



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

November 15, 2017

Regulatory Division (SPK-2007-00461)

Republic Services
Attn: Mr. Mark Clinker
Apex Regional Landfill
13550 North Highway 93
Las Vegas, Nevada 89155

Dear Mr. Clinker:

We are responding to your July 3, 2017 request for an approved jurisdictional determination for the Apex Regional Landfill site. The approximately 3,322-acre project site is located approximately 20 miles north-northeast of North Las Vegas, at 13550 North US Highway 93, Latitude 36.3746°, Longitude -114.8756°, Clark County, Nevada (enclosure 1).

Based on available information, we concur with your aquatic resources delineation for the site, as depicted in the June 2017 report titled "Aquatic Resources Delineation Report, Apex Regional Landfill, Clark County, Nevada," prepared by Huffman-Broadway Group, Inc., and as shown in *Figure 11. Potential Waters of the US Subject to the Corps/US EPA Section 404 Jurisdiction*, sheets 1-39.

The 557,081 linear feet of stream identified as Riverine Intermittent Streambed (Ephemeral Stream) on the above drawings are intrastate isolated aquatic resources with no apparent interstate or foreign commerce connection. The 23.35 acres of open water identified as Palustrine Open Water (Excavated) on the above drawings were excavated from uplands and have no hydrologic connections to the ephemeral drainages within the project area. As such, these aquatic resources are not currently regulated by the U.S. Army Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act.

We are enclosing a copy of the *Approved Jurisdictional Determination Form* for your site (enclosure 2).

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 3). If you request to appeal this determination, you must submit a completed Request for Appeal 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 a Request for Appeal 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 Notification of Appeal Process. It is not necessary to submit a 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.

This approved jurisdictional determination has been conducted to identify the limits of aquatic resources subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act for the particular site identified in this request.

We appreciate feedback, especially about interaction with our staff and our processes.

Please refer to identification number SPK-2007-00461 in any correspondence concerning this project. If you have any questions, please contact Craig Brown at the Saint George Regulatory Office, 196 East Tabernacle Street, Suite 30, Saint George, Utah 84770-3474, by email at Craig.J.Brown@usace.army.mil, or telephone at (435) 986-3979. For program information or to complete our Customer Survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Jason A. Gipson
Chief, Nevada-Utah Section
Regulatory Division

Enclosures

cc:

Randall Wall, Golder Associates Inc., Randall_Wall@golder.com
Terry Huffman, Huffman-Broadway Group, Inc., THuffman@h-group.com