

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): February 21, 2023

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, RNO-AZ03, SPK-2023-00066

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Nevada** County/parish/borough: **Lyon County** City: **Silver City**
Center coordinates of site (lat/long in degree decimal format): Lat. **39.414183486861°**, Long. **-119.245267327967°**
Universal Transverse Mercator: **11 306707.26 4365145.93**

Name of nearest waterbody:

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Carson River**

Name of watershed or Hydrologic Unit Code (HUC): **Middle Carson, 16050202**

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form:

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: 21-Feb-2023
 Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **2023.02.21-Revised Aquatic Resources Map-202300066 and the Aquatic Resource Delineation Report, RNO-AZ03, Silver Springs, NV, dated January 3, 2023.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 Office concurs with data sheets/delineation report.
 Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
 Corps navigable waters' study:
 U.S. Geological Survey Hydrologic Atlas:
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; Silver Springs North**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **Aquatic Resource Delineation Report, RNO-AZ03, Silver Springs, NV, dated January 3, 2023, Exhibit 4—NRCS Soil Survey**
- National wetlands inventory map(s). Cite name: **Aquatic Resource Delineation Report, RNO-AZ03, Silver Springs, NV, dated January 3, 2023, Exhibit 3—NWI Map**
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: **Aquatic Resource Delineation Report, RNO-AZ03, Silver Springs, NV, dated January 3, 2023, Exhibit 5—FEMA FIRM Map**
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
or Other (Name & Date): **Aquatic Resource Delineation Report, RNO-AZ03, Silver Springs, NV, dated January 3, 2023, Exhibit 7—Photo Reference Map**
- Previous determination(s). File no. and date of response letter:
 Applicable/supporting case law:
 Applicable/supporting scientific literature:
 Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: The applicant initially submitted an aquatic resources delineation report on January 16, 2023, which was 272 acres and included a larger portion in the southwest corner of the study area. Within the southwest corner of the study area was an ephemeral drainage, ES-01, measuring at 1,041 linear feet, which was presumed jurisdictional by the project's consultant. On February 14, 2023, Samuel Bohannon had a conversation with the project's consultant, Hunter Watkins of Terracon, adherent to Regulatory Guidance Letter 16-01, to suggest a Dry Land AJD for the project area and to exclude the ephemeral drainage, ES-01, or have the feature verified through a Preliminary Jurisdictional Determination or an Aquatic Resources Verification. On February 21, 2023, the Corps received an updated aquatic resources delineation map of 258 acres and a cover letter which excluded ES-01 from the study area. The other three delineated desert wash features lack OHWM indicators and therefore the remainder of the project area is uplands only.