

DOCKETED	
Docket Number:	24-OPT-03
Project Title:	Soda Mountain Solar
TN #:	261606
Document Title:	Appendix E-3 Request for Jurisdictional Determination
Description:	This file contains the request for jurisdictional determination to the Army Corp of Engineers.
Filer:	Hannah Arkin
Organization:	Resolution Environmental
Submitter Role:	Applicant Consultant
Submission Date:	2/7/2025 1:26:21 PM
Docketed Date:	2/7/2025

October 8, 2024

LAD USACE Regulatory Division
North Coast Branch, LASB
915 Wilshire Boulevard
Los Angeles, California 90017
Ecc: Shannon.L.Pankratz@usace.army.mil

Re: Request for reverification of Approved Jurisdictional Determination (AJD) and reissuance of No Permit Required Letter for the Soda Mountain Solar Project (SPL-2010-01042-SLP); SWCA Project No. 68347

Dear Shannon Pankratz,

On behalf of Soda Mountain Solar LLC, SWCA Environmental Consultants (SWCA) completed an aquatic resources delineation report dated June 2024, for the proposed 'Soda Mountain Solar Project'. An Approved Jurisdictional Determination (AJD) letter (SPL-2010-01042-SLP) was previously issued on August 21, 2013, by the U.S. Army Corps of Engineers ('Corps') for the same general project site, under the pre-2015 Rapanos Guidance regulatory regime. Since then, the project site has been substantially reduced in size and more than five years has passed since the AJD was issued. Subsequently, we request a reverification of the AJD and reissuance of a No Permit Required Letter pursuant to the current 'Waters of the United States' amended *Conforming Rule*.

The Corps decision letters previously issued under the former pre-2015 Rapanos Guidance found the site was not jurisdictional because the aquatic resources, under Clean Water Act Section 404, "are intrastate isolated waters with no apparent interstate or foreign commerce connection" and "not currently regulated by the Corps of Engineers". Under the current *Conforming Rule*, the site remains isolated, with ephemeral non-relatively permanent waters (Non-RPW) failing to connect to a downstream traditional navigable water (TNW). Therefore, aquatic resources on-site remain non-jurisdictional.

An AJD is being requested as a result of comments provided by agencies during consultation between the California State Water Quality Control Board and the CEQA Lead Agency, California Energy Resources Conservation and Development Commission ('CEC'), pursuant to the CEC's AB205 certification process for large renewable energy projects.

Sincerely,



Bonnie Rogers, MS, PWS
Principal Wetland Scientist, SWCA

Attachments:

- Attach A: RGP 16-02, Appendix 1 (ENG FORM 6247)
- Attach B: Draft Approved Jurisdictional Determination MFR
- Attach C: Aquatic Resources Delineation Report
- Attach D: ORM datasheet

U.S. Army Corps of Engineers (USACE)
REQUEST FOR JURISDICTIONAL DETERMINATION (JD)

For use of this form, see Sec 404 CWA, Sec 10 RHA, Sec 103 MPRSA; the proponent agency is CECW-COR.

Form Approved -
OMB No. 0710-0024
Expires 2024-04-30

DATA REQUIRED BY THE PRIVACY ACT OF 1974

Authority Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332.

Principal Purpose The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the review area that are or that may be subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice or FOIA request as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in any approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure Submission of requested information is voluntary, however, if the information is not provided there may be some delay in processing your request. Failure to provide this information will not result in an adverse action.
 System of Record Notice (SORN): The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website:
<http://dpcl.dod.mil/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

The Agency Disclosure Notice (ADN)

The Public reporting burden for this collection of information, 0710-0024, is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. To (*District Name*): Los Angeles District

2. I am requesting a JD on property located at (*Street Address*):

City/Township/Parish: County: San Bernardino State: California

Acreage of Parcel/Review Area for JD: 3,418 acres

Section: 1, 11-14; 25, 36; 6, 7, 8, 18 Township: 12 North; Range: 7 East; 8 East

Latitude (*decimal degrees*): 35.147316 ° Longitude (*decimal degrees*): -116.17630 °

(For linear projects, please include the center point of the proposed alignment.)

3. Please attach a survey/plat map and vicinity map identifying location and review area for the JD.

4. ☐ I currently own this property. ☐ I plan to purchase this property.

☐ I am an agent/consultant acting on behalf of the requester.

☒ Other (*please explain*):

On Bureau of Land Management property.

5. Reason for request: (check as many as applicable)

- ☐ I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all aquatic resources.
- ☐ I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
- ☐ I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
- ☐ I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process.
- ☐ I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district Section 10 list and/or is subject to the ebb and flow of the tide.
- ☐ A Corps JD is required in order to obtain my local/state authorization.
- ☒ I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
- ☐ I believe that the site may be comprised entirely of dry land.
- ☐ Other:

6. Type of determination being requested:

- ☒ I am requesting an approved JD.
- ☐ I am requesting a preliminary JD.
- ☒ I am requesting a "no permit required" letter as I believe my proposed activity is not regulated.
- ☐ I am unclear as to which JD I would like to request and require additional information to inform my decision.

7. Typed or Printed Name: Bonnie Rogers

Daytime Phone No.: 209-231-2699

Company Name: SWCA

Email Address: Bonnie.Rogers@swca.com

Address: 320 North Halstead Suite 120, Pasadena, California 91107

By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the JD. Your signature shall be an affirmation that you possess the requisite property rights to request a JD on the subject property.

Signature:

Date: 2024-10-08

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination
SPL-2010-01042 (Soda Mountain Solar)

MEMORANDUM FOR RECORD – **DRAFTED BY SWCA**

Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).
 - i. SubAreaA_Primary-1, non-jurisdictional
 - ii. SubAreaA_Primary-2, non-jurisdictional
 - iii. SubAreaA_Primary-3, non-jurisdictional
 - iv. SubAreaA_Primary-4, non-jurisdictional
 - v. SubAreaA_Primary-5, non-jurisdictional
 - vi. SubAreaA_Primary-6, non-jurisdictional
 - vii. SubAreaA_Primary-7, non-jurisdictional
 - viii. SubAreaF_Primary-8, non-jurisdictional
 - ix. SubAreaB_Primary-9, non-jurisdictional
 - x. SubAreaC_Primary-10-part2, non-jurisdictional
 - xi. SubAreaB_Primary-10-part1, non-jurisdictional
 - xii. SubAreaC_Primary-11, non-jurisdictional
 - xiii. SubAreaC_Primary-12, non-jurisdictional
 - xiv. SubAreaD_Primary-13, non-jurisdictional
 - xv. SubAreaE_Primary-14, non-jurisdictional
 - xvi. SubAreaA_SecondaryDrainages, non-jurisdictional
 - xvii. SubAreaB_SecondaryDrainages, non-jurisdictional
 - xviii. SubAreaC_SecondaryDrainages, non-jurisdictional
 - xix. SubAreaD_SecondaryDrainages, non-jurisdictional
 - xx. SubAreaE_SecondaryDrainages, non-jurisdictional
 - xxi. SubAreaF_SecondaryDrainages, non-jurisdictional

2. REFERENCES.

- a. “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”)
- b. “Revised Definition of ‘Waters of the United States’; Conforming” 88 FR 61964 (September 8, 2023))
- c. *Sackett v. EPA*, 598 U.S. __, 143 S. Ct. 1322 (2023)

3. REVIEW AREA.

The review area consists of an undeveloped 3,418-acre area on Bureau of Land Management parcels, north of Barstow within San Bernardino County, California (latitude: 35.147316, 116.176306, longitude).

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination
SPL-2010-01042 (Soda Mountain Solar)

The review area is located within a broad alluvial fan and slopes generally from northwest to southeast with an elevation ranging from about 989 feet to 3,642 feet above mean sea level. The alluvial fan setting, originating from the Soda Mountains to the northwest, causes the formation of numerous drainages ranging in size and extent, which tend to change over time depending on changes in the watershed and precipitation variances each year.

Vegetation community surveys were conducted following *A Manual of California Vegetation* version 2 online and include the following vegetation communities ordered from most prevalent to least: Creosote Bush – White Bursage Scrub; Creosote Bush Scrub, Rigid Spineflower – Hairy Desert Sunflower (*Chorizanthe rigida* – *Geraea canescens* Desert Pavement Association); Cheesebush (Sweetbush Scrub) (*Ambrosia Salsola* – *Bebbia juncea* Shrubland Alliance); and California joint fir – longleaf joint-fir scrub (*Ephedra californica* – *Ambrosia salsola* Association). None of the species have a National Wetland Plant List indicator status.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

Applicant (see data sources below) lists the plant species found within the review area, which are representative for this general area. No facultative-wetland or wetland obligate species were found within the review area.

This review area contains hundreds of alluvial wash compound channels. Interstate 15 (Mojave Freeway) along the western extent of the project, formerly U.S. Route 91 has been in place since prior to 1947, thus for at least the last 77 years. Hydrology at the site was historically disturbed following construction of U.S. Route 91; flow concentrates on the highway's north side and is conveyed through a series of underpass culverts directed into the review area.

Singular and compound channels within the review area are present amongst upland areas, including desert pavement, and other hydrologically inactive areas.

Hydrology in the vicinity generally flows from west to east and then once on-site drains in two diverging directions, with the northern portion of the site draining north, terminating in Soda Dry Lake, and the southern portion draining south, also terminating in Soda Dry Lake. Soda Dry Lake is a playa in the Mojave Desert that periodically holds water after rainfall and comprises salt and alkali deposits. Soda Dry Lake does not drain to waters of the United States (WOUS) or Traditional Navigable Water (TNW). A small portion of the lower left corner of the review area is part of the watershed that ultimately drains to Cronise Valley and East Cronise Lake, also a dry lakebed with no outlet that does not drain to a WOUS or TNW.

All features in the review area are considered ephemeral along their entire relevant reach. This is based on their placement in the landscape, and the absence of hydrophytic vegetation, aquatic vertebrates/invertebrates, and algae.

1. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED.

The drainage features within the review area do not have a hydrologic connection to the TNW. Washes flow both north and south, where all flow continues to Soda Dry Lake which has no outlet to a TNW. No TNW is located downstream of the review area. As previously determined by an Approved Jurisdictional Determination, there is no connection between the site and a TNW. ⁶

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

2. **FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER.** N/A
3. **SECTION 10 JURISDICTIONAL WATERS**⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10. N/A ⁸
4. **SECTION 404 JURISDICTIONAL WATERS**: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
 - b. The Territorial Seas (a)(1)(ii): N/A
 - c. Interstate Waters (a)(1)(iii): N/A
 - d. Impoundments (a)(2): N/A
 - e. Tributaries (a)(3): N/A
 - f. Adjacent Wetlands (a)(4): N/A

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

- g. Additional Waters (a)(5): [N/A](#)

5. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- h. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁹

[N/A](#)

- i. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

[All Features have a non-relatively permanent flow regime and only flow in response to local precipitation. These features also do not have a continuous surface connection to the downstream \(a\)\(1\) water, the Santa Ana River. These features are non-relatively permanent waters and do not meet the definition of an \(a\)\(3\) tributary under the amended 2023 Rule.](#)

- 6. DATA SOURCES.** List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

[a. Aquatic Resources Delineation Report for the Soda Mountain Solar Project, San Bernardino County, California June 2024, Prepared by SWCA Environmental Consultants.](#)

7. OTHER SUPPORTING INFORMATION.

[See previously issued Approved Jurisdictional Determination for the project area: SPL-2010-01042-SLP.](#)

⁹ 88 FR 3004 (January 18, 2023)

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination
SPL-2010-01042 (Soda Mountain Solar)

8. **NOTE:** The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



Figure 1: Vicinity.

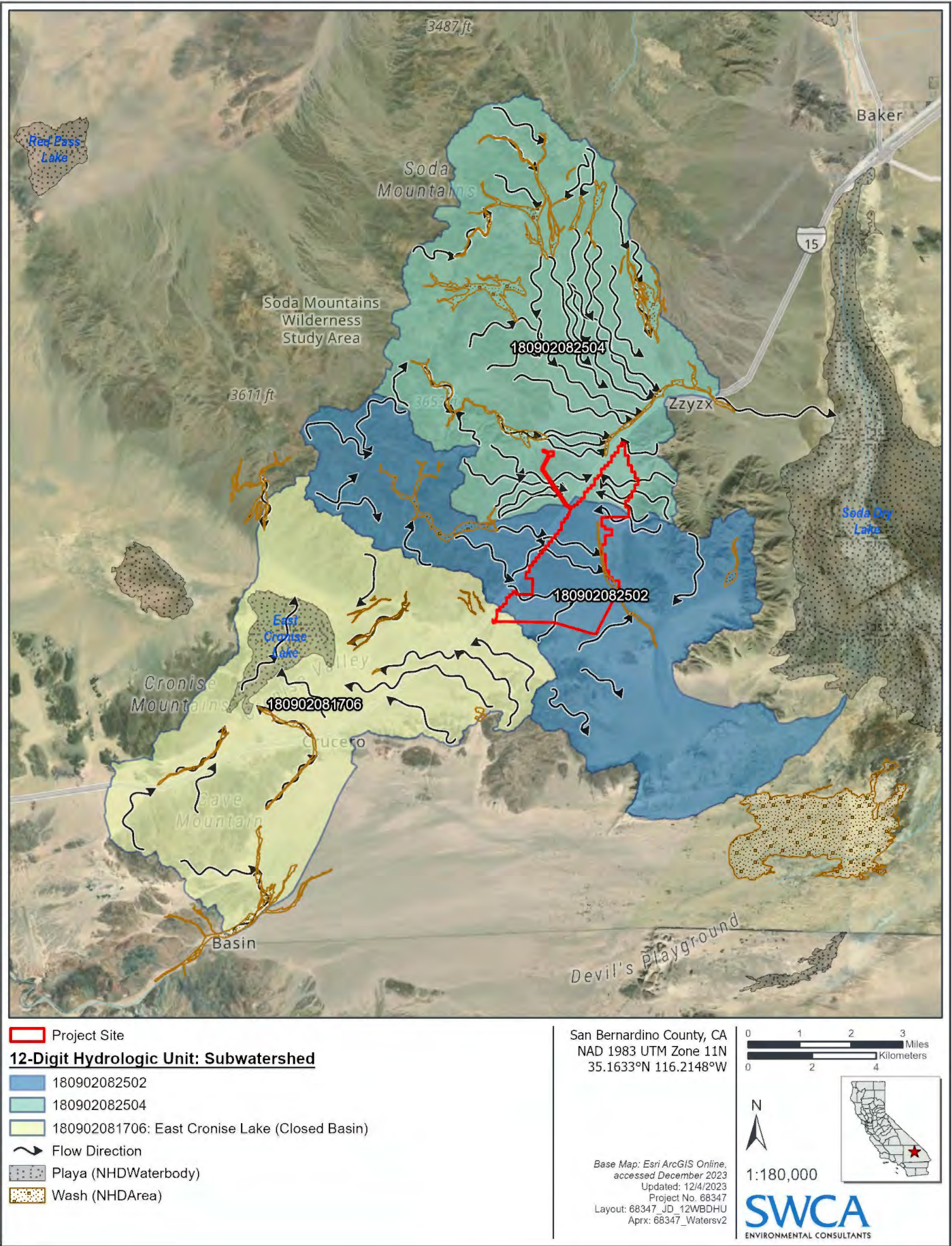


Figure 2: Watersheds by Hydrologic Unit Code (HUC).

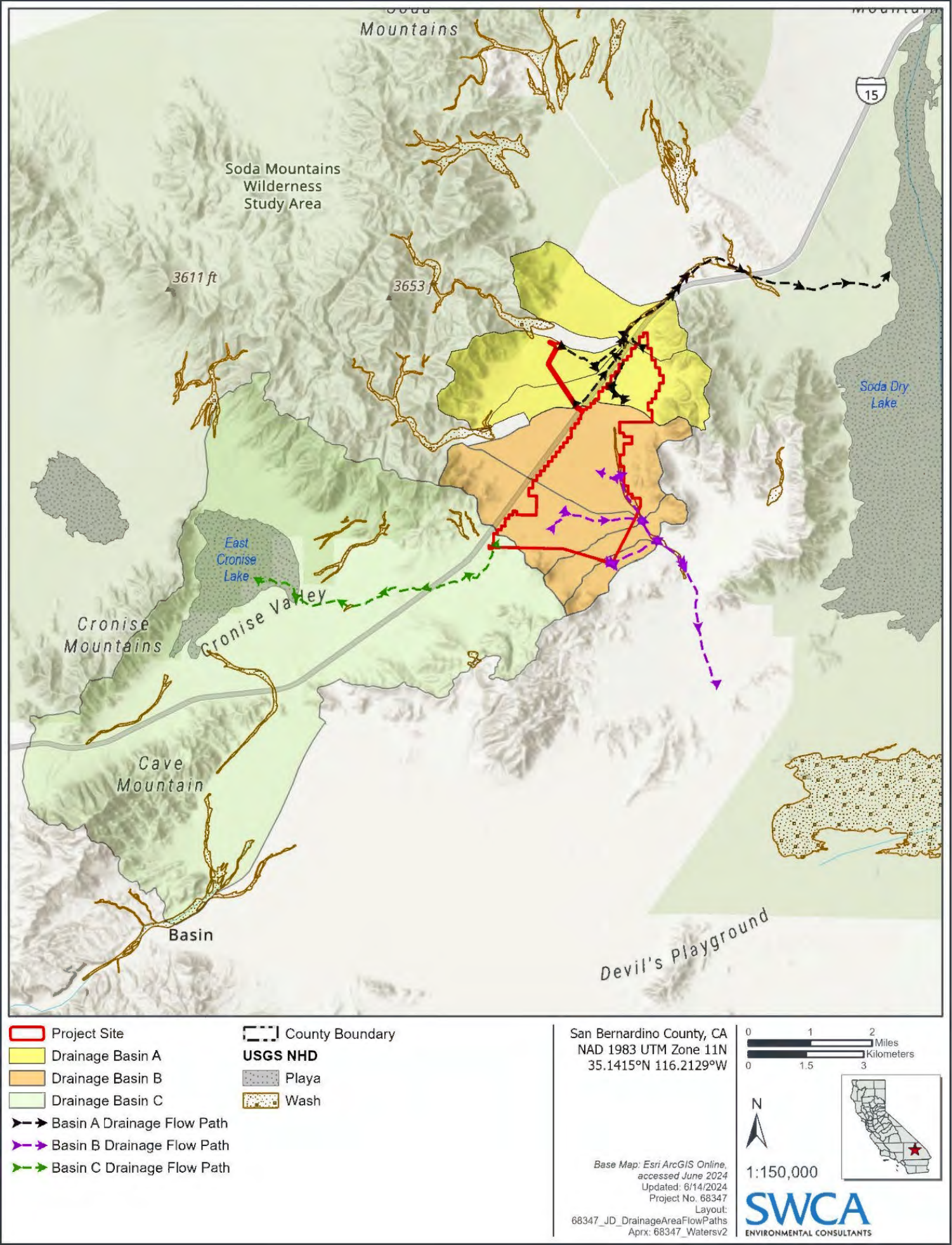
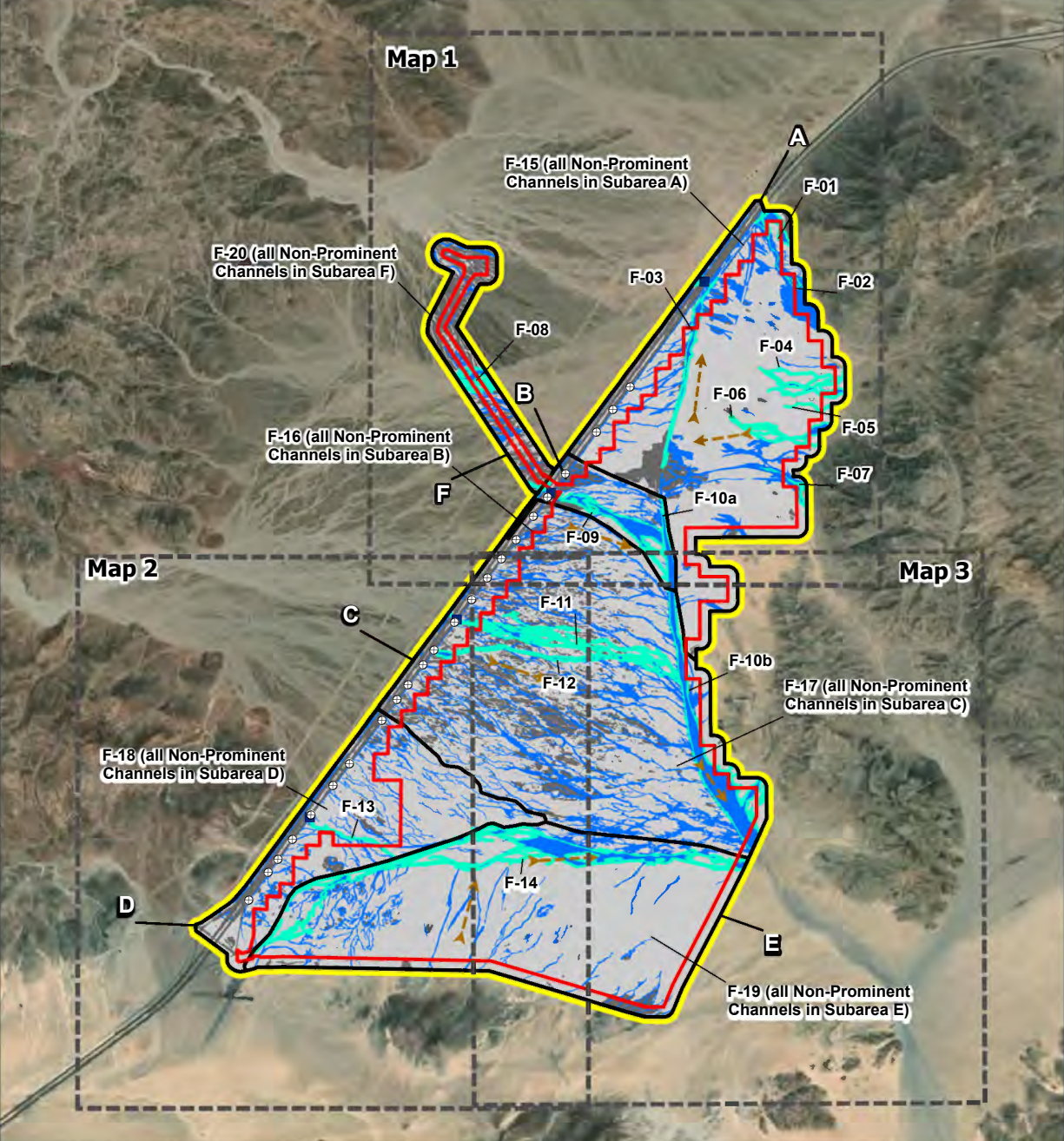


Figure 3: Flow path map from review area to Soda Dry Lake and East Cronise Lake.

Map 1

Map 2

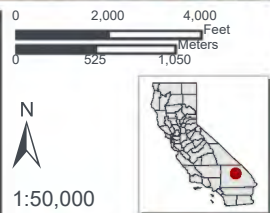
Map 3



Aquatic Resources Delineation

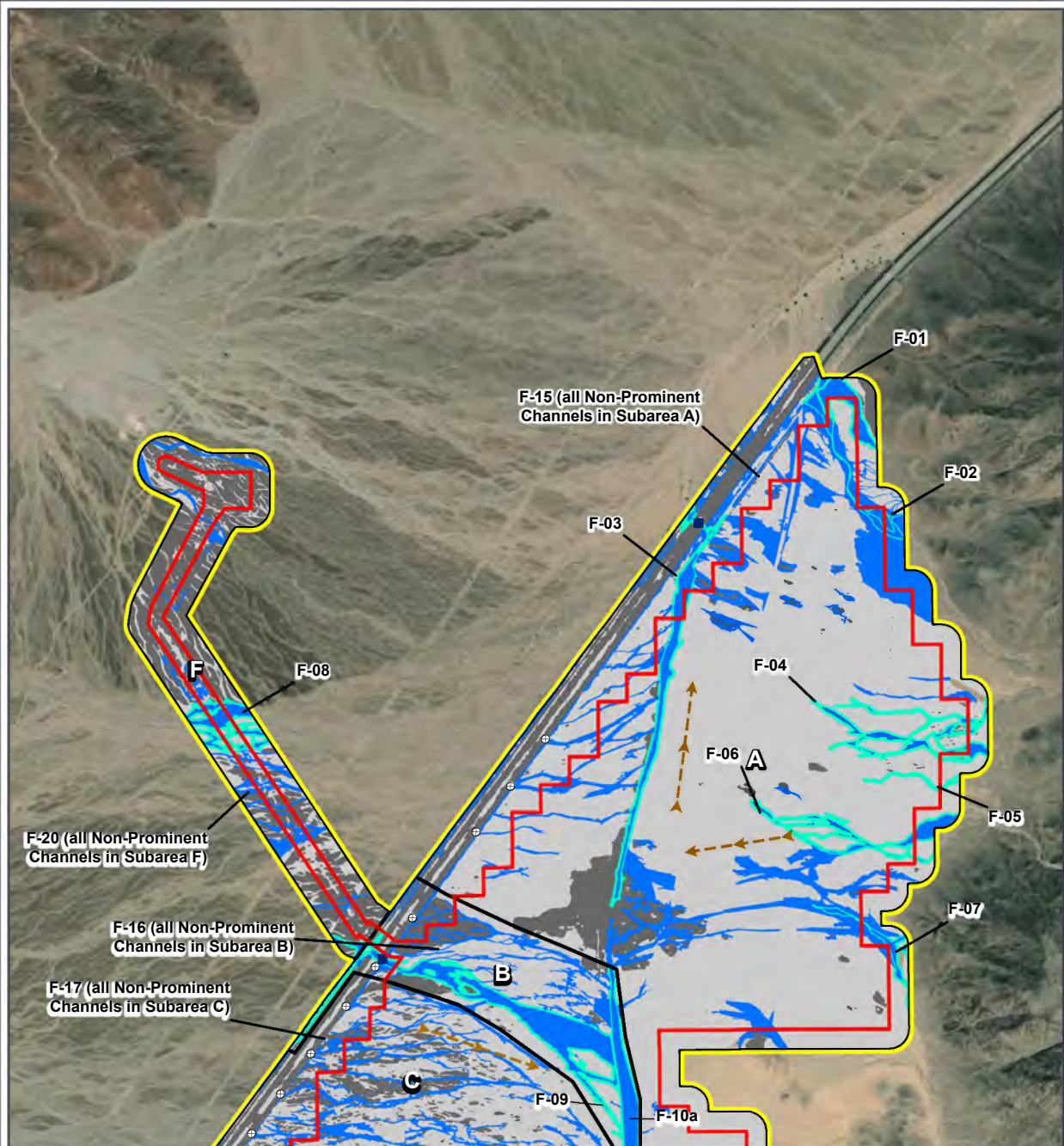
- Flow Path
- Ditch/Culvert
- Flume
- Upland
- Upland - desert pavement; elevated
- Non-wetland waters (Prominent)
- Non-wetland waters (Non-prominent)
- Map Extent
- Project Site
- Subareas A-F
- Review Area

San Bernardino County, CA
 NAD 1983 UTM Zone 11N
 35.1594°N 116.1843°W
 Aerial Imagery Date:
 06/24/2018



Base Map: Esri ArcGIS Online,
 accessed January 2025
 Updated: 1/21/2025
 Project No. 81334
 Layout:
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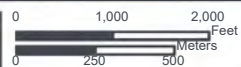
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SWCA
 ENVIRONMENTAL CONSULTANTS



Aquatic Resources Delineation

- Flow Path
- Ditch/Culvert
- Flume
- Non-wetland waters (Prominent)
- Non-wetland waters (Non-prominent)
- Subareas A-F
- Project Site
- Review Area
- Upland
- Upland - desert pavement; elevated

San Bernardino County, CA
 NAD 1983 UTM Zone 11N
 35.1772°N 116.1764°W
 Aerial Imagery Date:
 6/24/2018
 Page 1 of 3



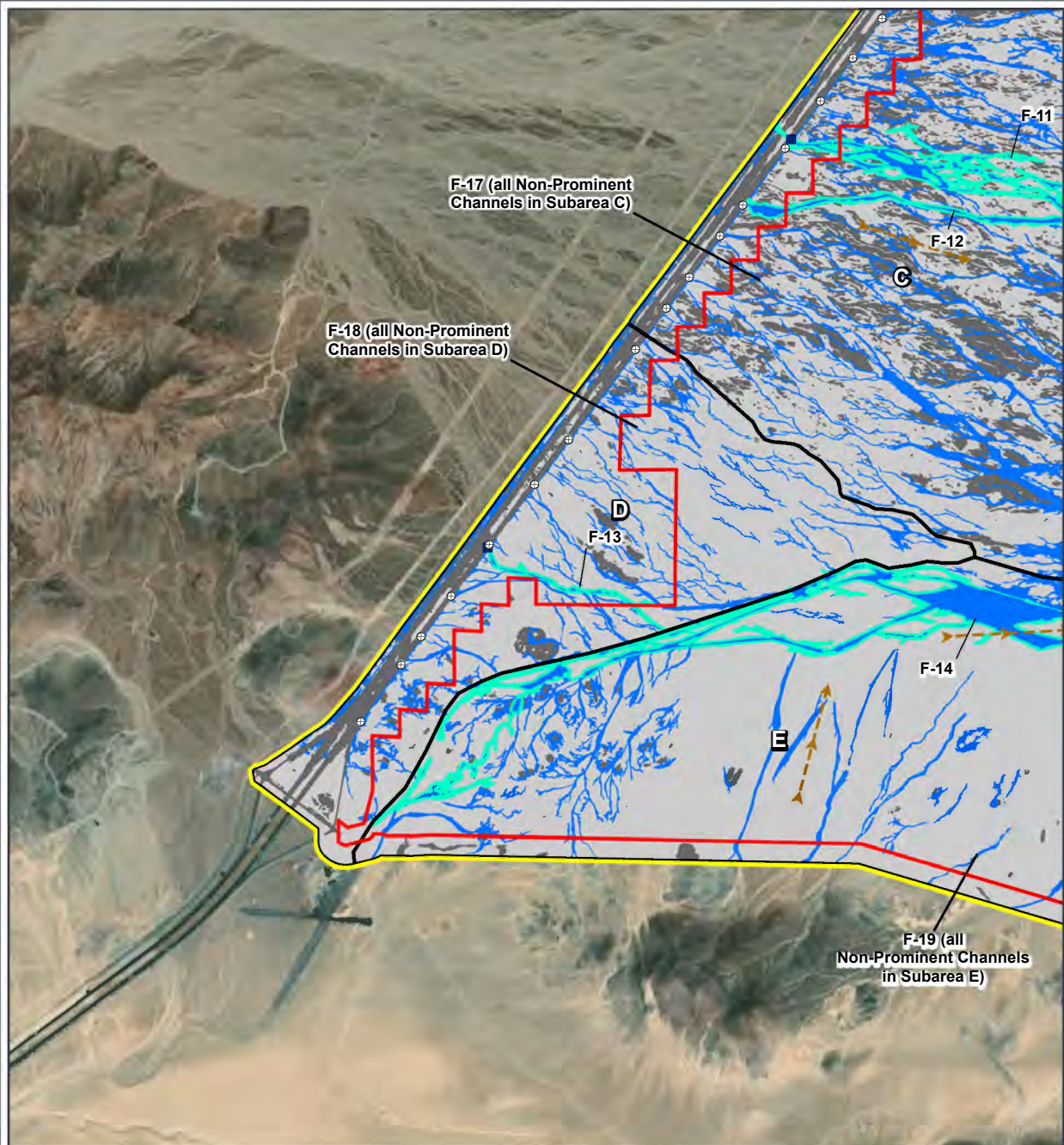
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Base Map: Esri ArcGIS Online,
 accessed January 2025
 Updated: 1/21/2025
 Project No. 81334
 Layout:

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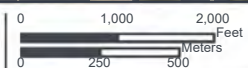
SWCA
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Aquatic Resources Delineation

- Flow Path
- Ditch/Culvert
- Flume
- Upland
- Upland - desert pavement; elevated
- Non-wetland waters (Prominent)
- Non-wetland waters (Non-prominent)
- Subareas A-F
- Project Site
- Review Area

San Bernardino County, CA
 NAD 1983 UTM Zone 11N
 35.1416°N 116.2011°W
 Aerial Imagery Date:
 6/24/2018
 Page 2 of 3



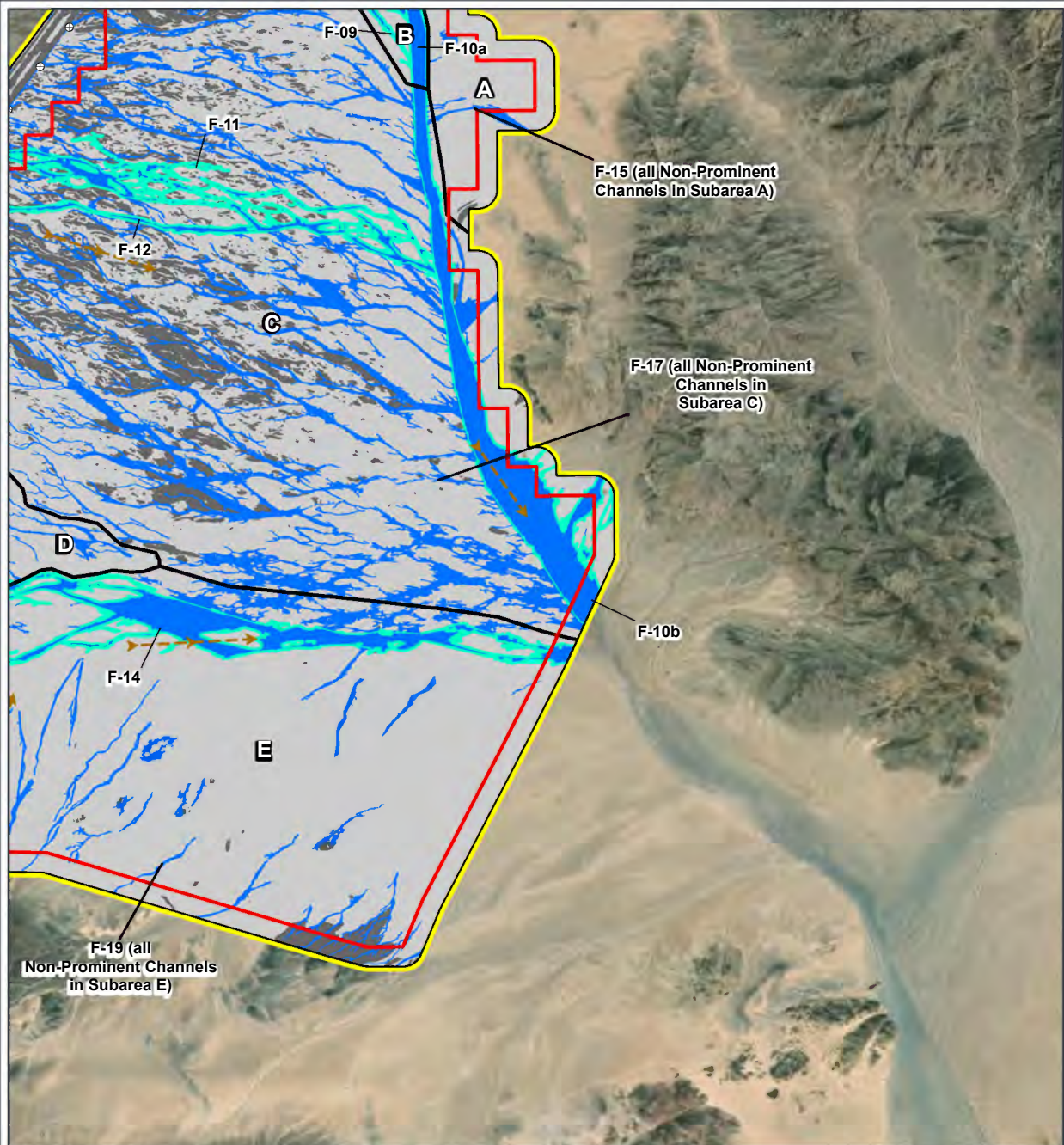
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Base Map: Esri ArcGIS Online,
 accessed January 2025
 Updated: 1/21/2025
 Project No. 81334
 Layout:

68347_Fig25_ProminentAquatic_Series
 Aprx: 68347_SodaMountain_CECUpdates

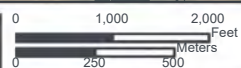
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Aquatic Resources Delineation

- Flow Path
- Flume
- Upland
- Upland - desert pavement; elevated
- Non-wetland waters (Prominent)
- Non-wetland waters (Non-prominent)
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- Review Area

San Bernardino County, CA
 NAD 1983 UTM Zone 11N
 35.1417°N 116.1681°W
 Aerial Imagery Date:
 6/24/2018
 Page 3 of 3



1:24,000



Base Map: Esri ArcGIS Online,
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 Project No. 81334
 Layout:

68347_Fig25_ProminentAquatic_Series
 Aprx: 68347_SodaMountain_CECUpdates

SWCA
 ENVIRONMENTAL CONSULTANTS



REQUEST AJD and NPR Soda Mountain Solar, Barstow, California SPL-2010-01042

From Bonnie Rogers <bonnie.rogers@swca.com>
Date Fri 10/11/2024 3:00 PM
To splreglasb@usace.army.mil <splreglasb@usace.army.mil>; shannon.l.pankratz@usace.army.mil <shannon.l.pankratz@usace.army.mil>
Cc Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>; Pauline Roberts <PKRoberts@swca.com>

4 attachments (15 MB)
20241008_CL_SPL-2010-01042-Soda-AJD.pdf; attachA_20240916_1602apdx1_ENG6247_Soda_signed.pdf; attachB_20241004_AJD-MFR-Soda_draft.docx; attachD_20240916_ORM-AJD_SPL-2010-01042-Soda.xlsm;

Good afternoon LASB,

Hi Shannon, It was great to see you last week :0)

Please find the attached AJD verification and NPR request for the Soda Mountain Solar project.
The prior AJD you issued expired. The delineation was completely remapped in 2023 and a new ARDR is available via attachC (too large to attach here).

20241008_CL_SPL-2010-01042-Soda-AJD.pdf	253 KB
attachA_20240916_1602apdx1_ENG6247_Soda_signed.pdf	63 KB
attachB_20241004_AJD-MFR-Soda_draft.docx	14,906 KB
attachC_20240621_ARDR-SodaMtn_withAppendices.pdf	63,913 KB
attachD_20240916_ORM-AJD_SPL-2010-01042-Soda.xlsm	270 KB

The request and above/attached files were also submitted online via RRS today:

Submitted

Soda Mountain Solar Project

Delineation Report and Jurisdictional Det...

Los Angeles District

2024-10-11

Let me know if you would like us to draft an NPR letter as well, for your review.

Please know as described in the cover letter, this project's Lead Agency is the California Energy Commission, who has an MOU with the Water Board and CDFW for energy projects to streamline the review and permitting process. The Lahontan RWQCB has asked for the updated AJD verification as part of the process because they will be issuing a WDR.

Thank you!

Best,

—
Bonnie Rogers, MS | pronoun inclusive
Principal Wetland Scientist, PWS #3471, CCP
Natural Resources Lead

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www.SWCA.com



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Outlook

Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

From rrs@usace.army.mil <rrs@usace.army.mil>

Date Tue 10/15/2024 8:08 AM

To dth@vcrenewables.com <dth@vcrenewables.com>; Bonnie Rogers <bonnie.rogers@swca.com>; Shannon.L.Pankratz@usace.army.mil <Shannon.L.Pankratz@usace.army.mil>

The U.S. Army Corps of Engineers, Los Angeles District has assigned your Delineation Report and Jurisdictional Determination request:

File Number: SPL-2010-01042

Project Manager: Shannon L Pankratz, Shannon.L.Pankratz@usace.army.mil, (213) 453-8586

Please reference this file number in all correspondence and communication with us concerning this request.

The U.S. Army Corps of Engineers Regulatory program is committed to providing you with the highest level of public service. Your request will be processed in the order it was received, and the assigned project manager will contact you if any additional information is required to complete the review of your request.

General information about the U.S. Army Corps of Engineers' Regulatory Program is available on the Regulatory Request System homepage at: <https://rrs.usace.army.mil>

Information specific for your region can be found at the Los Angeles District website at: <http://www.spl.usace.army.mil/Missions/Regulatory.aspx>

This mailbox is not monitored. If you have any questions, please contact your assigned project manager directly.



Outlook

RE: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

From Luis Aguilar <Luis.Aguilar@swca.com>

Date Tue 1/21/2025 3:50 PM

To Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>

Cc Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>; Cummings, Deanna L CIV USARMY CESPL (USA) <Deanna.L.Cummings@usace.army.mil>

Good afternoon, Genevieve. We have updated the figure to ensure that all aquatic resources are accounted for in labels. These labels correspond with the calculations in Table 8, Aquatic Resources Within the Review Area.

You can find the overview figure along with three subset maps in the following location:

 [Mapped Feature Labels 20250121](#)

Please let us know if you have any questions or need any additional information. We look forward to hearing from you.

Thank you,

Luis Aguilar

Principal Wetland Scientist

ISA Certified Arborist/TRAQ: WE-12042A

SWCA Environmental Consultants

320 N. Halstead Street, Suite 120

Pasadena, CA 91107

P 626.489.4191 ext. 6662 | F 626.240.0607 | C 323.807.1357

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From: Luis Aguilar

Sent: Wednesday, January 15, 2025 9:45 AM

To: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>

Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>; Cummings, Deanna L CIV USARMY CESPL (USA) <Deanna.L.Cummings@usace.army.mil>

Subject: RE: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Good morning, Genevieve. My name is Luis Aguila, and I will be supporting this effort on Bonnie's behalf now that she is no longer with SWCA. Please direct any questions my way and Cc Kara. We are currently working on the updated figure you requested, and we will send it over as soon as it is ready. Please feel free to reach out any time. I look forward to working with you and the broader team on this project.

Sincerely,

Luis Aguilar

Senior Wetland Scientist

ISA Certified Arborist/TRAQ: WE-12042A

SWCA Environmental Consultants

320 N. Halstead Street, Suite 120

Pasadena, CA 91107

P 626.489.4191 ext. 6662 | F 626.240.0607 | C 323.807.1357

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From: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>
Sent: Friday, January 10, 2025 10:13 AM
To: Bonnie Rogers <bonnie.rogers@swca.com>
Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>; Cummings, Deanna L CIV USARMY CESPL (USA) <Deanna.L.Cummings@usace.army.mil>; Luis Aguilar <Luis.Aguilar@swca.com>
Subject: RE: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Hi Bonnie,

No worries. Please stay safe!

Best,
Genevieve

From: Bonnie Rogers <bonnie.rogers@swca.com>
Sent: Thursday, January 9, 2025 2:19 PM
To: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>
Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>; Cummings, Deanna L CIV USARMY CESPL (USA) <Deanna.L.Cummings@usace.army.mil>; Luis Aguilar <Luis.Aguilar@swca.com>
Subject: [Non-DoD Source] Re: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Hi Genevieve, I apologize I am away from my computer due to wildfire prep.
We will get a relabeled map to you.

Thanks,

Bonnie Rogers, MS | pronoun inclusive
Principal Wetland Scientist, PWS #3471, CCP

Natural Resources Lead

SWCA Environmental Consultants
320 North Halstead Street, Suite 120

Pasadena, California 91107

O: +1 626.240.0587; D: +1 209.231.2699

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From: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>
Sent: Tuesday, January 7, 2025 10:37 AM
To: Bonnie Rogers <bonnie.rogers@swca.com>
Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>; Cummings, Deanna L CIV USARMY CESPL (USA) <Deanna.L.Cummings@usace.army.mil>; Luis Aguilar <Luis.Aguilar@swca.com>
Subject: RE: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Hi Bonnie,

We are still reviewing and are not available between 11-12 today.

Are you available at 1pm today if needed?

Thanks,
Genevieve

From: Bonnie Rogers <bonnie.rogers@swca.com>
Sent: Monday, January 6, 2025 2:47 PM
To: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>
Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>; Cummings, Deanna L CIV USARMY CESPL (USA) <Deanna.L.Cummings@usace.army.mil>; Luis Aguilar <Luis.Aguilar@swca.com>
Subject: [Non-DoD Source] Re: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

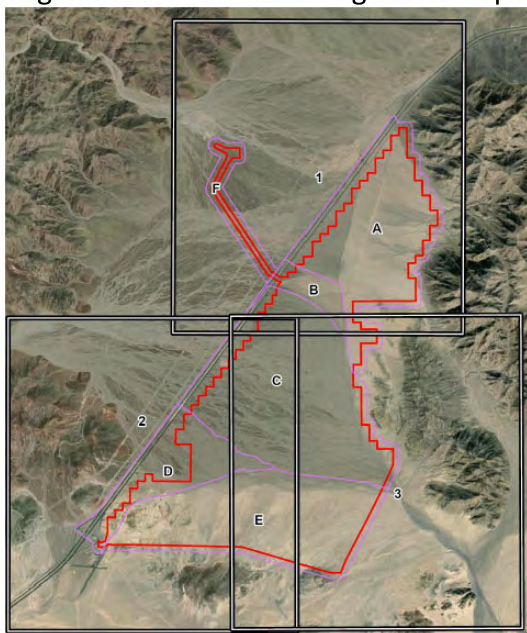
Hello Genevieve,

Thank you for your email regarding the AJD MFR. I understand a draft MFR is not accepted by the Corps so you may disregard the draft that was provided.

Yes, the aquatic resources can be separated into more than one feature for the AJD. The features are already separated that way in the ARDR provided as part of the AJD request.

I have selected just those relevant aquatic resource inventory pages in the ARDR and have attached them here.

Page 1 of the PDF shows Figure 24 displaying Subareas A, B, C, D, E, and F:



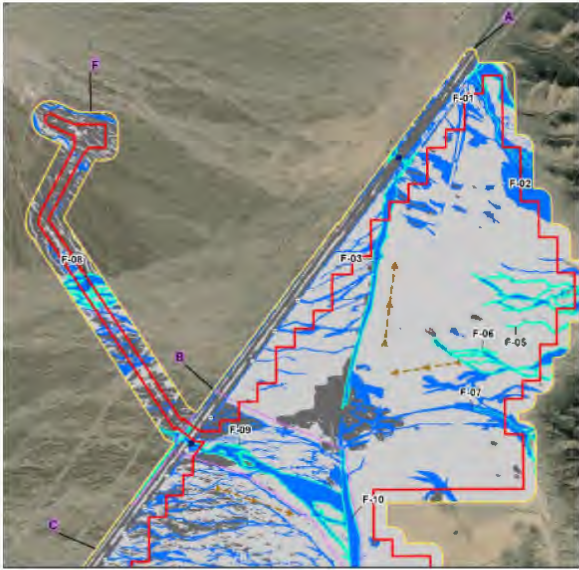
Page 3 of the PDF shows Table 8 listing each aquatic resource feature by SubArea (column 2):

Table 8. Aquatic Resources within the Review Area

Aquatic Resource Name	SubArea	Cowardin* Classification	Channel Width (feet)	Approximate Location (latitude/longitude)	Aquatic Resource size (acres)	Length (linear feet)
PROMINENT CHANNELS						
F-01 Non-wetland	A	Riverine	145.4	35.18324, -116.183929	4.90	1,005
F-02 Non-wetland	A	Riverine	57.2	35.18028, -116.183726	3.96	2,490
F-03 Non-wetland	A	Riverine	88.4	35.17061, -116.172104	10.53	5,167
F-04 Non-wetland	A	Riverine	37.7	35.17306, -116.185242	7.86	7,665
F-05 Non-wetland	A	Riverine	20.4	35.17061, -116.161447	0.85	1,167
F-06 Non-wetland	A	Riverine	35.5	35.16870, -116.164256	6.97	5,808
F-07 Non-wetland	A	Riverine	55.1	35.16477, -116.162051	2.69	1,241
F-08 Non-wetland	F	Riverine	101.6	35.17299, -116.169667	8.32	1,710
F-09 Non-wetland	B	Riverine	109.1	35.16350, -116.179459	20.88	8,043
F-10 Part 2 Non-wetland	C	Riverine	275.4	35.14476, -116.169290	50.68	7,608
F-10 Part 1 Non-wetland	B	Riverine	144.4	35.16139, -116.173073	7.70	2,324
F-11 Non-wetland	C	Riverine	57.5	35.15473, -116.185109	23.05	17,451
F-12 Non-wetland	C	Riverine	87.2	35.15404, -116.182206	8.04	3,917
F-13 Non-wetland	D	Riverine	43.3	35.14250, -116.202964	2.52	2,637
F-14 Non-wetland	E	Riverine	71.7	35.14076, -116.193009	56.74	33,968
Subtotal					210.97	102,151
NON-PROMINENT CHANNELS						
F-15 Group Non-wetland	A	Riverine	6.0	SubArea A	102.28	1,997
F-16 Group Non-wetland	B	Riverine	6.2	SubArea B	14.35	898
F-17 Group Non-wetland	C	Riverine	6.2	SubArea C	189.36	1,148
F-18 Group Non-wetland	D	Riverine	6.2	SubArea D	46.01	1,226
F-19 Group Non-wetland	E	Riverine	6.2	SubArea E	64.44	1,206
F-20 Group Non-wetland	F	Riverine	6.1	SubArea F	12.98	1,081
Subtotal					432.43	7,356
Grand Total					643.4	109,507

*Cowardin, 1979.

Pages 11 - 13 of the PDF show those aquatic resources by SubArea:



Please confirm this is sufficient for your request.

If a call is needed still, I am available tomorrow Tuesday between 11-12 PM.

Thank you!

Bonnie Rogers, MS | pronoun inclusive
Principal Wetland Scientist, PWS #3471, CCP

Natural Resources Lead

SWCA Environmental Consultants

320 North Halstead Street, Suite 120

Pasadena, California 91107

O: +1 626.240.0587; D: +1 209.231.2699

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From: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>
Sent: Tuesday, December 31, 2024 4:10 PM
To: Bonnie Rogers <bonnie.rogers@swca.com>
Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>; Cummings, Deanna L CIV USARMY CESPL (USA) <Deanna.L.Cummings@usace.army.mil>
Subject: RE: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Hi Bonnie,

Hope all is well, and you are enjoying the holidays.

The new version of the map, which has only one aquatic resource identified, would not be sufficient for the new AJDs. Deanna Cummings, a senior PM (cc'd here) has suggested we meet and discuss the documents required for the most recent version of AJDs.

Also, we are technically not allowed to accept submissions for AJDs that include a template- so as we move forward, we would request that you please resubmit any aquatic resource documents (e.g., maps, explanations) in another format (e.g., not an AJD template).

We have availability on the following dates/times:

Thursday January 2 (2025): 9am-12pm

Tuesday January 7: 9-11am

Wednesday January 8: 9am-11am, 2:30-4:00pm

Friday, January 10, 1-4pm

Thanks again.

Best,

Genevieve Holdridge, PhD (she/her/hers)

Project Manager

North Coast Branch, L.A. and San Bernardino Counties Section

Regulatory Division, Los Angeles District

U.S. Army Corps of Engineers

Genevieve.s.holdridge@usace.army.mil

Government cellphone: 213.308.1877

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From: Bonnie Rogers <bonnie.rogers@swca.com>

Sent: Friday, December 20, 2024 8:29 AM

To: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>

Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>

Subject: [Non-DoD Source] Re: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Thank you Genevieve!

1. The signed version is attached.
2. I'll get back to you regarding the map.

Happy holidays!

Best,
Bonnie

From: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>

Sent: Thursday, December 19, 2024 5:26 PM

To: Bonnie Rogers <bonnie.rogers@swca.com>

Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>

Subject: RE: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Hi Bonnie and Kara,

Thanks for your patience. In order to process this AJD and NPR request, would you please provide the following information:

1. Please have the applicant sign the agent authorization form (attached for reference).
2. Although you have provided much information with regards to the aquatic resources to be affected by the project (which have been listed out in Attachment B you provided), new AJD requirements involve providing the following information:
 1. Table listing all aquatic resources to be impacted with the acreage/linear feet for each that fall within the Project/Review area (it seems that you have provided this in Attachment C, the Aquatic Resource Delineation Report, on Table 8, page 41); and,
 2. A map or set of maps that clearly show(s) each aquatic resource location, which is/are clearly labeled in a way that one can easily identify it listed on the AJD form (in Attachment B) and in the Table (e.g., Table 8 in a.) You have provided a map (Figure 25. On page 40 of Attachment C) but this does not specify between Aquatic Resource 10 A and B, nor does it provide the location of Aquatic Resources 15-20.

To clarify, please provide a signed agent authorization form (1 above) and a map/maps as described in 2 b, which clearly show the location of each aquatic

resource with each clearly labeled.

Please do not hesitate to reach out with any questions or concerns.

Best,

Genevieve Holdridge, PhD (she/her/hers)

Project Manager

North Coast Branch, L.A. and San Bernardino Counties Section

Regulatory Division, Los Angeles District

U.S. Army Corps of Engineers

Genevieve.s.holdridge@usace.army.mil

Government cellphone: 213.308.1877

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features at <https://rrs.usace.army.mil/rrs/>.



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From: Bonnie Rogers <bonnie.rogers@swca.com>
Sent: Thursday, December 12, 2024 3:58 PM
To: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>
Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>
Subject: [Non-DoD Source] Re: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Hi Genevieve,

Thank you for confirming contact.

My primary intent of the email is for you to add Kara as the project contact. I am not able to do that in RRS since the request is locked.

Thank you!

Bonnie Rogers, MS | pronoun inclusive
Principal Wetland Scientist, PWS #3471, CCP

Natural Resources Lead

SWCA Environmental Consultants

320 North Halstead Street, Suite 120

Pasadena, California 91107

O: +1 626.240.0587; D: +1 209.231.2699

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From: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>

Sent: Thursday, December 12, 2024 3:41 PM

To: Bonnie Rogers <bonnie.rogers@swca.com>

Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>

Subject: RE: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Hi Bonnie,

Thank you for your email. We have a huge workload and have a lot less staff as of late. I am doing my best to get to this AJD as soon as possible. I will be in touch with Shannon concerning the AJD she issued in 2010.

I realize some time has passed, but if you need this AJD by a certain date, please let me know. Either way I will be in touch next week.

Thanks,

Genevieve Holdridge, PhD (she/her/hers)

Project Manager

North Coast Branch, L.A. and San Bernardino Counties Section

Regulatory Division, Los Angeles District

U.S. Army Corps of Engineers

Genevieve.s.holdridge@usace.army.mil

Government cellphone: 213.308.1877

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From: Bonnie Rogers <bonnie.rogers@swca.com>
Sent: Thursday, December 12, 2024 9:52 AM
To: Holdridge, Genevieve S CIV (USA) <Genevieve.S.Holdridge@usace.army.mil>
Cc: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>
Subject: [Non-DoD Source] Re: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

Hello Genevieve,

I just left you a voice message regarding our AJD request in RRS. I will be departing SWCA in a few weeks and wanted to provide you with an updated contact representative.

Kara Laurenson-Wright is the Project Manager here at SWCA (copied above). Can you please add her to the file so we do not miss any correspondence from you?

Have you had a chance to review the ARDR and AJD request yet? Are you working with Shannon on this one? She previously issued the AJD back in 2010.

If you have any questions, please give me a call at 805-448-3352.

Thank you!

Sincerely,

Bonnie Rogers, MS | pronoun inclusive
Principal Wetland Scientist, PWS #3471, CCP

Natural Resources Lead

SWCA Environmental Consultants

320 North Halstead Street, Suite 120

Pasadena, California 91107

O: +1 626.240.0587; D: +1 209.231.2699

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From: Bonnie Rogers <bonnie.rogers@swca.com>

Sent: Wednesday, December 11, 2024 3:32 PM

To: Hannah Gbeh <hannah@resolutionenvironmental.com>

Subject: Fw: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

From: rrs@usace.army.mil <rrs@usace.army.mil>

Sent: Tuesday, October 15, 2024 8:08 AM

To: dth@vcrenewables.com <dth@vcrenewables.com>; Bonnie Rogers <bonnie.rogers@swca.com>;

Shannon.L.Pankratz@usace.army.mil <Shannon.L.Pankratz@usace.army.mil>

Subject: Department of the Army Delineation Report and Jurisdictional Determination Request: SPL-2010-01042 - Soda Mountain Solar Project

The U.S. Army Corps of Engineers, Los Angeles District has assigned your Delineation Report and Jurisdictional Determination request:

File Number: SPL-2010-01042

Project Manager: Shannon L Pankratz, Shannon.L.Pankratz@usace.army.mil, (213) 453-8586

Please reference this file number in all correspondence and communication with us concerning this request.

The U.S. Army Corps of Engineers Regulatory program is committed to providing you with the highest level of public service. Your request will be processed in the order it was received, and the assigned project manager will contact you if any additional information is required to complete the review of your request.

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Information specific for your region can be found at the Los Angeles District website at: <http://www.spl.usace.army.mil/Missions/Regulatory.aspx>

This mailbox is not monitored. If you have any questions, please contact your assigned project manager directly.