



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SOUTH PACIFIC DIVISION
450 GOLDEN GATE AVENUE
SAN FRANCISCO CALIFORNIA 94102-3661

CESPD-PDO (1145d.1200a)

10 April 2024

MEMORANDUM FOR RECORD

SUBJECT: Stand-Alone Traditional Navigable Water Determination, Rye Patch Reservoir in Nevada, SPK-2007-01874.

1. References:

a. CESPK-ZA, memorandum (Recommendation for Stand-Alone Traditional Navigable Water Determination, Rye Patch Reservoir in Nevada, SPK-2007-01874), 23 February 2024.

b. 33 CFR §328.3(a)(1)(i).

c. Clean Water Act (Public Law 92-500).

2. As per reference 1.a, on 23 February 2024, the Sacramento District submitted enclosures 1 and 2, pursuant to applicable guidance. SPK found that Rye Patch Reservoir was used and continues to be used in interstate or foreign commerce within the meaning of reference 1.b. Based on these findings, SPK recommended that the South Pacific Division determine Rye Patch Reservoir to be a Traditional Navigable Water (TNW), pursuant to reference 1.b.

3. The term Traditional Navigable Waters, as used here, are those waters described in reference 1.b: "all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide."

4. Rye Patch Reservoir was used in the past and continues to be used for commercial fishing for carp (*Cyprinus carpio*) and Sacramento blackfish (*Orthodon microlepidotus*). Commercial fishing began in 1998 and continues with Sacramento blackfish netted in Rye Patch Reservoir marketed in San Francisco, California. Both carp and Sacramento blackfish have been shipped to markets in California and Oregon in the past but, while carp are still harvested by the licensed commercial fishing operation, there has not been a market for carp in the last eight years. The operation requires two boats, with the smaller boat pulling a purse sein in a semicircle around the larger boat. The larger boat then hauls in the catch.

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5. Based on the documentation of past and current commercial use, the South Pacific Division determines that Rye Patch Reservoir is a Traditional Navigable Water pursuant to the above references. This determination replaces the determination made by SPK on 4 March 2009.

6. Points of contact for this memorandum are:

a. Mr. [REDACTED] [REDACTED] [REDACTED]@usace.army.mil.

b. Ms. [REDACTED] [REDACTED] [REDACTED]@usace.army.mil.

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S.J. [REDACTED]

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2 Encls

1. SPK Report of Findings
2. SPK OC Opinion

JAMES J. HANDURA
COL, EN
Commanding