD: The 1863 GLO plat map referenced in the August 2020 Aquatic Resources Delineation Report and in the August 2012 Cultural Resource Assessment, in addition to the narrative within this report, identifies a Slough, Tule Swamp and a Dry Channel. This plat map is the only resource that was found that identifies these resources. The Dry Channel reference was interpreted as identifying an ephemeral feature and because this feature would be exempt under the current regulation, no further research was conducted on this feature being incorporated into the North Truckee Drain. The Slough feature was investigated using historic topographic maps and was determined to not be located within the alignment of the historic or current North Truckee Drain channel. The Slough’s confluence with the Truckee River appears to be further downstream from the North Truckee Drain and this feature was more likely realigned into the North Truckee Irrigation Ditch, outside of the past or current footprint of the North Truckee Drain. The Tule Swamp area was only referenced on the 1863 plat map and no other historic maps investigated referenced this feature. There was no conclusive evidence on any of the historic aerial photographs that were located that allows for the identification of a naturally wet area that would have been adjacent to the Slough as indicated on the 1863 plat map. The narrative description provided in the 2012 Cultural Resources Assessment could not be verified through the comparative analysis of the historic mapping that was utilized for this investigation. Based on the research conducted, while the North Truckee Drain contributes perennial flow to a TNW in a typical year, it is not a relocated tributary, was not constructed in a tributary and was not constructed in a wetland adjacent to a tributary and therefore is exempt from jurisdiction under Section 404 of the Clean Water Act under the Navigable Waters Protection Rule.

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