



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

November 29, 2023

Regulatory Division (SPK-2022-00153)



We are responding to your October 24, 2023, request for an approved jurisdictional determination for the Bilk Exploration Project site. The approximately 1,320-acre project site is located off Nevada State Route 140, Latitude 41.540130°, Longitude -118.31563°, Humboldt County, Nevada (Enclosure 1).

Based on available information, we concur with your aquatic resources delineation for the site, as depicted on the enclosed October 2023 Bilk Exploration Project Figures B1-B5 drawings prepared by [REDACTED] (Enclosure 2). Approximately 17.85 acres (39,482 linear feet) of aquatic resources, all consisting of non-relatively permanent waters (ephemeral drainages in your report), are present within the survey area. This letter verifies that the location and boundaries of wetlands were delineated consistent with the wetland definition at 33 CFR §328.3(c)(16), the 1987 *Corps of Engineers Wetlands Delineation Manual* (Wetlands Research Program Technical Report Y-87-1) and the applicable regional supplements; the location and boundaries of tidal waters conform with the high tide line defined at 33 CFR §328.3(c)(4); and 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.

Of these aquatic resources, we have determined that those features Channel ID 1 through 10 totaling 17.85 acres (39,482 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.

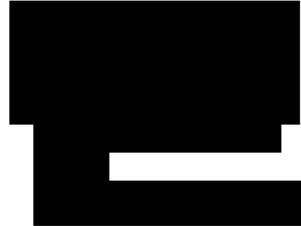
The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional 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.

Please refer to identification number SPK-2022-00153 in any correspondence concerning this project. If you have any questions, please contact [REDACTED] at the Reno Regulatory Field Office, 300 Booth Street, Room 3050, Reno, Nevada 89509-1328, [REDACTED]  
[REDACTED]

For program information or to complete our Customer Survey, visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,

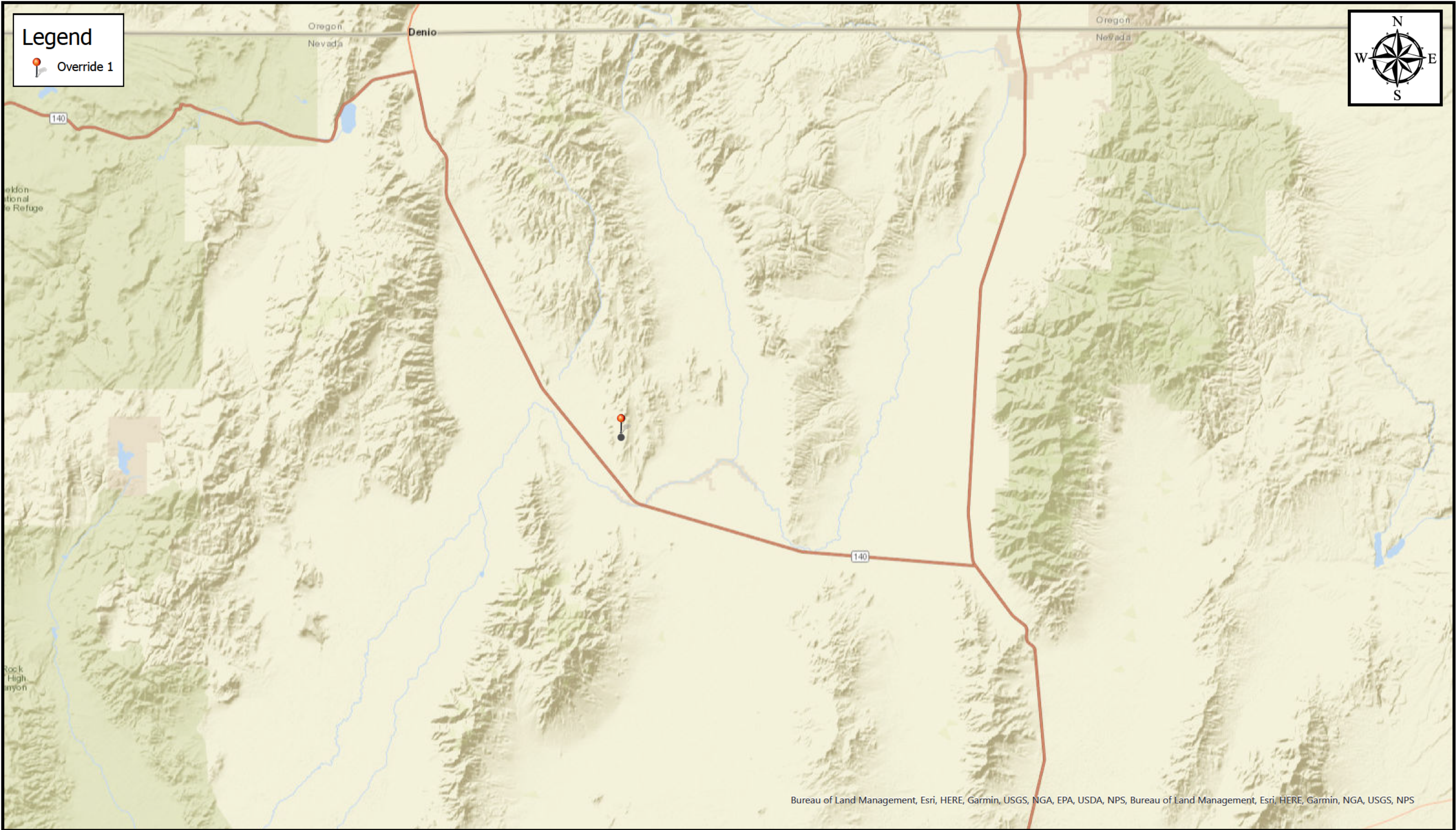
A large black rectangular redaction box covering the signature and name of the sender.

Enclosures

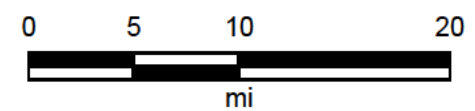
1. Vicinity Map
2. Aquatic Resource Delineation Map
3. Approved Jurisdictional Determination MFR
4. Request for Appeal Form

cc:

A large black rectangular redaction box covering the list of email addresses or names included in the distribution list.



SPK-202200153 Vicinity Map



Map Center: 118.154136°W 41.563455°N

Map Created by: [REDACTED]

Date: 11/27/2023

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere  
Projection: Mercator Auxiliary Sphere




Bilk Exploration Project

Figure B1

Channels 2, 8, & 9


Map Legend


 Bilk Exploration Project Area

● Observation Point

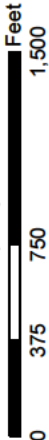
Drainage Channel ID

 Channel 2

 Channel 9

 Channel 8

N



1 in = 750 feet

Coordinate System: NAD 1983 UTM Zone 11N

Projection: Transverse Mercator

Datum: North American 1983

Created on December, 2021

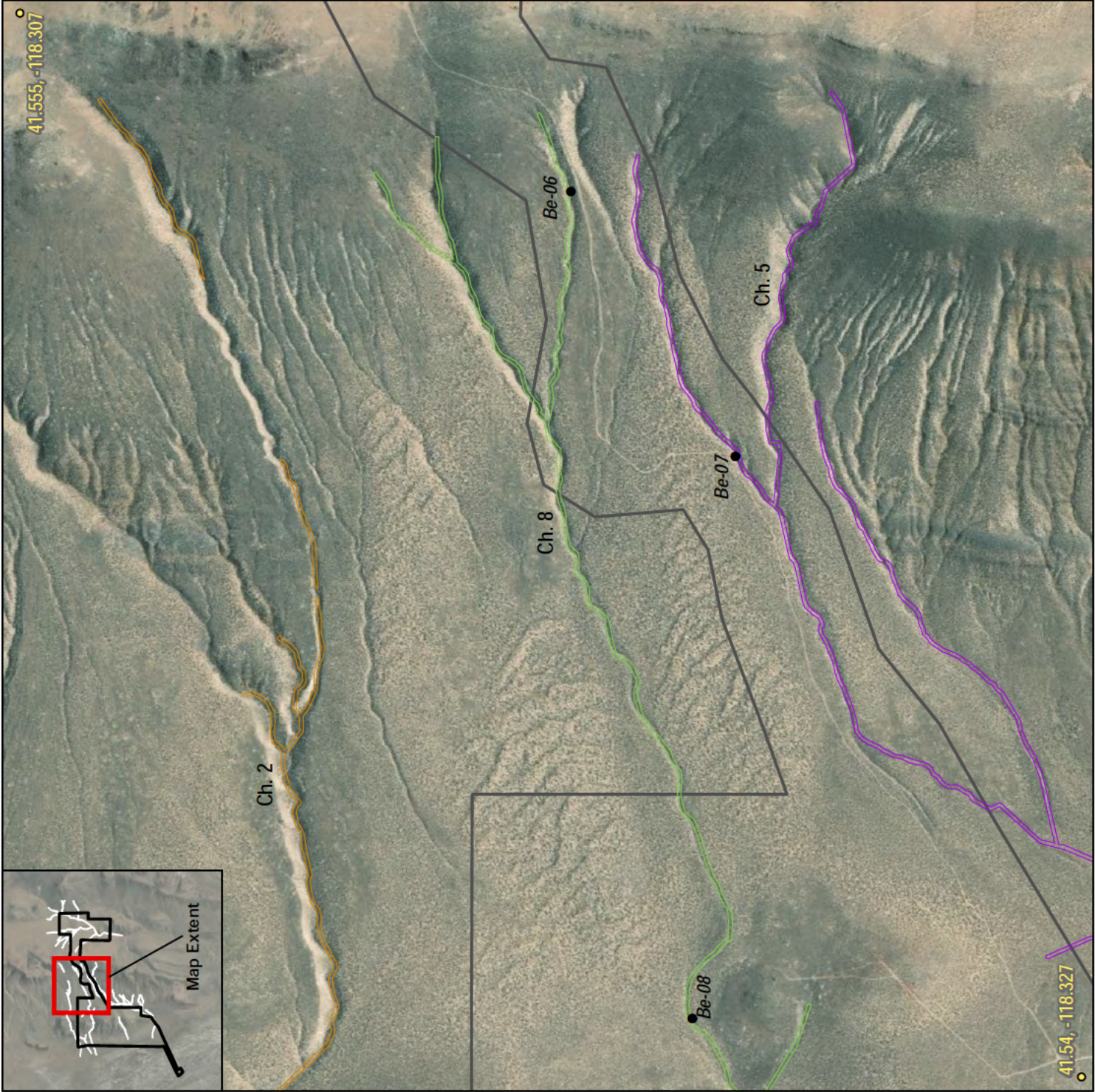
Service Layer Credit: ESRI World Imagery Basemap  
(October 25, 2020 - Maxar)

Made in accordance with the Updated Map and  
Drawing Standards for the South Pacific Division  
Regulatory Program, as amended on February 10,  
2016, by:





Map Extent




Bilk Exploration Project

Figure B2

Channels 2, 5, & 8

Map Legend

 Bilk Exploration Project Area

● Observation Point

Drainage Channel ID

 Channel 2

 Channel 8

 Channel 5



1 in = 750 feet

Coordinate System: NAD 1983 UTM Zone 11N

Projection: Transverse Mercator

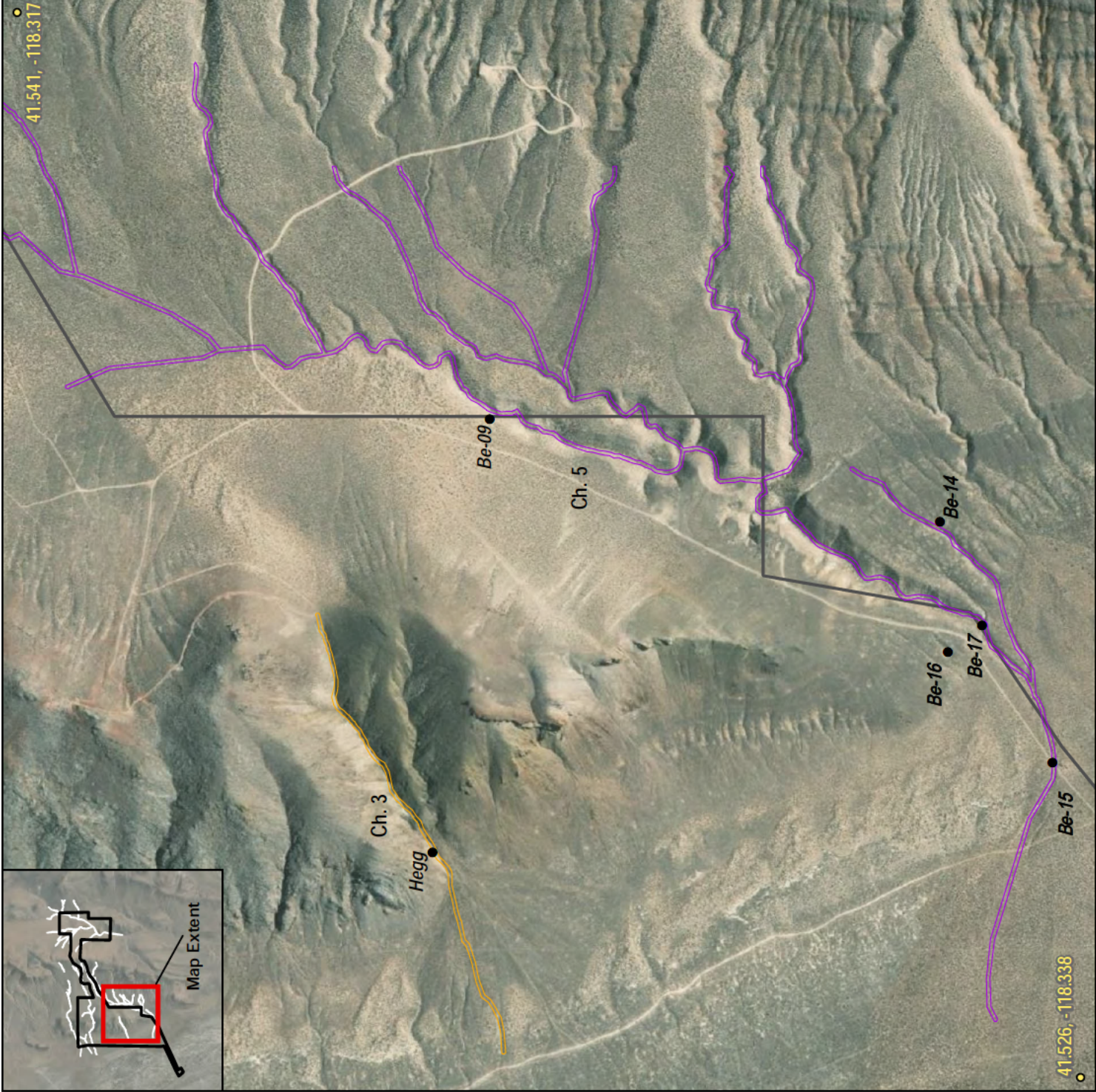
Datum: North American 1983

Created on December, 2021

Service Layer Credit: ESRI World Imagery Basemap  
(October 25, 2020 - Maxar)

Made in accordance with the Updated Map and  
Drawing Standards for the South Pacific Division  
Regulatory Program, as amended on February 10,  
2016, by:






Bilk Exploration Project

Figure B3

Channels 3 & 5

Map Legend

 Bilk Exploration Project Area

● Observation Point

Drainage Channel ID

 Channel 3     Channel 5



0 375 750 1,500  
Feet

1 in = 750 feet

Coordinate System: NAD 1983 UTM Zone 11N

Projection: Transverse Mercator

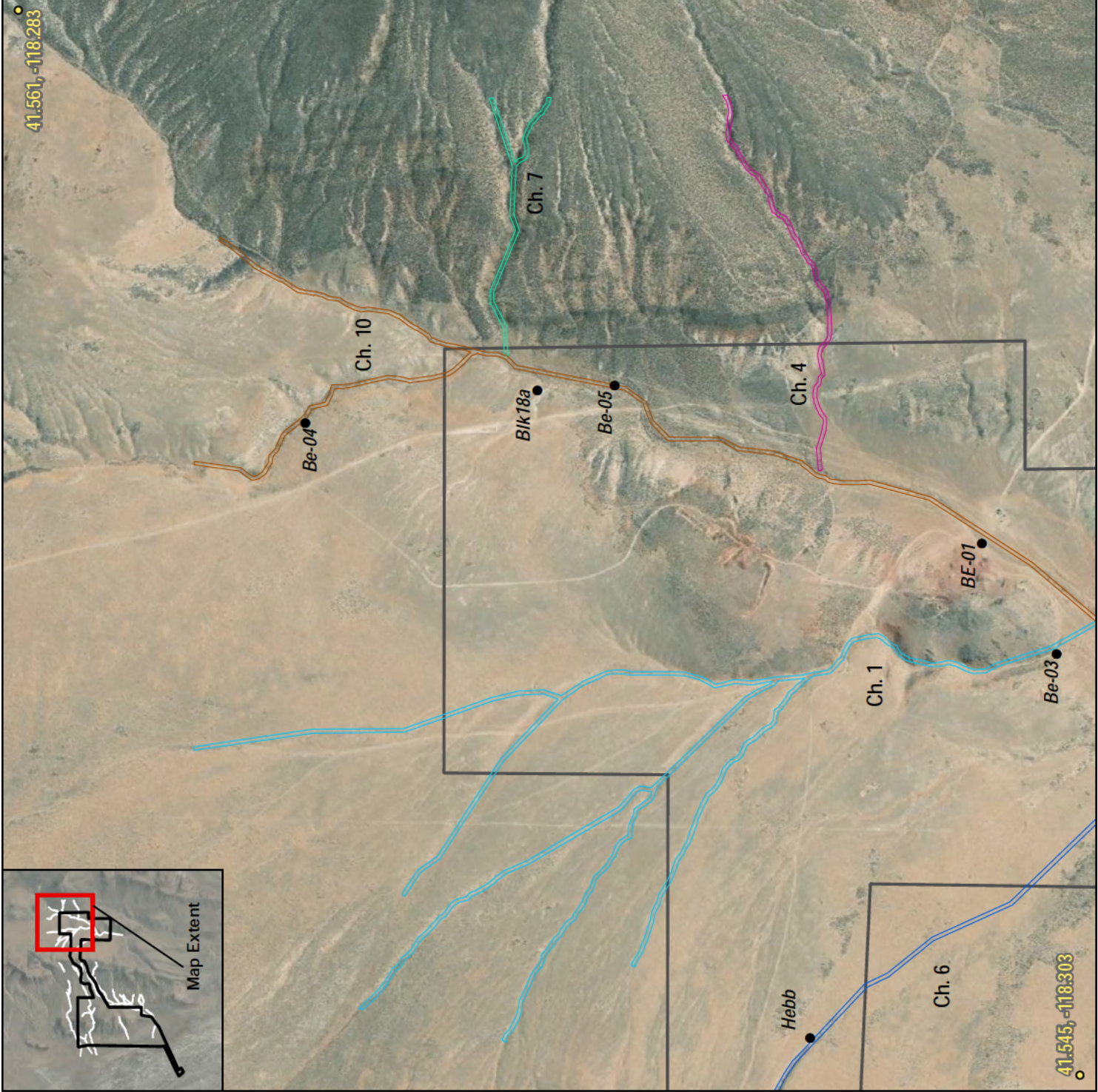
Datum: North American 1983

Created on December, 2021

Service Layer Credit: ESRI World Imagery Basemap  
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Bilk Exploration Project

Figure B4

Channels 1, 4, 6, 7, & 10

Map Legend

 Bilk Exploration Project Area

 Observation Point

Drainage Channel ID

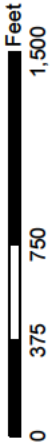
 Channel 1

 Channel 4

 Channel 6

 Channel 7

 Channel 10



1 in = 750 feet

Coordinate System: NAD 1983 UTM Zone 11N

Projection: Transverse Mercator

Datum: North American 1983

Created on December, 2021

Service Layer Credit: ESRI World Imagery Basemap  
(October 25, 2020 - Maxar)

Made in accordance with the Updated Map and  
Drawing Standards for the South Pacific Division  
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2016, by:





Bilk Exploration Project

**Figure B5**  
Channels 1, 4, 6, & 10

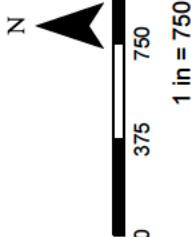
Map Legend

Bilk Exploration Project Area

● Observation Point

Drainage Channel ID

- Channel 1
- Channel 6
- Channel 4
- Channel 8
- Channel 5
- Channel 10



Coordinate System: NAD 1983 UTM Zone 11N  
Projection: Transverse Mercator  
Datum: North American 1983  
Created on December, 2021  
Service Layer Credit: ESRI World Imagery Basemap  
(October 25, 2020 - Maxar)  
  
Made in accordance with the Updated Map and  
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