



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): 31 AUG 2021

ORM Number: SPK-1998-25037

Associated JDs: SPK-1993-00627, SPK-2002-25007.

Review Area Location¹:

State/Territory: NV City: Valmy County: Humboldt County

Center Coordinates of Review Area: Latitude 41.27926 Longitude -117.085134

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 exelcusions but 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
32-43-06-32	0.24 acres	(b)(1) Non-adjacent wetland	Abutting Trout Creek. Non-jurisdictional due to Trout Creek not being jurisdictional.
32-43-10-41	2.97 acres	(b)(1) Non-adjacent wetland	Abutting Trout Creek. Non-jurisdictional due to Trout Creek not being jurisdictional.
32-43-21-22	0.44 acres	(b)(1) Non-adjacent wetland	Abutting Trout Creek. Non-jurisdictional due to Trout Creek not being jurisdictional.
32-43-22-12	0.07 acres	(b)(1) Non-adjacent wetland	Abutting Trout Creek. Non-jurisdictional due to Trout Creek not being jurisdictional.
32-43-27-23	0.21 acres	(b)(1) Non-adjacent wetland	Abutting Trout Creek. Non-jurisdictional due to Trout Creek not being jurisdictional.
32-43-28-43	0.02 acres	(b)(1) Non-adjacent wetland	Abutting upper Cottonwood Creek. Non-jurisdictional due to Cottonwood Creek not being jurisdictional.
32-43-30-12	0.19 acres	(b)(1) Non-adjacent wetland	Abutting upper Cottonwood Creek. Non-jurisdictional due to Cottonwood Creek not being jurisdictional.
32-43-33-22	4.19 acres	(b)(1) Non-adjacent wetland	Abutting upper Cottonwood Creek. Non-jurisdictional due to Cottonwood Creek not being jurisdictional.
Cottonwood Creek	11.16 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	An intermittent stream, Cottonwood Creek flows downstream of the survey area, is diverted under Buffalo Valley and terminates before connecting to a TNW.
Trenton Creek	4.09 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	An intermittent stream, Trenton Creek dissipates into Buffalo Valley and terminates before connecting to a TNW.
Trout Creek	7.16 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	An intermittent stream, Trout Creek is diverted into the Millennium Catchment reservoir at Marigold Mine, then further diverted into Cottonwood Creek where the drainage then dissipates before reaching a TNW.
Willow Creek	0.03 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	Willow Creek flows from the southern slopes of the Battle Mountain Range into Lower Buffalo Valley and dissipates before reaching a TNW.

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 Trenton Canyon, dated January 07, 2021 submitted by HDR.
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: GoogleEarth 7.3.3.7692. (December 2020). Humboldt County, Nevada. Latitude 40.64 Longitude -117.17, eye alt 48660 ft. Retrieved August 17, 2021, from

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<http://www.earth.google.com>. Aquatic Resource Delineation Report Trenton Canyon
Appendix C: On-site Photographs.

- ___ Corps Site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): 1993-00627 dated August 9, 2019.
2002-25007 dated May 01, 2002.
- ___ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ___ USDA NRCS Soil Survey: Title(s) and/or date(s).
- ___ USFWS NWI maps: Title(s) and/or date(s).
- ___ USGS topographic maps: Title(s) and/or date(s).

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	N/A.

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

C. Additional comments to support AJD: Rye Patch Reservoir, an impoundment of the Humboldt River, is the closest TNW. The project area is 61 miles away from the Humboldt River and several hundred miles away from Rye Patch Reservoir. Each of the intermittent tributaries in the survey area dissipate before reaching the Humboldt River. Hydrology in the survey area depends on springs, storm events, and snow melt.

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