



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

December 13, 2023

Regulatory Division (SPK-2023-00826)



We are responding to your November 30, 2023, request for an approved jurisdictional determination for the Victory Infrastructure Raise Grant Project site. The approximately 213-acre project site is located adjacent to 190 Resource Drive, Latitude 39.602186°, Longitude -119.19481°, Fernley, Lyon County, Nevada (Enclosure 1).

Based on available information, we concur with your aquatic resources delineation for the site, as depicted on the enclosed October 5, 2023, *Aquatic Resource Delineation Map* drawing prepared by Universal Engineering Sciences, Inc. (Enclosure 2). Approximately 11,849 linear feet of aquatic resources, consisting of 2,809 linear feet (0.222 acre) of non-relatively permanent water (AR 1 in your delineation) and 9,040 linear feet of upland swale (UP 1, UP 2, and UP 3 in your delineation) 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.

Of these aquatic resources, we have determined that features AR 1, UP 1, UP 2, and UP 3, totaling 11,849 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 the 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, CESPDPDO, 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-2023-00826 in any correspondence concerning this project. If you have any questions, please contact [REDACTED]

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

Sincerely,

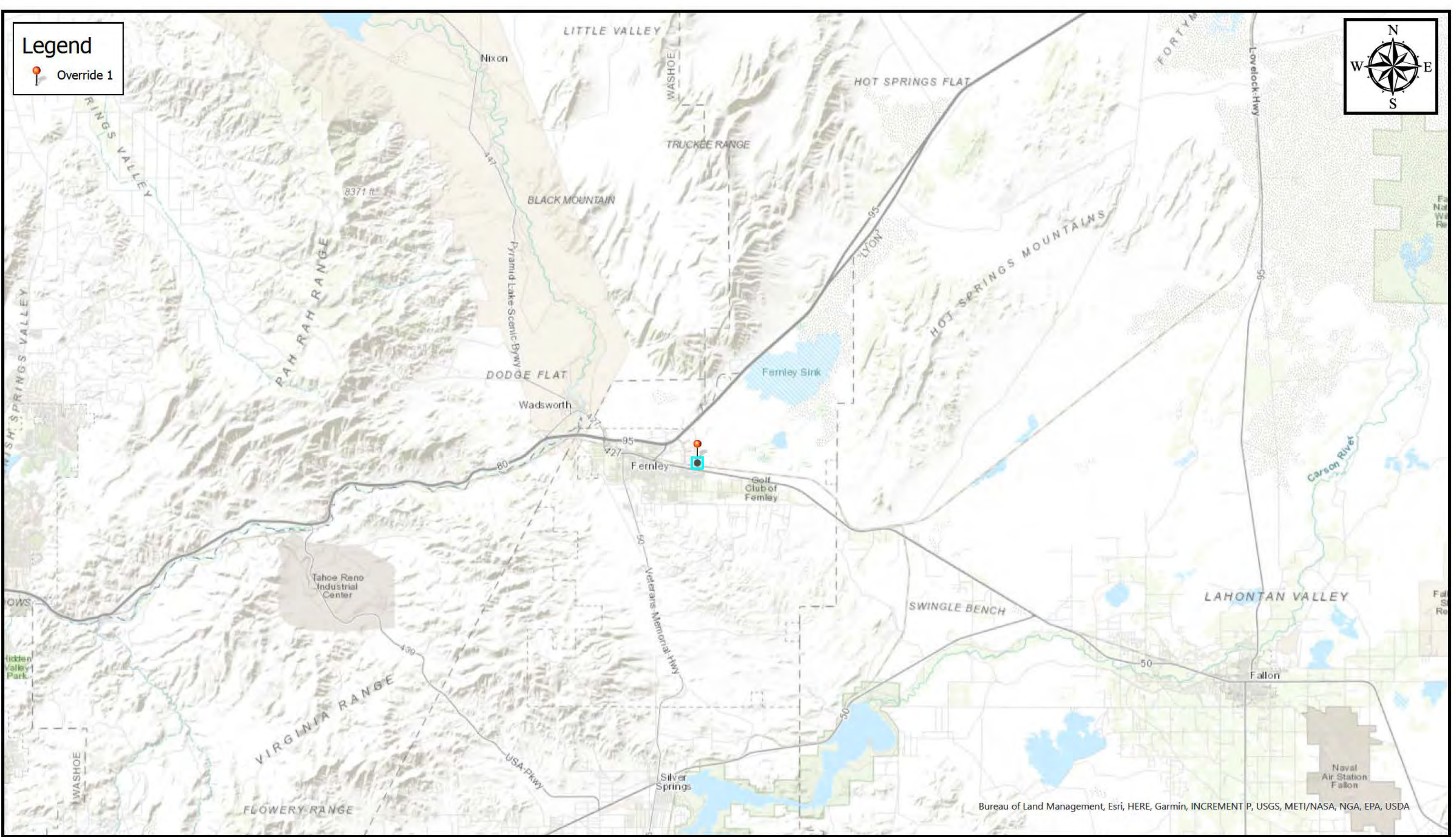
[REDACTED]

Enclosures

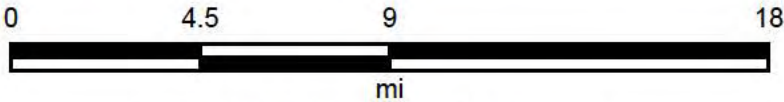
1. Vicinity Map
2. Aquatic Resource Delineation Map
3. Approved Jurisdictional Determination Memorandum
4. Request for Appeal Form

cc:

[REDACTED]



SPK-202300826 Vicinity Map



Map Center: 119.173065°W 39.624803°N

Map Created by: [Redacted]

Date: 12/7/2023

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




Appendix A, Figure 1

TITLE:

AQUATIC RESOURCES DELINATION MAP
-SHOWING-
FEMA FLOODPLAIN
FERNLEY, NV

JOB NO.: MFC001

DATE: 10/5/2023



McGinley & Associates
A Universal Engineering Sciences Company

FILE:
Appendix A Figure 1

COORDINATE SYSTEM:
WGS 1984 Web Mercator Auxiliary Sphere

DESIGNED	MD	CHECKED	BK	REVISION:
DRAWN	MD	APPROVED	BK	-