



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): March 1, 2021

ORM Number: SPK-2000-25139

Associated JDs:

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

State/Territory: NV City: NW of Carlin County/Parish/Borough: Elko County

Center Coordinates of Review Area: Latitude 41.031209 Longitude -116.432882

**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):

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

**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
AR01	0.01 acres	(b)(1) Non-adjacent wetland	This wetland is abutting Channel 3 which is a non-jurisdictional channel due to having no connecting to an (a)(1) or (a)(2) water.
AR05	2.7 acres	(b)(1) Non-adjacent wetland	This wetland is abutting Channel 7 which is a non-jurisdictional channel due to having no connecting to an (a)(1) or (a)(2) water.
AR09	2.02 acres	(b)(1) Non-adjacent wetland	This wetland is abutting Channel 7 which is a non-jurisdictional channel due to having no connecting to an (a)(1) or (a)(2) water.
AR27	0.02 acres	(b)(1) Non-adjacent wetland	This wetland does not meet the definition of adjacency. The closest perennial or intermittent stream is over 1600 feet away with no potential for connection via flooding from the stream, as the wetland is several hundred feet upgradient.
Channel 11	0.2 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Channel 11 is an intermittent tributary of Boulder Creek. Boulder Creek does not connect to the Humboldt River, the nearest RPW. There is no connection to an (a)(1) or (a)(2) water.
Channel 3	0.01 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Channel 3 is an intermittent tributary of Boulder Creek. Boulder Creek does not connect to the Humboldt River, the nearest RPW. There is no connection to an (a)(1) or (a)(2) water.

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Channel 7	0.07 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Channel 7 is a perennial tributary of Boulder Creek. Boulder Creek does not connect to the Humboldt River, the nearest RPW. There is no connection to an (a)(1) or (a)(2) water.
Channel A6	0.53 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Channel A6 is an intermittent tributary of Boulder Creek. Boulder Creek does not connect to the Humboldt River, the nearest RPW. There is no connection to an (a)(1) or (a)(2) water.

**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 Resource Delineation Report Arturo Project dated April 15, 2020.  
This information is sufficient for purposes of this AJD.  
Rationale: N/A.

\_\_\_ Data sheets prepared by the Corps:.

Photographs: *Aerial: GoogleEarth 7.3.3.7692. (04 July 2021) Retrieved February 24, 2021. Photographs from the Aquatic Resource Delineation Report.*

\_\_\_ Corps Site visit(s) conducted on: N/A.

Previous Jurisdictional Determinations (AJDs or PJDs): SPK-2000-25139 dated: July 17, 2001, August 13, 2010, May 09, 2014, July 08, 2015, June 09, 2017.

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

\_\_\_ USDA NRCS Soil Survey: .

\_\_\_ USFWS NWI maps:

\_\_\_ USGS topographic maps: .

**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.

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State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

**C. Additional comments to support AJD:** The project area has had six previous approved jurisdictional determinations. In 2014 the Corps issued a determination that all waters identified within the 3,510-acre Arturo Mine Plan of Operations Boundary contained no waters of the United States and are not regulated under Section 404 of the Federal Clean Water Act. This determination was made for the same Arturo Mine Plan of Operations Boundary as was surveyed during the 2019 delineation. In 2017 the Corps issued a determination that within the 10,222-acre Goldstrike Mine project area, all waters identified within the Goldstrike Mine project area were tributary to Boulder Creek, which was determined to be considered not regulated under section 404 of the Federal Clean Water Act.

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