



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 31, 2020

ORM Number: SPK-2020-00382

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: NV City: Washoe Valley County/Parish/Borough: Washoe County

Center Coordinates of Review Area: Latitude 39.262983 Longitude -119.832227

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
AR-1	245 feet	(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)	AR-1 is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.
AR-2	2238 feet	(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)	AR-2 is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary. This ditch was constructed in wetland AR-6 which is a non-adjacent wetland that is a (b)(1) exempted resource.
AR-3	598 feet	(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)	AR-3 is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.
AR-4	975 feet	(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)	AR-4 is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.
AR-5	489 feet	(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)	AR-5 is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.
AR-6	6.5 acres	(b)(1) Non-adjacent wetland	wetlands meets the definition of paragraph (c)(16); however, they do not abut, nor are they inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor are they physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier.

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			Furthermore, there is no hydrologic surface water connection between these wetlands and a paragraph (a)(1) – (a)(3) water in a typical year. The wetland is adjacent to and flows to a roadside ditch north of the study area and this roadside ditch is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.
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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: *Aquatic Resources Delineation Report, Smith Property, May 1, 2020, Resource Concepts, Inc.*  
This information (is) sufficient for purposes of this AJD.  
Rationale: *This report sufficiently describes each aquatic resource boundary, source, and flow path.*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *(NA, aerial, other, aerial and other): Aquatic Resources Delineation Report, Smith Property, May 1, 2020, Resource Concepts, Inc., Attachment C.*  
*Google Earth 7.3.3.7692. (2018 November 16 and 1990 June 03). Washoe Valley, Nevada. Latitude 39.262983, Longitude -119.832227, eye alt 8,330 ft. Retrieved December 31, 2020, from http://www.earth.google.com.*
- Corps Site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool:
- USDA NRCS Soil Survey: *Aquatic Resources Delineation Report, Smith Property, May 1, 2020, Resource Concepts, Inc., Figure 2.*
- USFWS NWI maps: *Aquatic Resources Delineation Report, Smith Property, May 1, 2020, Resource Concepts, Inc., Figure 3.*
- USGS topographic maps: *Aquatic Resources Delineation Report, Smith Property, May 1, 2020, Resource Concepts, Inc., Figure 1.*  
*Historicaerials.com, Location: Latitude 39.262983, Longitude -119.832227, T1952*

**Other data sources used to aid in this determination:**

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

- B. Typical year assessment(s):** A typical year assessment was not conducted or needed to assess the resources located on the site.
- C. Additional comments to support AJD:** ARs-1, 2, 3, 4, and 5 are all agricultural irrigation ditches that were constructed in uplands. AR-6 is a wetland that flows to the roadside ditch north of the study area. The roadside ditch was constructed wholly in uplands and is not a paragraph (a)(1) – (a)(3) water.

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