



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

November 22, 2023

Regulatory Division (SPK-2022-00148)



Dear [REDACTED]:

We are responding to your October 16, 2023 request for an approved jurisdictional determination for the *Rough Hat Solar Project* site. The approximately 2,495-acre project site is located 11 miles southeast of Pahrump along the southwest side of Highway 160, with an approximate center point at Latitude 36.100889°, Longitude 115.831744°, Clark County, Nevada (*Enclosure 1*).

Based on available information, we concur with your aquatic resource's delineation for the site, as depicted on the enclosed November 20, 2023 "Aquatic Resource Delineation Mapbook" drawings, prepared by Huffman-Broadway Group, Inc. (*Enclosure 2*). Approximately 20.11 acres (86,681 linear feet) of drainage channels are present within the survey area. This letter verifies that the location and boundaries of non-tidal waters conform with the ordinary high water mark definition at 33 CFR §328.3(c)(7), Regulatory Guidance Letter 05-05, and any applicable regional guide.

We have determined that all identified aquatic features on site, consisting of those features identified as channels R2 – R24, totaling 20.11 acres/86,681 linear feet, are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act. We are enclosing a copy of the *Approved Jurisdictional Determination Memorandum For Record* for your site (*Enclosure 3*).

This approved jurisdictional determination is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. A *Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form* is enclosed (*enclosure 4*). If you request to appeal this determination, you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPD-PDO,

1455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

We recommend that you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

We appreciate feedback, especially about interaction with our staff and our processes. For program information or to complete our Customer Survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Please refer to identification number SPK-2022-00148 in any correspondence concerning this project. If you have any questions, please contact [REDACTED]

Sincerely

for [REDACTED]

Enclosures

cc: [REDACTED]

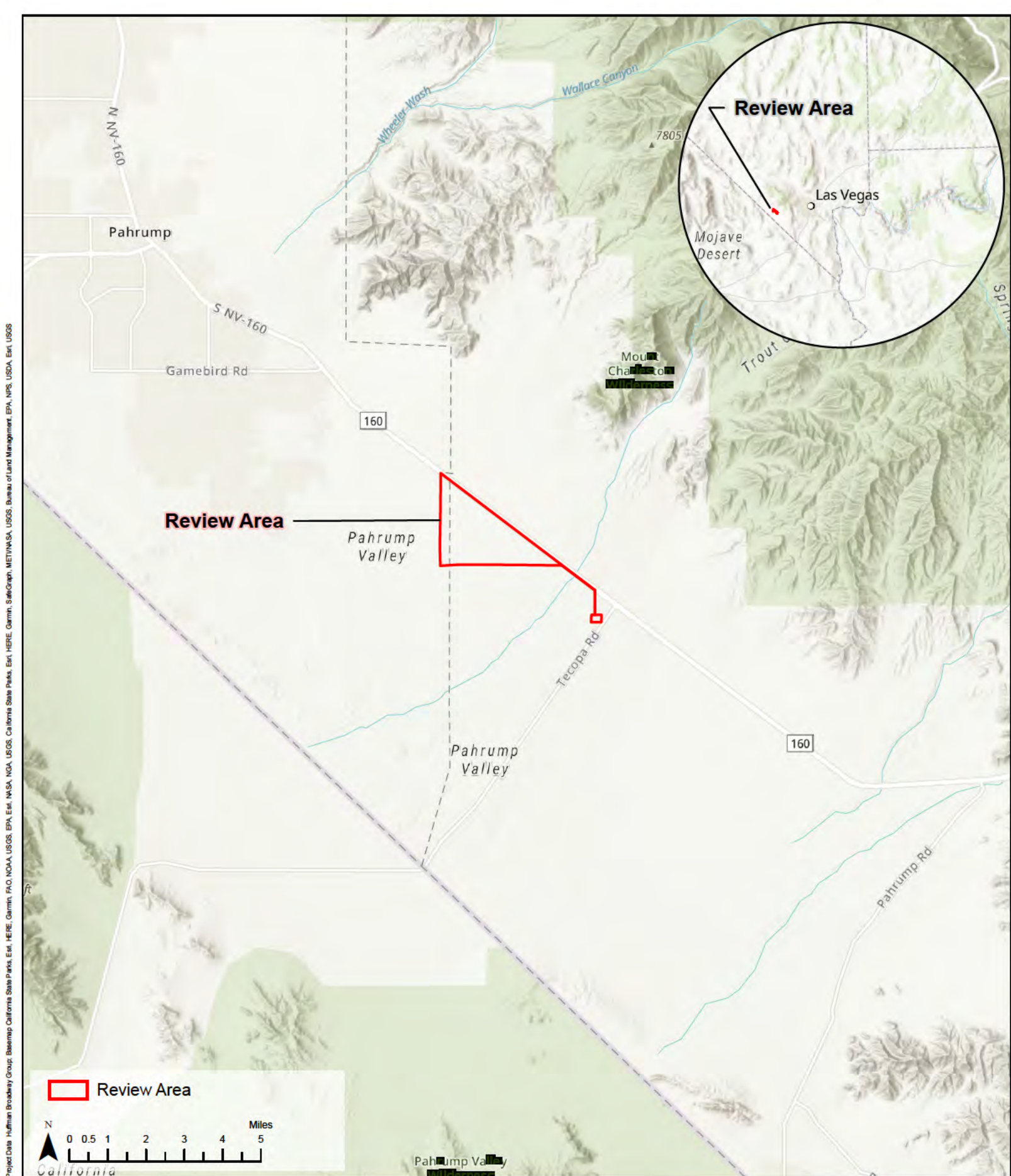


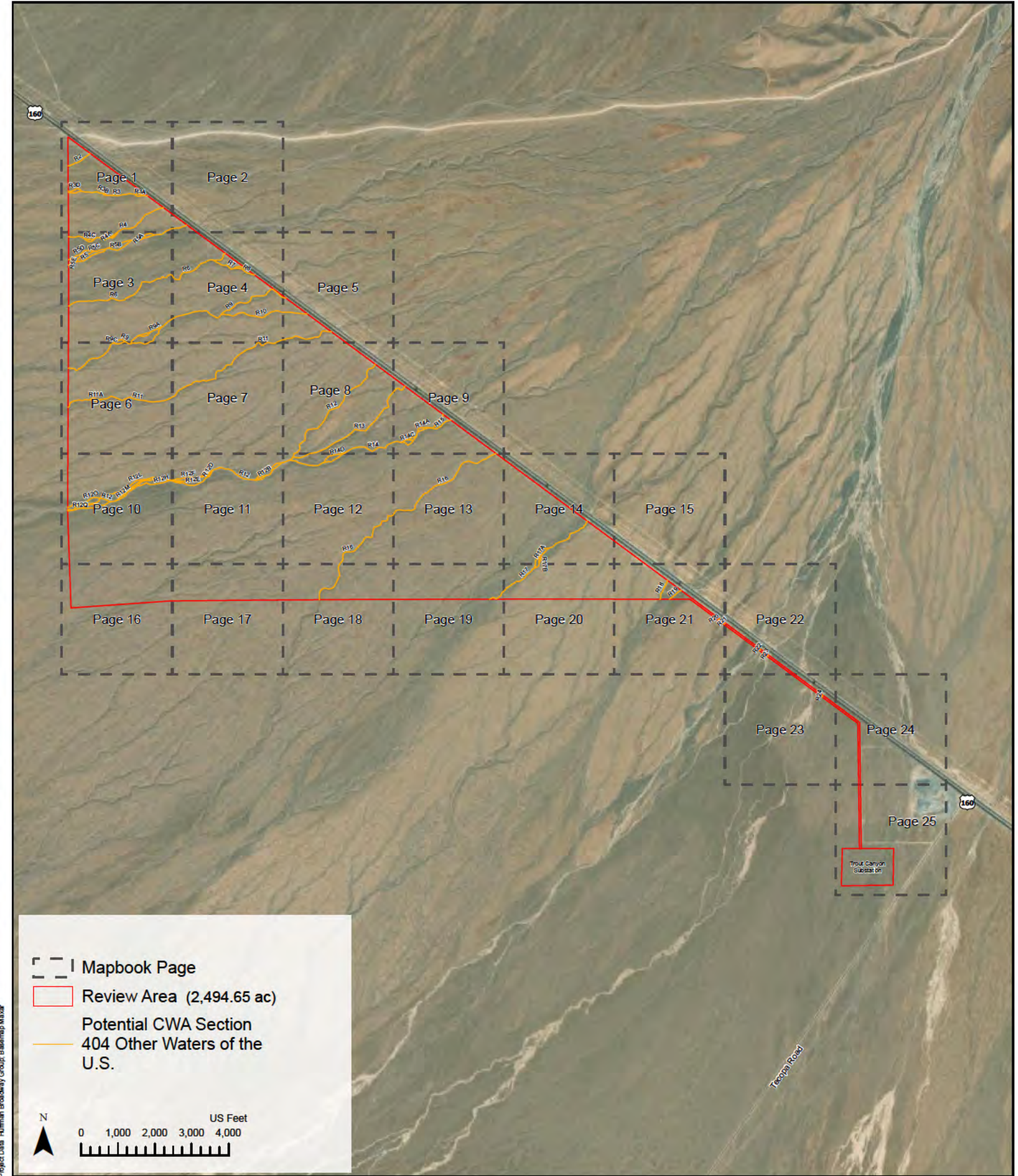
Figure 1. Review Area Location

Rough Hat Solar Project
Clark County, Nevada

Huffman-Broadway Group, Inc.
ENVIRONMENTAL REGULATORY CONSULTANTS

Spatial Reference
Name NAD 1983 2011 StatePlane Nevada East FIPS 2701 FT US
Scale 1:200,000
Date Created 11/16/2022
Date Revised 11/17/2023
HBG GIS Analyst
HBG PM

Project Data: Huffman Broadway Group, Basemap: Maxar



Mapbook Page

Review Area (2,494.65 ac)

Potential CWA Section

404 Other Waters of the U.S.

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1,000

2,000

3,000

4,000

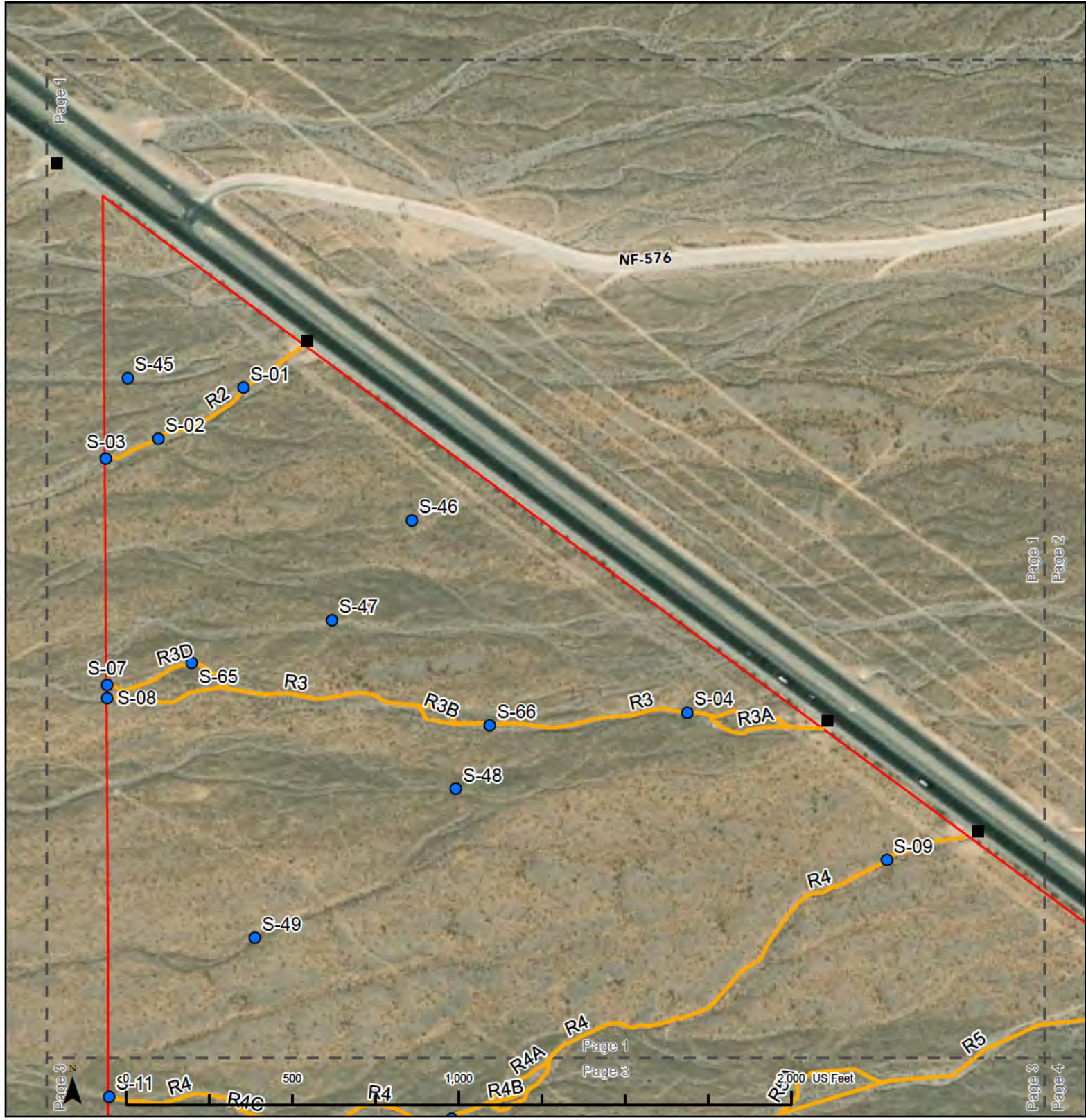
US Feet

Aquatic Resource Delineation Mapbook Overview

Rough Hat Solar Project

Clark County, Nevada

Project Data: Huffman Broadway Group, LLC.; Basemap Imagery Credits: California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri Community Maps Contributors, California State Parks, ©



<div><div></div> Review Area (ac)</div> <div><div></div> S Highway 160 Culvert</div> <div><div></div> Sample Point</div> <div><div></div> Potential CWA Section 404 Other Waters of the U.S.</div>	<div>Page 1</div>		
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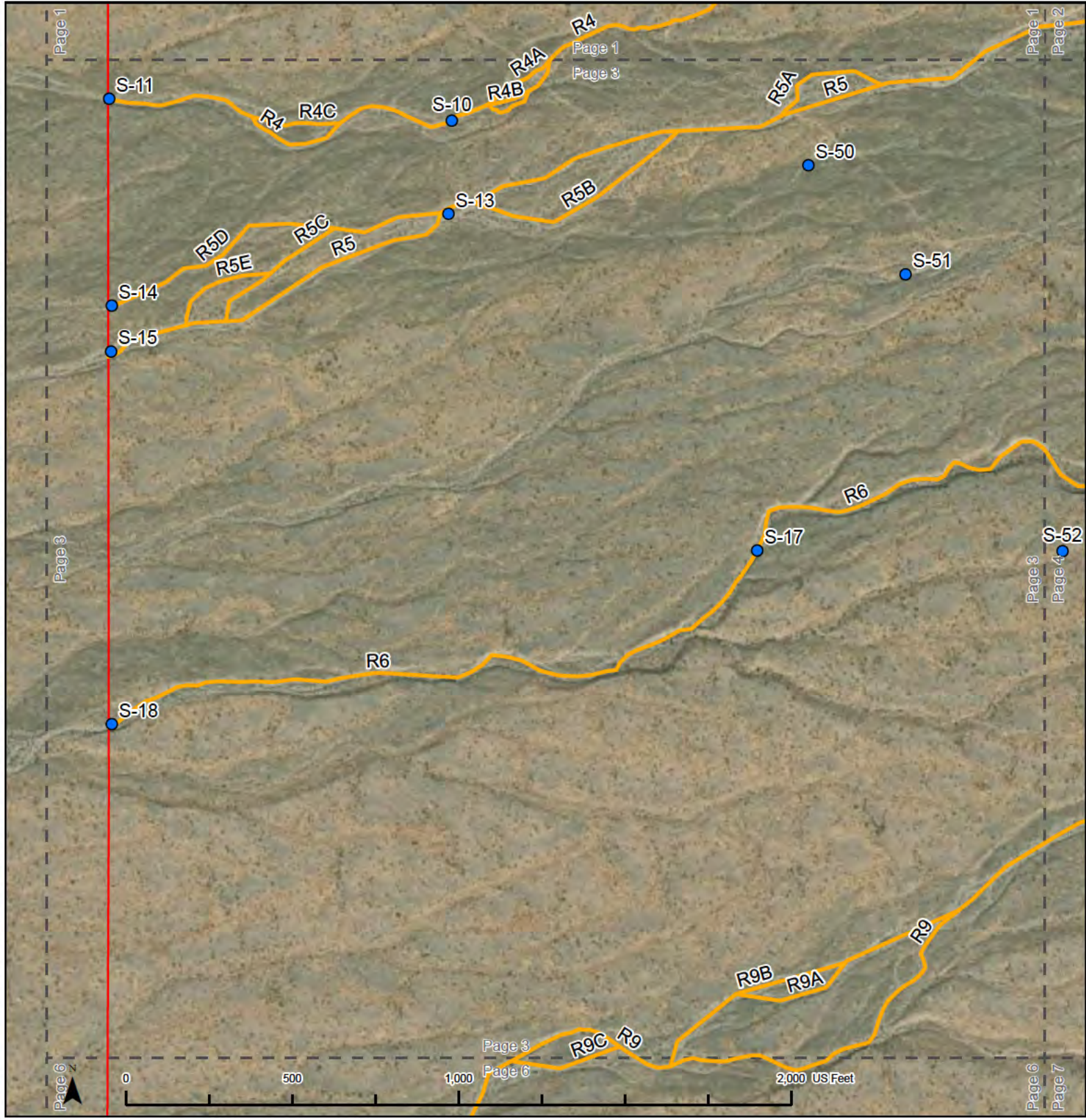
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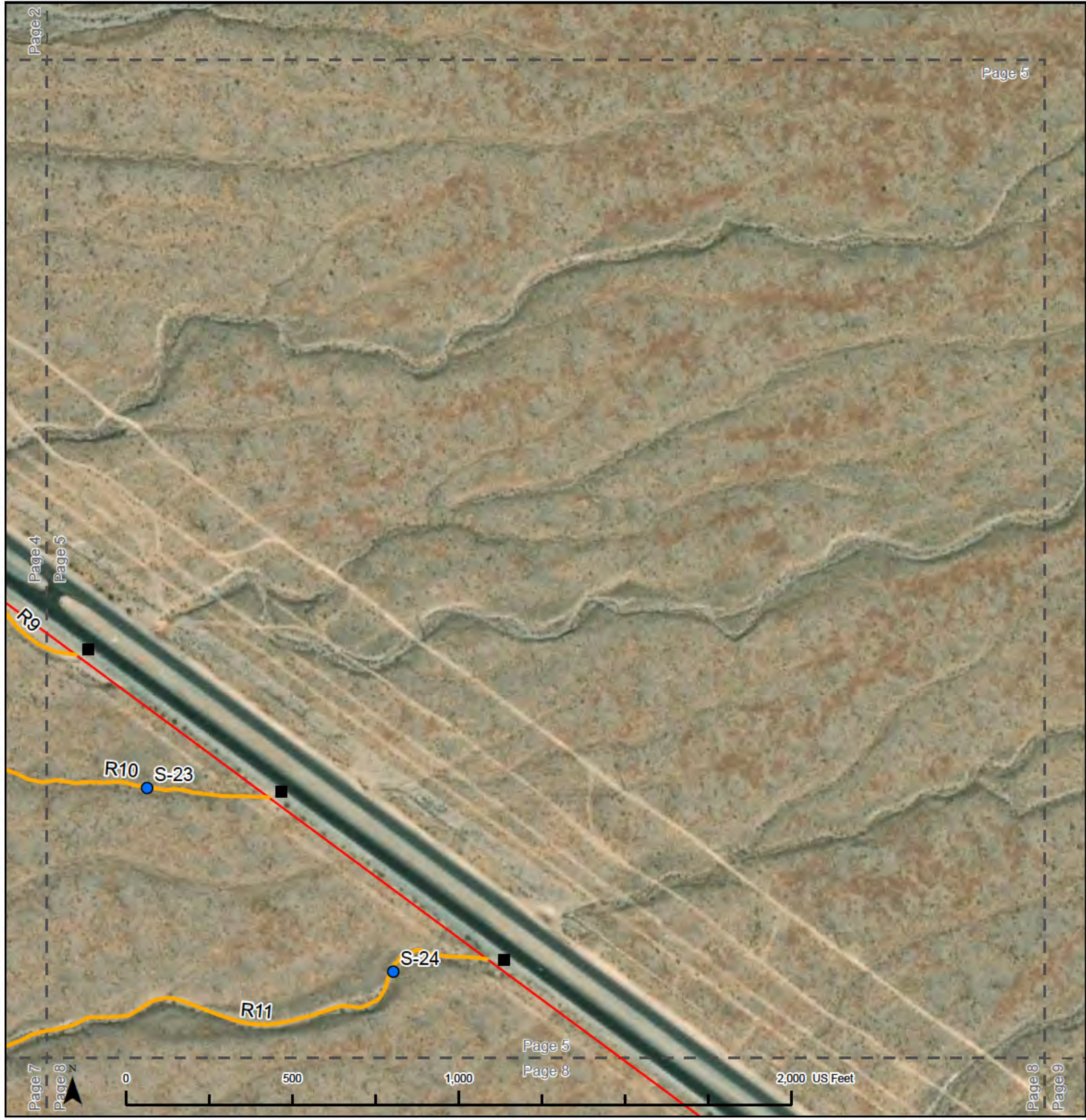
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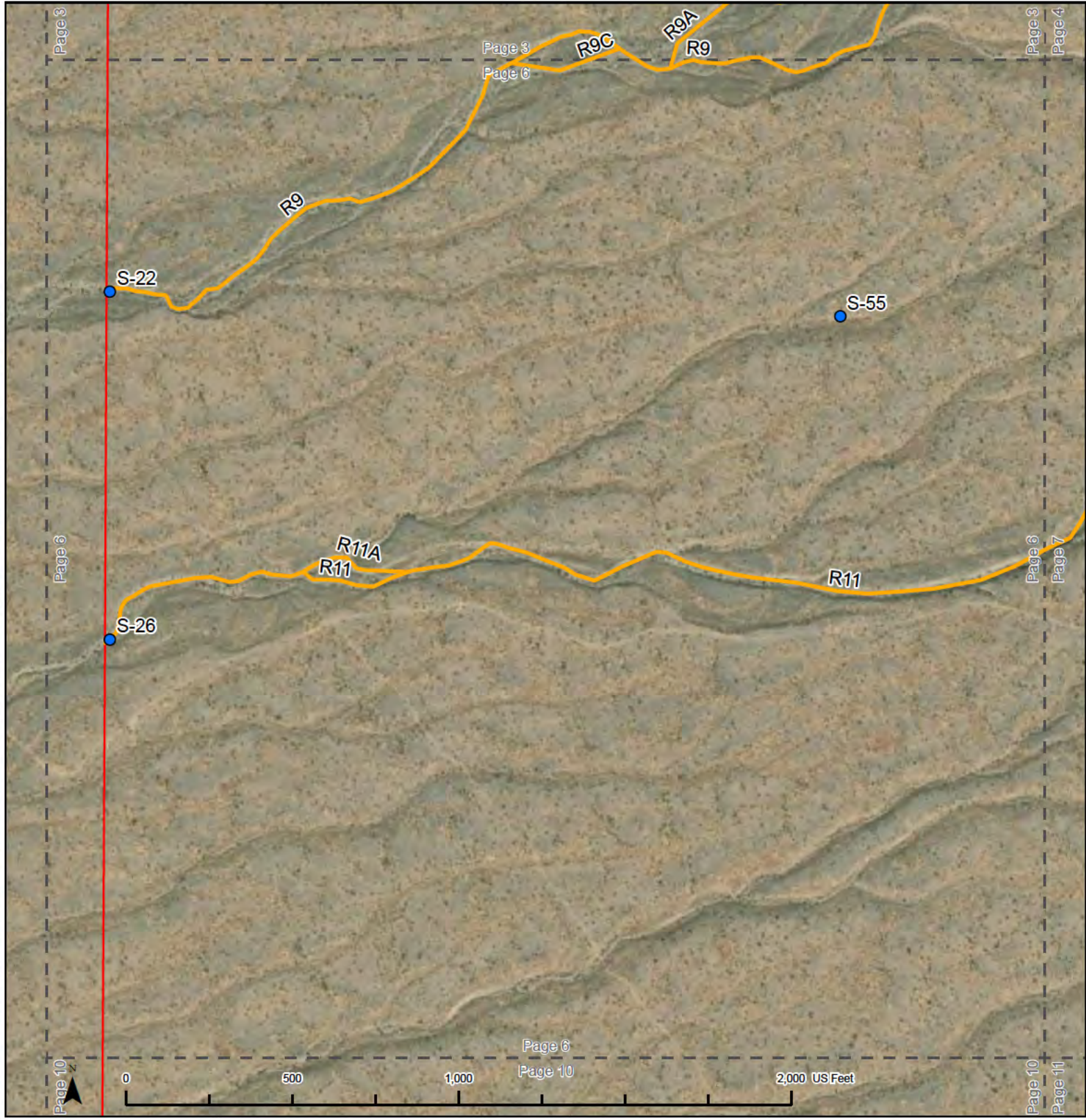
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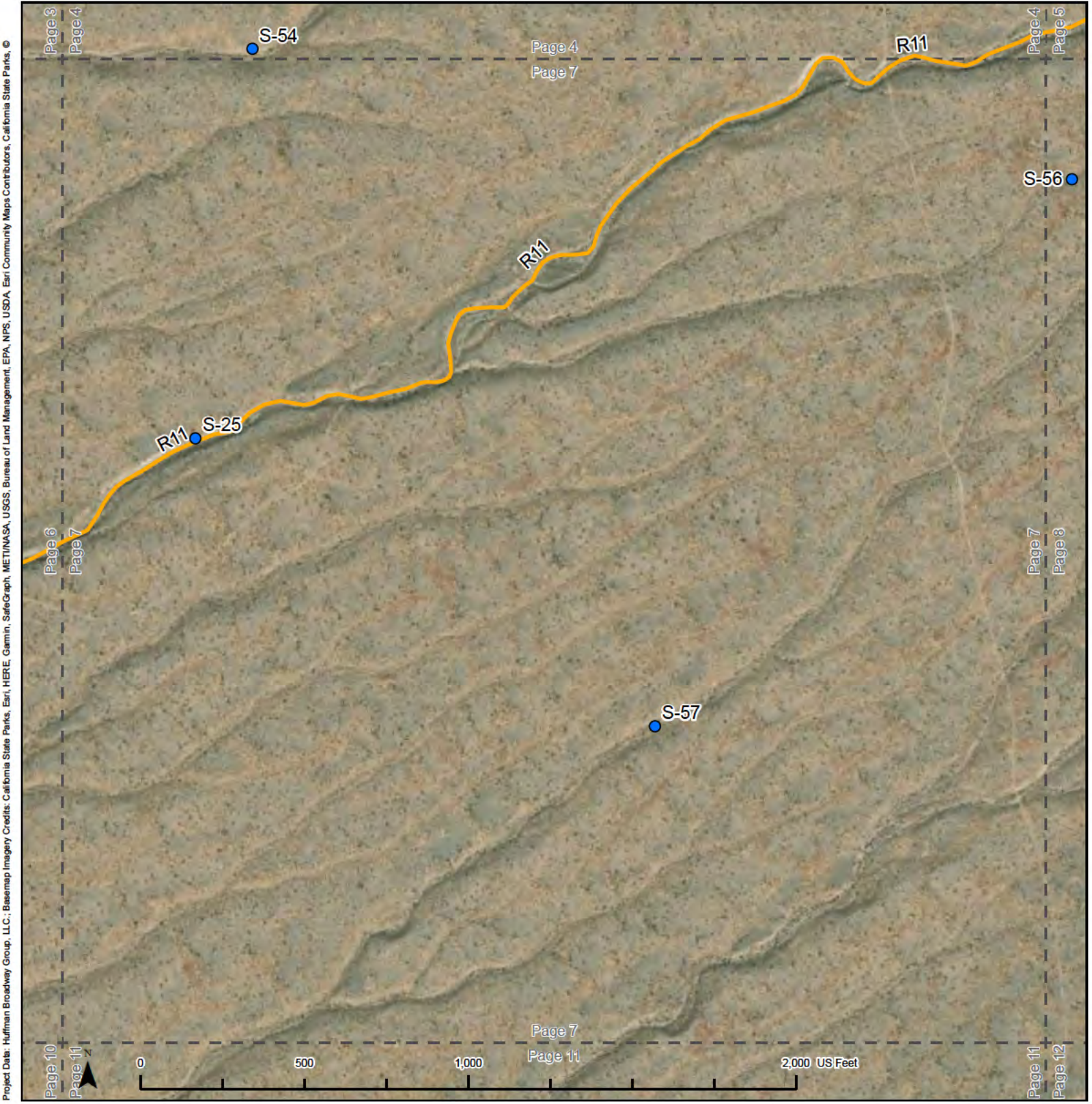


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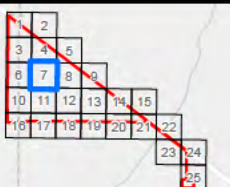


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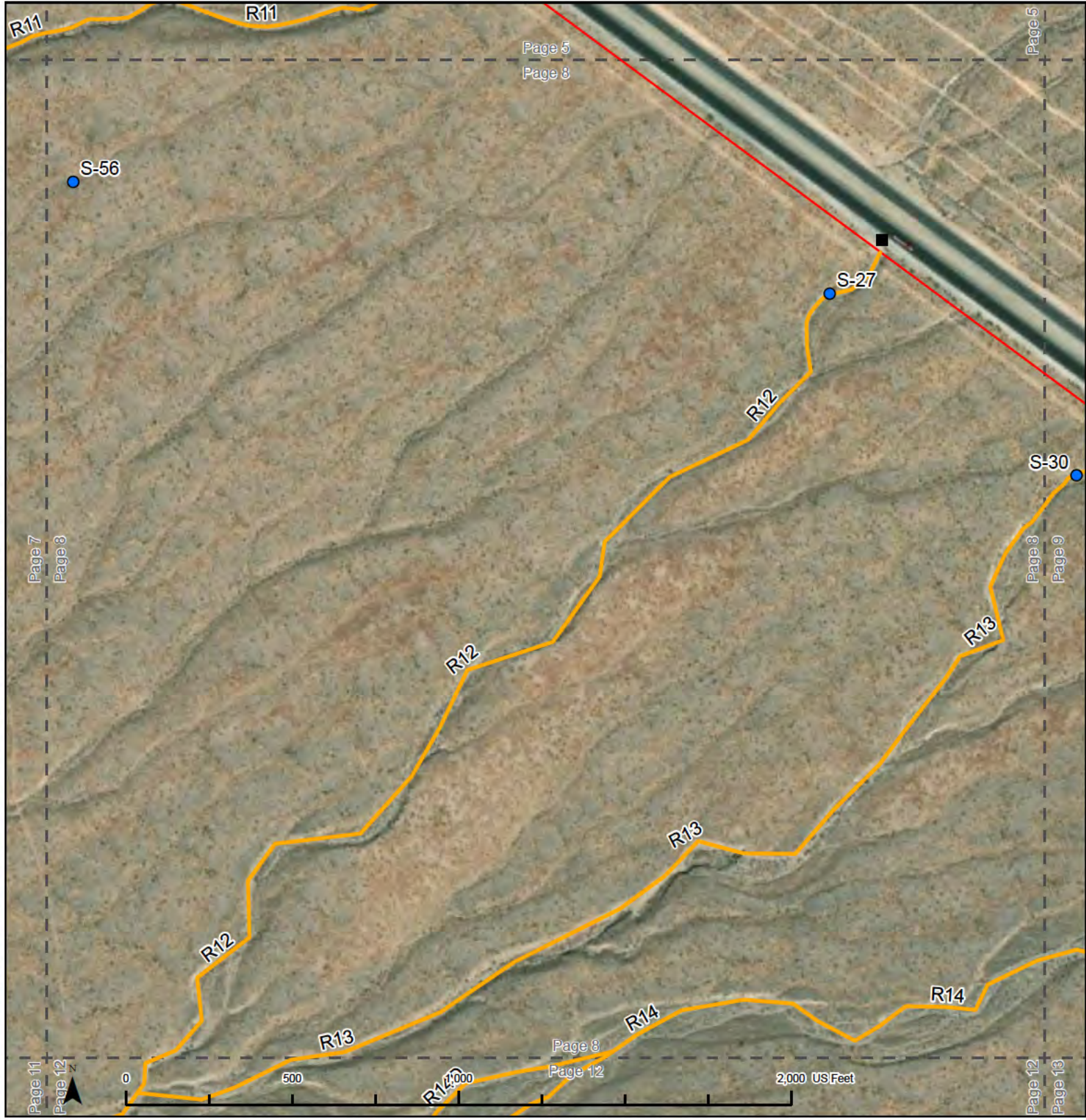


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Review Area (ac)

S Highway 160 Culvert

Sample Point

Potential CWA Section 404 Other Waters of the U.S.

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Review Area (ac)

S Highway 160 Culvert

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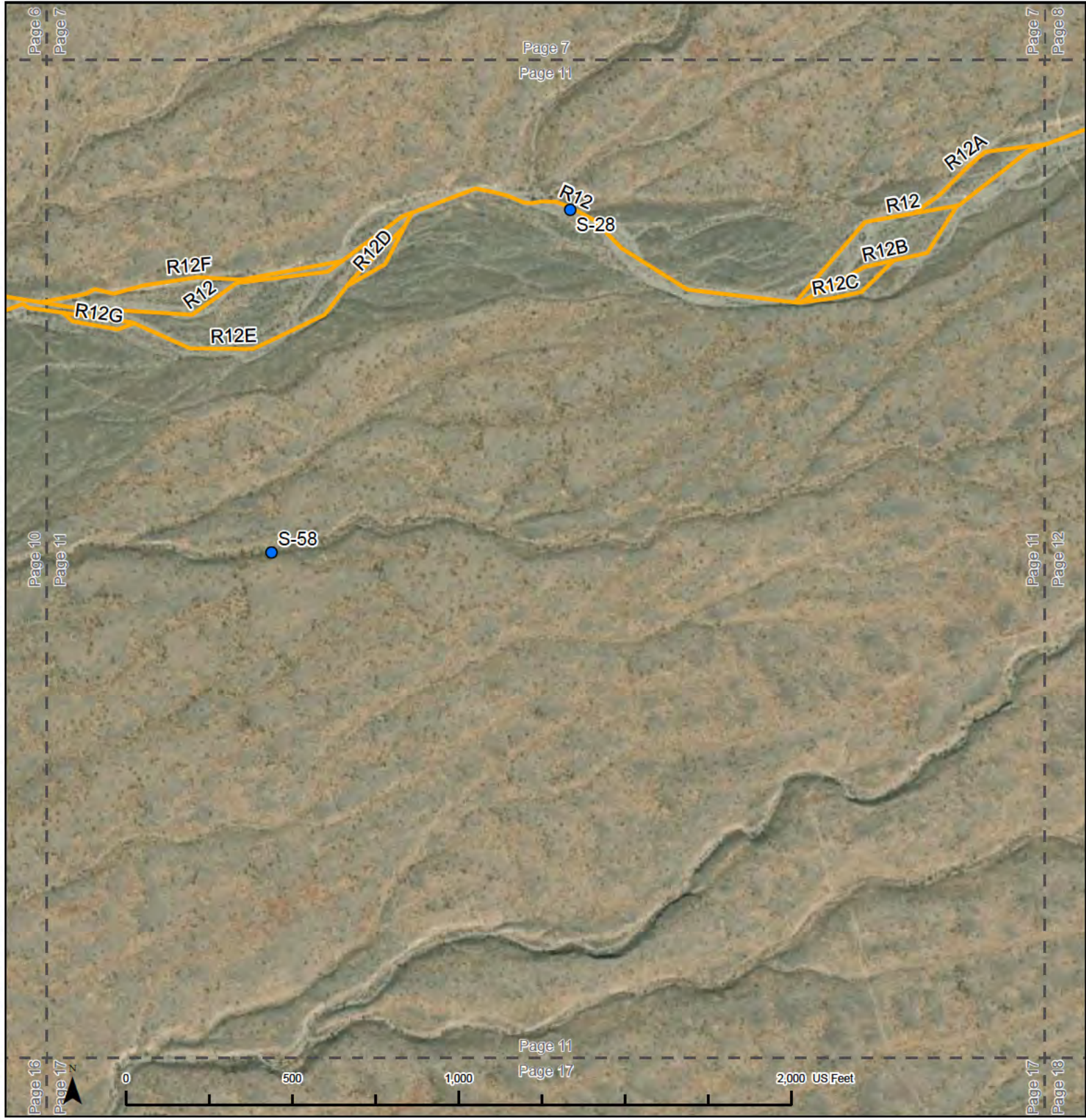
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Potential CWA Section 404 Other Waters of the U.S.

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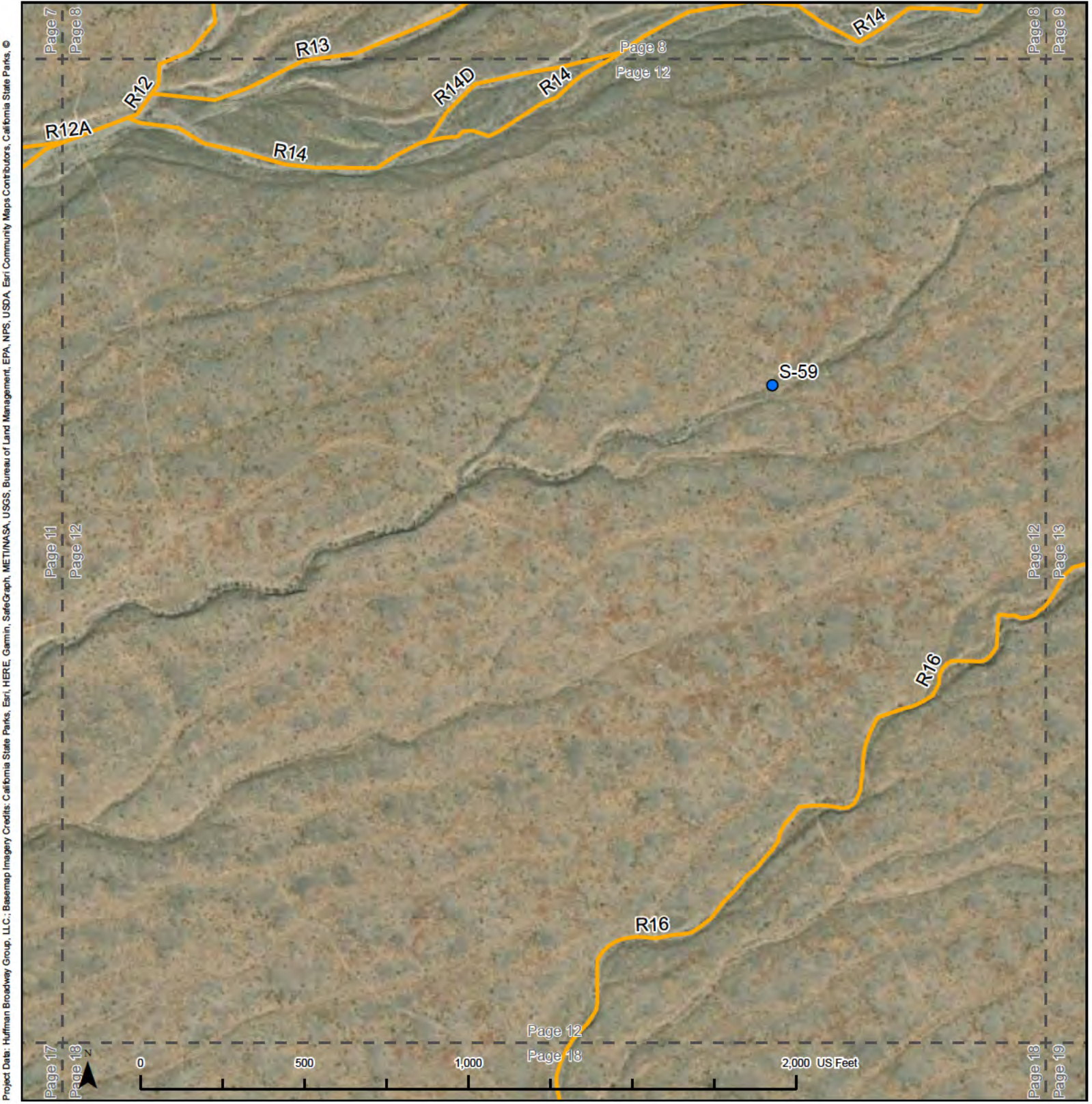
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Review Area (ac)

S Highway 160 Culvert

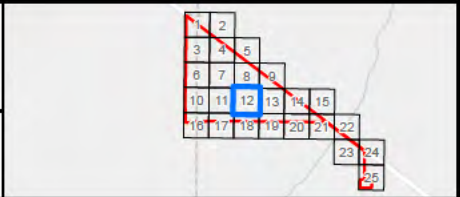
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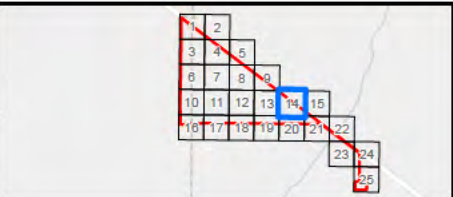


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Aquatic Resource Delineation Mapbook

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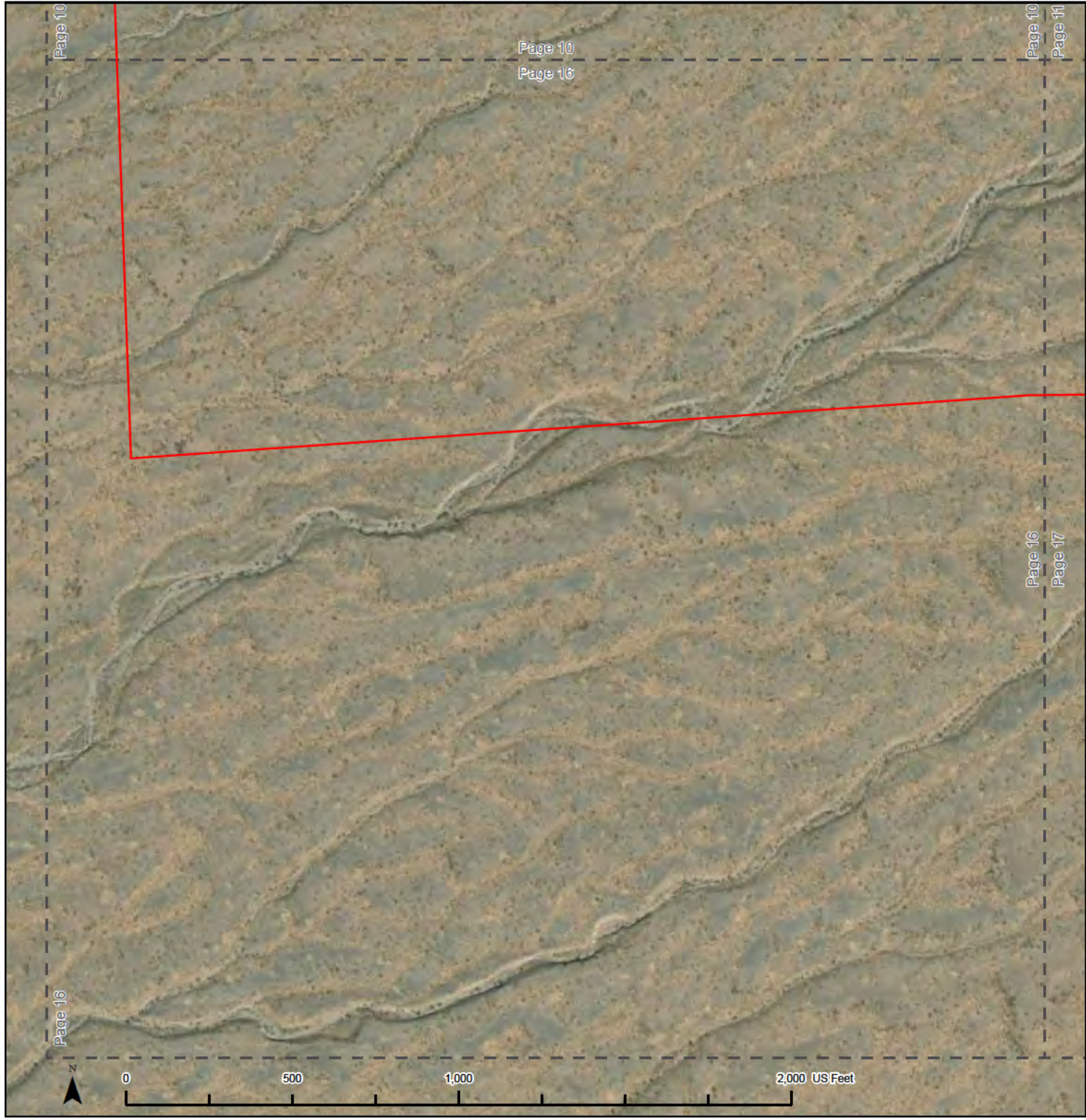
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Review Area (ac)

S Highway 160 Culvert

Sample Point

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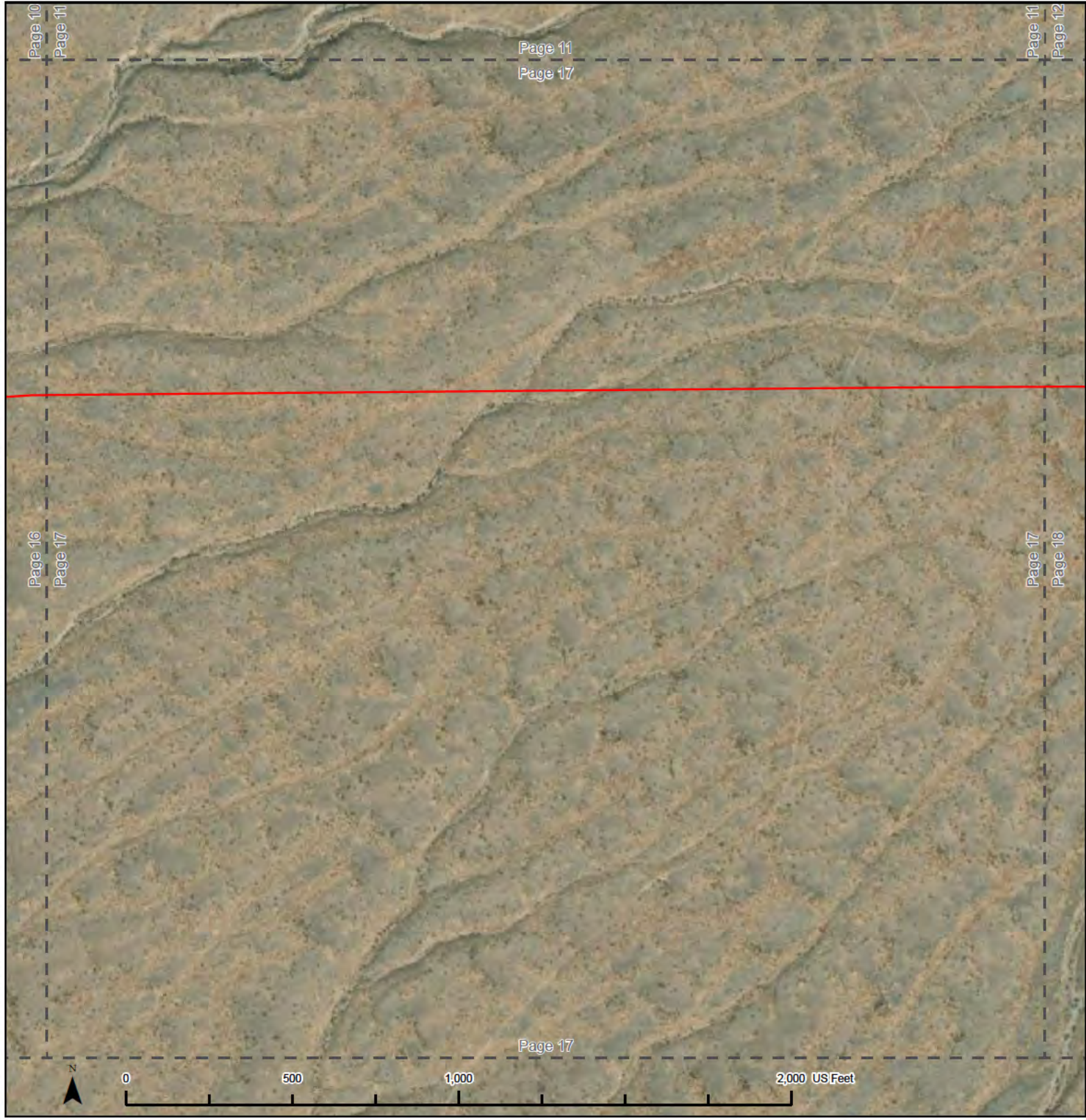
A small inset map showing a grid of numbered squares from 1 to 25. A red line runs diagonally across the grid from the top-left to the bottom-right. A blue square highlights the square containing the number 16, which corresponds to the current map page.

Aquatic Resource Delineation Mapbook

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Review Area (ac)

S Highway 160 Culvert

Sample Point

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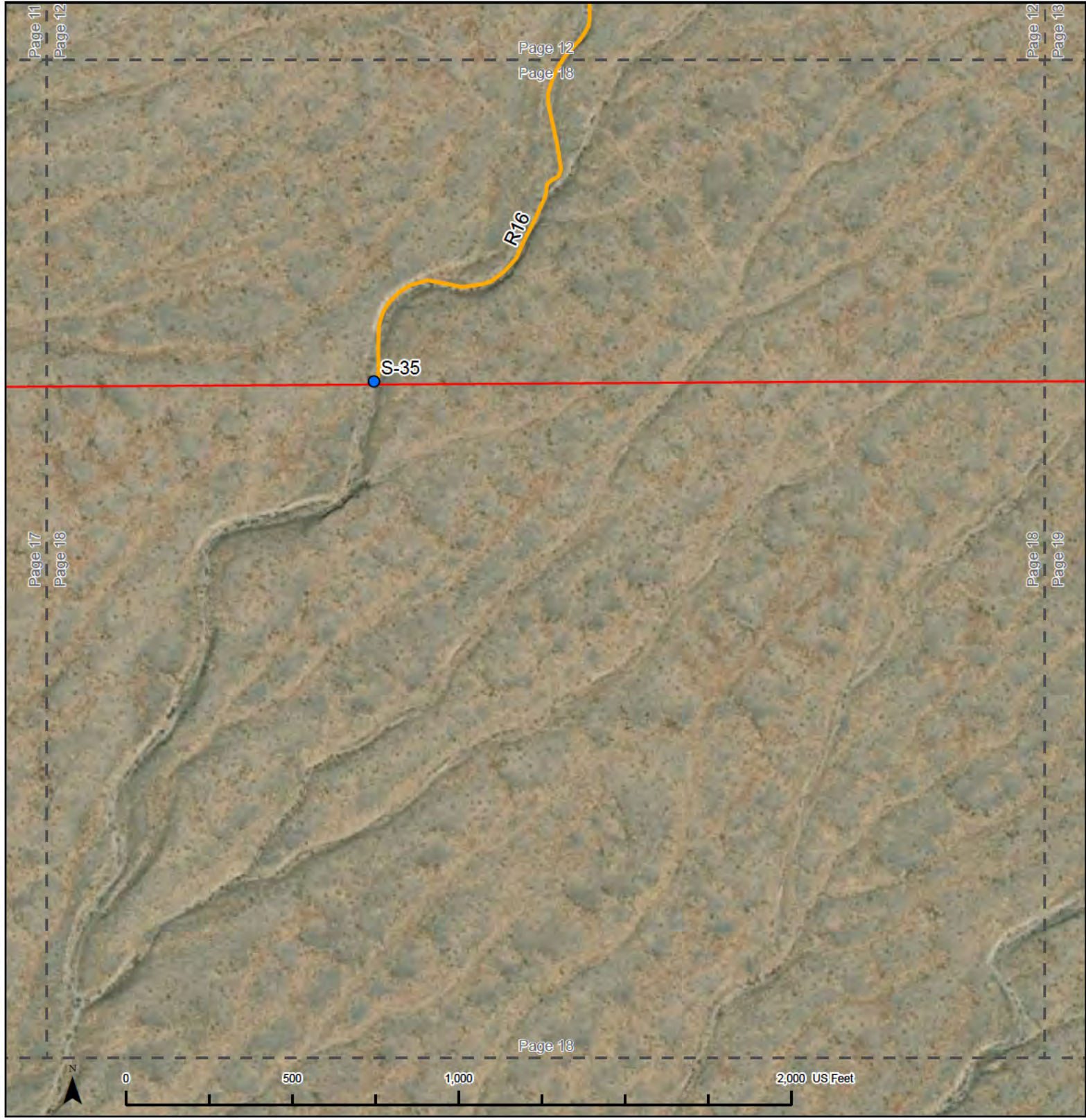
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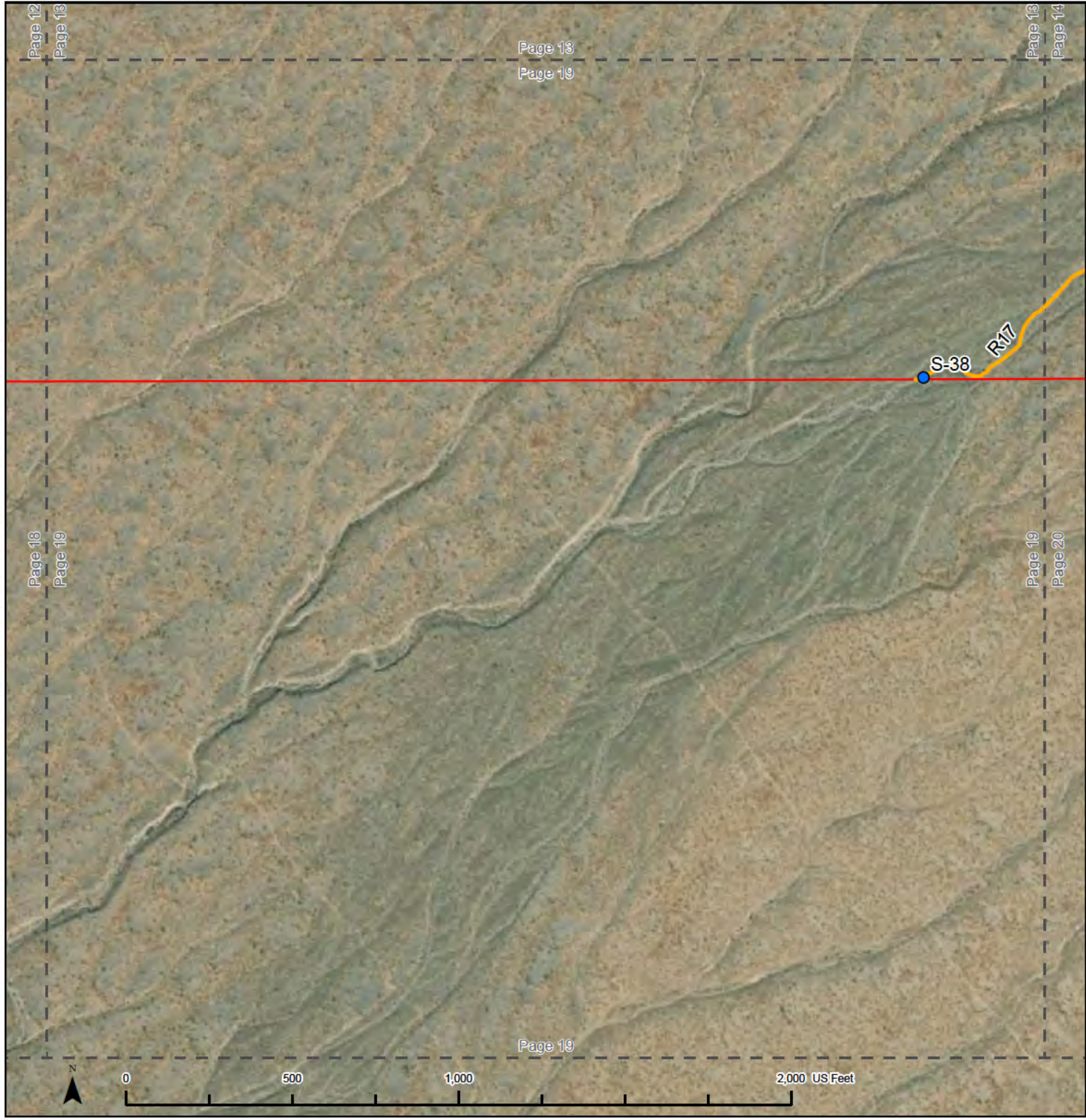
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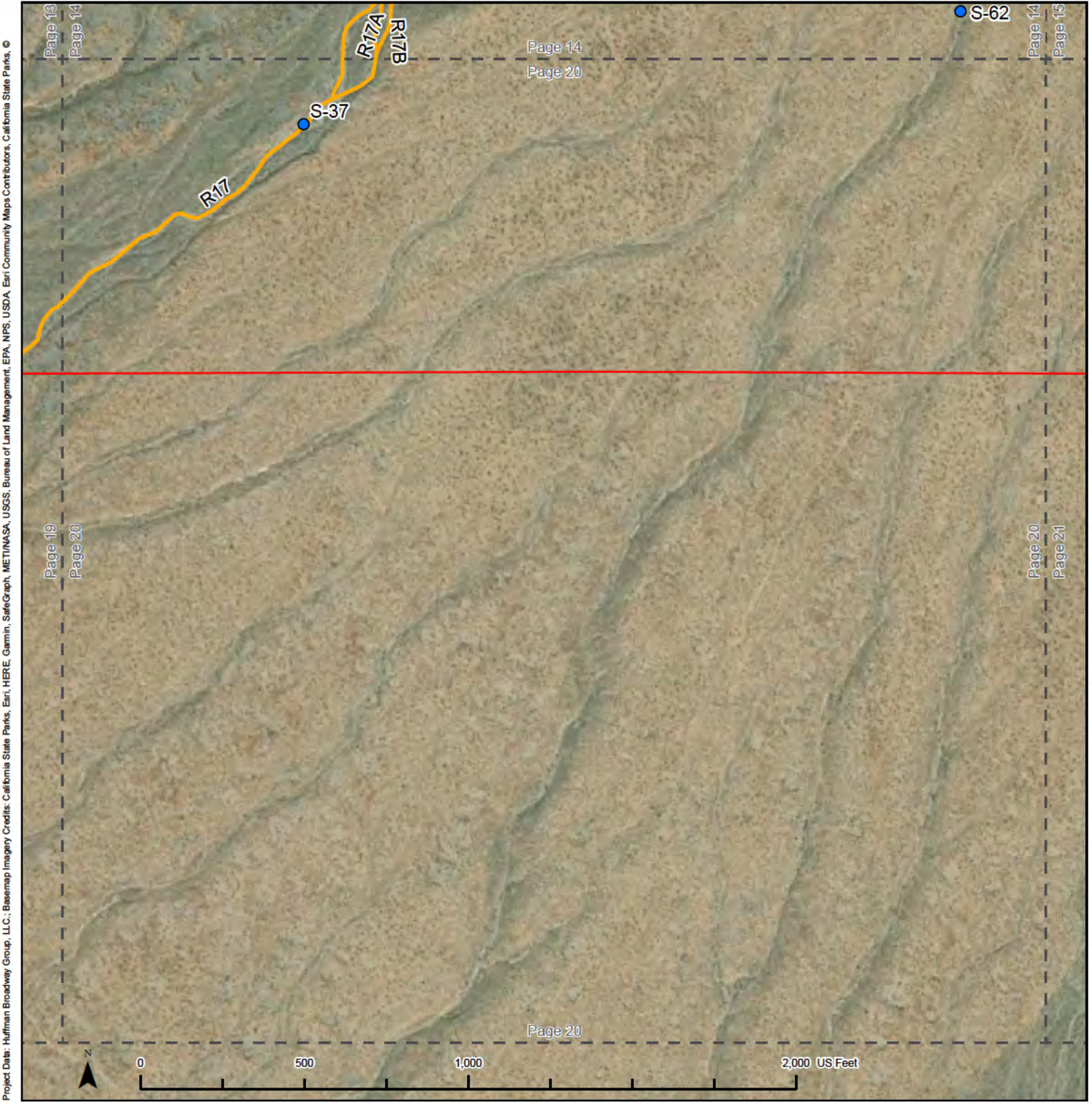


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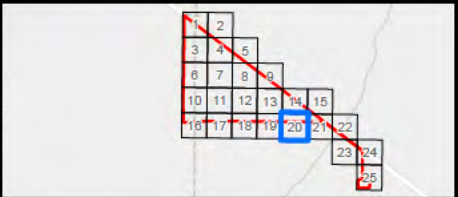


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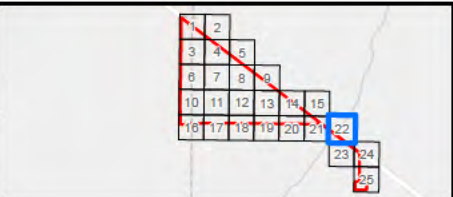


- Review Area (ac)
- S Highway 160 Culvert
- Sample Point
- Potential CWA Section 404 Other Waters of the U.S.

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Spatial Reference:
Name: NAD 1983 2011 StatePlane
Nevada Central FIPS 2702 Ft US
Scale: 1 Inch = 400 Feet

Date Created: 8/17/2023
Date Revised: 11/20/2023
HBG GIS Analyst:
HBG PM:



Aquatic Resource Delineation Mapbook

Rough Hat Solar Project
Clark County, Nevada

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	<div>Spatial Reference: Name: NAD 1983 2011 StatePlane Nevada Central FIPS 2702 Ft US Scale: 1 Inch = 400 Feet</div>	<div>Date Created: 8/17/2023 Date Revised: 11/20/2023 HBG GIS Analyst: [REDACTED] HBG PM: [REDACTED]</div>	

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