



US Army Corps
of Engineers®

Regulatory Division

Public Notices

SPECIAL PUBLIC NOTICE – SPK-2007-01871, Navigability Determination for the Carson River and its East Fork in California and Nevada

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On May 19, 2021, the Commander of the South Pacific Division of the U.S. Army Corps of Engineers determined that the Carson River from river mile (RM) 32.5 at the Nevada Highway 117 bridge, upriver to and including the East Fork Carson River to the confluence with Silver King Creek (RM 177.5) in Alpine County, California, is a navigable water of the United States pursuant to the Rivers and Harbors Act of 1899 and 33 CFR Part 329. The determination was made based on a report of findings prepared by the Sacramento District.

Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody and is not extinguished by later actions nor events which impede or destroy navigable capacity. (33 CFR §329.4).

From 1861 to 1900, during the Comstock mining era, the Carson River and the East Fork Carson River were used to transport fuel-wood, logs, and lumber from Alpine County, California to Empire City, Dayton, and Sutro, Nevada. The wood was used in the silver mines and ore reduction mills associated with the Comstock mines.

The reach from Sutro to the Nevada Highway 117 bridge above Fallon, Nevada (RM 32.5) was susceptible to this use by virtue of its physical similarity to the reach above Sutro and as demonstrated by its use by recreational boaters using equipment analogous to the boats used during the wood-driving era.

The navigability determination will improve and expedite jurisdictional determinations made by the Sacramento District under the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act in the Carson River watershed.