



ENVIRONMENTAL PROTECTION

Clean Water Act Section 401 Water Quality Certification Application

Please refer to the "Clean Water Act Section 401 Water Quality Certification Application Guidance" document for assistance with completing this application.

A. Pre-Filing Meeting

Please provide the date that a pre-filing meeting was requested from Nevada Division of Environmental Protection (NDEP) Bureau of Water Quality Planning (BWQP).

Tuesday July 20, 2025, 900

Note: If a pre-filing meeting has not been requested, please schedule a pre-filing meeting with NDEP BWQP.

B. Contact Information

Project Proponent Information

Company Name: Noble Solar LLC

Address: 1901 Harrison Street, Suite 1600

Applicant Name: Adam Larner

City: Oakland

Phone: 510-910-9087

Fax:

State: California

Email: noblesolar@primergysolar.com

Zip Code: 94612

Agent Information

Company Name: SWCA Environmental Consultants

Address: 343 W Franklin Street

Agent Name: Russell Waldron

City: Tucson

Phone: 520-325-9194

Fax:

State: Arizona

Email: rwaldron@swca.com

Zip Code: 85745

C. Project General Information

Project Location

Project/Site Name: Purple Sage Energy Center, Wash 2 Impact/Crossing Area 1

Name of receiving waterbody: Unnamed interstate waters

Address:

Type of waterbody present at project location (*select all that apply*):

City:

☐ Perennial River or Stream

☐ Intermittent River or Stream

☒ Ephemeral River or Stream

☐ Lake/Pond/Reservoir

☐ Wetland

☐ Other: _____

County: Clark

State: Nevada

Zip Code:

Latitude (UTM or Dec/Deg): 36.038660

Longitude (UTM or Dec/Deg): -115.835028

Township: 22 South

Range: 55 East

Section: 7-9, 16-21, 29-30

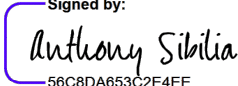
¼ Section: NW4NW4

Project Details	
Project purpose:	Provide access between solar array blocks
Describe current site conditions: Attachments can include, but are not limited to, relevant site data, photographs that represent current site conditions, or other relevant documentation.	Elevations in the Purple Sage project area range from 2,600 to 3,000 feet above mean sea level and the vegetation present is consistent with the mapped <i>Sonora-Mohave Mixed Salt Desert Scrub</i> and <i>Sonora-Mohave Creosotebush-White Bursage Desert Scrub</i> associations. Dominant species include creosote bush (<i>Larrea tridentata</i>) and white bursage (<i>Ambrosia dumosa</i>). No vegetation associated with riparian habitats or wetlands is present in the project area. Wash 2 is one of three ephemeral (a)(1)(iii) interstate waters delineated by BEC Environmental, Inc. within the Purple Sage project area (see BEC 2022 and 2024 Delineation Reports).
Describe the proposed activity including methodology of each project element:	The BLM grading plan (Plan) was recently transmitted to NDEP via SWCA's SharePoint secure file transfer site. Impact Area 1 can be found on the Plan sheets C117, C205, and Detail 1/C400. A 20-foot-wide at-grade access road causeway would be constructed in Impact Area 1 including concrete wing walls for erosion protection and underground collector lines on both sides of the road. The total disturbance width would be 50 feet, with 20 feet for the road and wing walls and 15 feet on either side of the road for temporary construction access and installation of the collector lines. Excavation would occur to a depth of one foot for the road which would be constructed using 6 inches of aggregate base surfaced with 6 inches of rock. The one-foot-thick upstream wing wall would be installed at the road edge to a depth of three feet and the same thickness downstream wing wall would be installed to a depth of two feet. Trenching construction techniques would be used for the collector line installations, the trenches would be six feet deep, and the ground surface above the installations would be restored to its original contours following construction. Standard equipment—such as rubber-tired trucks, backhoes, loaders, graders, excavators, and/or dozers—may be used to construct the project. No wetlands or mudflats are present in the project area; therefore, no equipment would be placed in wetlands or mudflats. Laydown areas are indicated on Plan sheets C108, C109, C114-C116, C121, C125, C126, C130, and C131 and access is indicated on plan sheets C200-C215
Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity:	See USACE ENG Form 6082, Attachment A Supplemental Information and Crossing 1 figure
Provide the date(s) on which the proposed activity is planned to begin and end and the approximate date(s) when any discharge(s) may commence:	Project construction is anticipated to start in the fourth quarter of 2026, pending BLM's issuance of the project's Record of Decision, ROW Grant, and Notice to Proceed. End date of Crossing 1 is anticipated to be 2 weeks after start of the proposed crossing activity.

Provide a list of the federal permit(s) or license(s) required to conduct the activity which may result in a discharge into regulated waters (see mandatory attachments):	<ul style="list-style-type: none"> • USACE NWP authorization for NWP 14 and 57 • BLM ROD, ROW Grant, and NTP • FWS Section 10 permit • NPDES CGP coverage 	
Provide a list of all other federal, state, interstate, tribal, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization:	<ul style="list-style-type: none"> • BLM Final EIS (FEIS) – pending. Remaining BLM documents to follow BLM FEIS publication: Record of Decision (ROD), Right-of-Way (ROW) Grant, Limited Notice to Proceed (LNTF), and Final Notice to Proceed (FNTP). • PUCN UEPA PTCs – pending BLM’s issuance of the project’s FEIS, ROD, ROW, LNTF, and FNTP. • CWA Section 404 – PCN pending with USACE • NDEP Working in Waters permit - TBD 	
Total area of impact to regulated waterbodies (acres):	0.024 acres permanent, 0.037 acres temporary	
Total distance of impact to regulated waterbodies (linear feet):	0	
Amount excavation and/or fill discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary: 0.037ac, 50 feet, and 0 cu yds (See Crossing 1 figure)	Permanent: 0.024ac, 50 feet, and 100 cu yds (See Crossing 1 figure)
Amount of dredge material discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary: 0	Permanent: 0
Describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable (if applicable):	n/a	

<p>Describe the Best Management Practices (BMPs) to be implemented to avoid and/or minimize impacts to regulated waters:</p> <p>Examples include sediment and erosion control measures, habitat preservation, flow diversions, dewatering, hazardous materials management, water quality monitoring, equipment or plans to treat, control, or manage discharges, etc.</p>	<ul style="list-style-type: none"> • The construction of the access road water feature causeway at Impact Area 1 would occur entirely “in the dry” to prevent erosion/sedimentation and impacts to surface water quality. • The access road water feature causeway is designed to maintain the local hydrology of the wash and would not impound, re-route, or divert existing drainage and infiltration patterns within the water feature streambed. • Work within the washes would be minimized to the extent practicable. • All temporary stockpiles, concrete washouts, and spoil disposal locations would be placed at least 20 feet away from any surface water features, and all vehicle fueling and maintenance areas would be set back at least 100 feet from any surface water features. • Any imported materials required to construct the access road water feature causeway at Impact Area 1 would be free from toxic materials in toxic amounts and weed free. • Impacts to surface waters would generally be managed under control measures outlined in the project’s forthcoming SWPPP.
<p>Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters:</p>	<p>The individual project components associated with the project were sited to avoid surface water features to the extent practicable. Two of the three interstate waters, Washes 1 and 4 will be completely avoided by the project components and Wash 2 will only be impacted at one location, Impact Area 1. BMPs would be implemented to reduce adverse effects to regulated waters.</p>
<p>Describe any compensatory mitigation planned for this project (if applicable):</p>	<p>None, see USACE ENG Form 6082, Attachment A Supplemental Information.</p>

D. Signature

<p>Name and Title (Print):</p> <p>Anthony Sibilia SVP</p>	<p>Phone Number:</p> <p>510-910-9087</p>	<p>Date:</p> <p>October 1, 2025</p>
<p>Signature of Responsible Official</p> <p>Signed by:</p>  <p>56C8DA653C2E4EE...</p>		

Mandatory Attachments:

- **Federal Permit or License Application** - A copy of the federal permit or license application and any readily available water quality-related materials that informed the development of the federal license or permit application.
- **Site Map** - A map or diagram of the proposed project site including project boundaries in relation to regulated waters, local streets, roads, and highways.
- **Engineered Drawings** - Engineered drawings are preferred to be submitted at the 70% design level. If only conceptual designs are available at the time of application, plans for construction should be submitted prior to the start of the project. Specific locations of the proposed activities and details of specific work elements planned for the project should be identified (e.g., staging areas, concrete washouts, perimeter controls, water diversions, or other BMPs).

Submit the completed application materials to NDEP (ndep401@ndep.nv.gov) with the appropriate U.S. Army Corps of Engineers Regulatory Office copied on the communication (<http://www.spk.usace.army.mil/Missions/Regulatory/Contacts/Contact-Your-Local-Office/>).

U.S. Army Corps of Engineers (USACE)
NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN)

For use of this form, see 33 CFR 330; the proponent agency is CECW-COR.

Form Approved -
OMB No. 0710-0003
Expires: 2027-10-31

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; Regulatory Program of the Corps of Engineers (Corps); Final Rule 33 CFR 320-332.

Principal Purpose Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.

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 the agency coordination process.

Disclosure Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

The public reporting burden for this collection of information, 0710-0003, is estimated to average 11 hours per response, including the 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.

PLEASE DO NOT RETURN YOUR RESPONSE TO THE ABOVE EMAIL.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see *sample drawings and/or instructions*) and be submitted to the district engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Adam Middle - Last - Lardner Company - Noble Solar, LLC Company Title - Chief Operating Officer E-mail Address - noblesolar@primergysolar.com	8. AUTHORIZED AGENT'S NAME AND TITLE (<i>agent is not required</i>) First - Russell Middle - Last - Waldron Company - SWCA Environmental Consultants E-mail Address - rwaldron@swca.com
6. APPLICANT'S ADDRESS Address- 1901 Harrison Street City - Oakland State - CA ZIP - 94612 Country - USA	9. AGENT'S ADDRESS Address- 343 W Frankllin Street City - Tucson State - AZ ZIP - 85745 Country - USA
7. APPLICANT'S PHONE NOs. with AREA CODE a. Residence b. Business c. Fax d. Mobile 510-910-9087 415-612-7251	10. AGENT'S PHONE NOs. with AREA CODE a. Residence b. Business c. Fax d. Mobile 520-325-9194 520-325-2033

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Russell Waldron to act in my behalf as my agent in the processing of this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.

SIGNATURE OF APPLICANT

DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME or TITLE (*see instructions*)
Purple Sage Energy Center

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

<p>13. NAME OF WATERBODY, IF KNOWN <i>(if applicable)</i> Unnamed interstate waters</p>	<p>14. PROPOSED ACTIVITY STREET ADDRESS <i>(if applicable)</i></p>												
<p>15. LOCATION OF PROPOSED ACTIVITY <i>(see instructions)</i> Latitude °N Longitude °W 36.038660 -115.835028</p>	<p>City: State: ZIP: Pahrump NV</p>												
<p>16. OTHER LOCATION DESCRIPTIONS, IF KNOWN <i>(see instructions)</i></p> <table style="width:100%;"> <tr> <td style="width:50%;">State Tax Parcel ID</td> <td style="width:50%;">Municipality</td> </tr> <tr> <td></td> <td>Clark County</td> </tr> <tr> <td>Section</td> <td>Township</td> </tr> <tr> <td>7 thru 9, 16 thru 21, and 29 and 30.</td> <td>22 South</td> </tr> <tr> <td></td> <td>Range</td> </tr> <tr> <td></td> <td>55 East</td> </tr> </table>		State Tax Parcel ID	Municipality		Clark County	Section	Township	7 thru 9, 16 thru 21, and 29 and 30.	22 South		Range		55 East
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Section	Township												
7 thru 9, 16 thru 21, and 29 and 30.	22 South												
	Range												
	55 East												
<p>17. DIRECTIONS TO THE SITE The Project is located on BLM-administered lands within Pahrump Valley, approximately 5 miles southeast of Pahrump, Nevada, and approximately 26 miles west of Las Vegas, Nevada.</p>													
<p>18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE NWP 14 for an access road crossing and NWP 57 for collector line crossing</p>													
<p>19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY <i>(see instructions)</i> Construct a co-located at-grade road crossing and a utility line crossing of an ephemeral interstate water. The 4,400 acre project area has been designed to avoid impacts to all WOTUS except at this single crossing.</p>													
<p>20. DESCRIPTION OF PROPOSED MITIGATION MEASURES <i>(see instructions)</i> See Attachment A</p>													
<p>21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY <i>(Describe the reason or purpose of the project, see instructions)</i> Provide vehicular access and collector line connectivity between solar array blocks.</p>													
<p>22. QUANTITY OF WETLANDS, STREAMS, OR OTHER TYPES OF WATERS DIRECTLY AFFECTED BY PROPOSED NATIONWIDE PERMIT ACTIVITY <i>(see instructions)</i></p> <table style="width:100%;"> <tr> <td style="width:33%;">Acres</td> <td style="width:33%;">Linear Feet</td> <td style="width:33%;">Cubic Yards Dredged or Discharged</td> </tr> <tr> <td>0.024</td> <td>50</td> <td>50 dredged, 50 discharged</td> </tr> </table> <p>Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.</p>		Acres	Linear Feet	Cubic Yards Dredged or Discharged	0.024	50	50 dredged, 50 discharged						
Acres	Linear Feet	Cubic Yards Dredged or Discharged											
0.024	50	50 dredged, 50 discharged											
<p>23. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. <i>(see instructions)</i> N/A</p>													
<p>24. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and/or the loss of greater than 3/100-acre of stream bed and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (c) and/or paragraph (d) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity. N/A</p>													

25. Is any portion of the nationwide permit activity already complete? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe the completed work:			
26. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. (<i>see instructions</i>) Mohave Desert Tortoise - see BA and associated consultation documentation.			
27. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. (<i>see instructions</i>) See Attachment A.			
28. For a proposed NWP activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, identify the Wild and Scenic River or the "study river": N/A			
29. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes", please provide the date your request was submitted to the Corps district:			
30. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (<i>see instructions</i>) N/A			
31. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that the information in this pre-construction notification is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.			
SIGNATURE OF APPLICANT		DATE	
SIGNATURE OF AGENT		DATE	
<p>The pre-construction notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in Block 11 has been filled out and signed, the authorized agent.</p> <p>18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.</p>			

**Instructions for Preparing a
Department of the Army
Nationwide Permit (NWP) Pre-Construction Notification (PCN)**

Blocks 1 through 4. To be completed by the Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the e-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the preconstruction notification, please attach a sheet of paper with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the PCN. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant's Telephone Number(s). Please provide the telephone number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by the applicant, if an agent is to be employed.

Block 12. Proposed Nationwide Permit Activity Name or Title. Please provide a name identifying the proposed NWP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

Block 13. Name of Waterbody. Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the NWP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Activity Street Address. If the proposed NWP activity is located at a site having a street address (not a box number), please enter it in Block 14.

Block 15. Location of Proposed Activity. Enter the latitude and longitude of where the proposed NWP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the "corners" of the project area requiring evaluation. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality where the site is located.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide a description of the location of the proposed NWP activity, such as lot numbers, tract numbers, or you may choose to locate the proposed NWP activity site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed NWP activity site if known. If there are multiple locations, please indicate directions to each location on a separate sheet of paper and mark as Block 17.

Block 18. Identify the Specific Nationwide Permit(s) You Propose to Use. List the number(s) of the Nationwide Permit(s) you want to use to authorize the proposed activity (e.g., NWP 29).

Block 19. Description of the Proposed Nationwide Permit Activity. Describe the proposed NWP activity, including the direct and indirect adverse environmental effects the activity would cause. The description of the proposed activity should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal. Identify the materials to be used in construction, as well as the methods by which the work is to be done.

Provide sketches when necessary to show that the proposed NWP activity complies with the terms of the applicable NWP(s). Sketches usually clarify the activity and result in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed NWP activity (e.g., a conceptual plan), but do not need to be detailed engineering plans.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 19.

Block 20. Description of Proposed Mitigation Measures. Describe any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed NWP activity. The description of any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or additional mitigation measures.

Block 21. Purpose of Nationwide Permit Activity. Describe the purpose and need for the proposed NWP activity. What will it be used for and why? Also include a brief description of any related activities associated with the proposed project. Provide the approximate dates you plan to begin and complete all work.

Block 22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by the Proposed Nationwide Permit Activity. For discharges of dredged or fill material into waters of the United States, provide the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained by the proposed NWP activity. For structures or work in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899, provide the amount of navigable waters filled, dredged, or occupied by one or more structures (e.g., aids to navigation, mooring buoys) by the proposed NWP activity.

For multiple NWPs, or for separate and distant crossings of waters of the United States authorized by NWPs 12 or 14, attach an extra sheet of paper marked Block 21 to provide the quantities of wetlands, streams, or other types of waters filled, flooded, excavated, or drained (or dredged or occupied by structures, if in waters subject to Section 10 of the Rivers and Harbors Act of 1899) for each NWP. For NWPs 12 and 14, include the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained for each separate and distant crossing of waters or wetlands. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Identify Any Other Nationwide Permit(s), Regional General Permit(s), or Individual Permit(s) Used to Authorize Any Part of Proposed Activity or Any Related Activity. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. For linear projects, list other separate and distant crossings of waters and wetlands authorized by NWPs 12 or 14 that do not require PCNs. If more space is needed, attach an extra sheet of paper marked Block 23.

Block 24. Compensatory Mitigation Statement for Losses of Greater Than 1/10-Acre of Wetlands and/or of Greater Than 3/100-Acre of Stream Bed When Pre-Construction Notification is Required. Paragraphs (c) and (d) of NWP general condition 23 require compensatory mitigation at a minimum one-for-one replacement ratio for all wetland losses that exceed 1/10-acre and/or for all losses of stream bed that exceed 3/100-acre, unless the district engineer determines in writing that either some other form of mitigation is more environmentally appropriate or the adverse environmental effects of the proposed NWP activity are no more than minimal without compensatory mitigation, and provides an activity-specific waiver of this requirement. Describe the proposed compensatory mitigation for wetland losses greater than 1/10 acre and/or for losses of stream bed that exceed 3/100-acre, or provide an explanation of why the district engineer should not require wetland and/or stream compensatory mitigation for the proposed NWP activity. If more space is needed, attach an extra sheet of paper marked Block 24.

Block 25. Is Any Portion of the Nationwide Permit Activity Already Complete? Describe any work that has already been completed for the NWP activity.

Block 26. List the Name(s) of Any Species Listed As Endangered or Threatened under the Endangered Species Act that Might be Affected by the Nationwide Permit Activity. If you are not a federal agency, and if any listed species or designated critical habitat might be affected or is in the vicinity of the proposed NWP activity, or if the proposed NWP activity is located in designated critical habitat, list the name(s) of those endangered or threatened species that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 7 of the Endangered Species Act.

Block 27. List Any Historic Properties that Have the Potential to be Affected by the Nationwide Permit Activity. If you are not a Federal agency, and if any historic properties have the potential to be affected by the proposed NWP activity, list the name(s) of those historic properties that have the potential to be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

Block 28. List the Wild and Scenic River or Congressionally Designated Study River if the Nationwide Permit Activity Would Occur in such a River. If the proposed NWP activity will occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under the Wild and Scenic Rivers Act, provide the name of the river. For a list of Wild and Scenic Rivers and study rivers, please visit <http://www.rivers.gov/>.

Block 29. Nationwide Permit Activities that also Require Permission from the Corps Under 33 U.S.C. 408. If the proposed NWP activity also requires permission from the Corps under 33 U.S.C. 408 because it will temporarily or permanently alter, occupy, or use a Corps federal authorized civil works project, indicate whether you have submitted a written request for section 408 permission from the Corps district having jurisdiction over that project.

Block 30. Other Information Required For Nationwide Permit Pre-Construction Notifications. The terms of some of the Nationwide Permits include additional information requirements for preconstruction notifications:

- * NWP 3, Maintenance –information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.
- * NWP 31, Maintenance of Existing Flood Control Facilities –a description of the maintenance baseline and the dredged material disposal site.
- * NWP 33, Temporary Construction, Access, and Dewatering –a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions.
- * NWP 44, Mining Activities –if reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre-construction notification.
- * NWP 45, Repair of Uplands Damaged by Discrete Events –documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.
- * NWP 48, Commercial Shellfish Aquaculture Activities –(1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area (a detailed survey is not required).
- * NWP 49, Coal Remining Activities –a document describing how the overall mining plan will result in a net increase in aquatic resource functions must be submitted to the district engineer and receive written authorization prior to commencing the activity.
- * NWP 50, Underground Coal Mining Activities –if reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification.

If more space is needed, attach an extra sheet of paper marked Block 30.

Block 31. Signature of Applicant or Agent. The PCN must be signed by the person proposing to undertake the NWP activity, and if applicable, the authorized party (agent) that prepared the PCN. The signature of the person proposing to undertake the NWP activity shall be an affirmation that the party submitting the PCN possesses the requisite property rights to undertake the NWP activity (including compliance with special conditions, mitigation, etc.).

DELINEATION OF WETLANDS, OTHER SPECIAL AQUATIC SITES, AND OTHER WATERS

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current wetland delineation manual and regional supplement published by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. The 45 day PCN review period will not start until the delineation is submitted or has been completed by the Corps.

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number. For linear projects (e.g. roads, subsurface utility lines, etc.) gradient drawings should also be included. Please submit one original, or good quality copy, of all drawings on 8½x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

ADDITIONAL INFORMATION AND REQUIREMENTS

For proposed NWP activities that involve discharges into waters of the United States, water quality certification from the State, Tribe, or EPA must be obtained or waived (see NWP general condition 25). Some States, Tribes, or EPA have issued water quality certification for one or more NWPs. Please check the appropriate Corps district web site to see if water quality certification has already been issued for the NWP(s) you wish to use. For proposed NWP activities in coastal states, state Coastal Zone Management Act consistency concurrence must be obtained, or a presumption of concurrence must occur (see NWP general condition 26). Some States have issued Coastal Zone Management Act consistency concurrences for one or more NWPs. Please check the appropriate Corps district web site to see if Coastal Zone Management Act consistency concurrence has already been issued for the NWP(s) you wish to use.

Attachment A, Supplemental Information

Block 19, Complete Description of the Proposed Nationwide Permit Activity

The Purple Sage Energy Center (project) is a proposed 400 MW photovoltaic solar and 400 MW battery energy storage system (BESS) facility on approximately 4,444 acres of Bureau of Land Management land in Clark County, Nevada. Approximately 1,500 acres of the site would be developed. Project components include solar array blocks consisting of photovoltaic modules mounted on racks, inverters, the BESS, substation, overhead and underground collector lines, access roads, administrative and maintenance buildings, and a generation tie transmission line connecting to the Trout Canyon substation.

The project has been designed to avoid Waters of the United States (WOTUS) and other surface water features to the extent practicable. The solar array blocks, BESS, substation, and all buildings will be constructed outside of WOTUS and the only project components that will impact WOTUS are an access road and underground collector lines.

The unavoidable loss of non-wetland waters of the United States (WOTUS) would occur as aggregate base, rock, and concrete fills in the following impact area:

- Impact Area 1 – Wash 2, access road causeway

A 20-foot-wide at-grade access road causeway would be constructed in Impact Area 1 including concrete wing walls for erosion protection and underground collector lines on both sides of the road. The total disturbance width would be 50 feet, with 20 feet for the road and wing walls and 15 feet on either side of the road for temporary construction access and installation of the collector lines. Excavation would occur to a depth of one foot for the road which would be constructed using 6 inches of aggregate base surfaced with 6 inches of rock. The one-foot-thick upstream wing wall would be installed at the road edge to a depth of three feet and the same thickness downstream wing wall would be installed to a depth of two feet. Trenching construction techniques would be used for the collector line installations, the trenches would be six feet deep, and the ground surface above the installations would be restored to its original contours following construction.

Project construction is anticipated to start in the second quarter of 2026.

Block 20, Description of Proposed Mitigation Measures

Under the 2021 Clean Water Act Section 404 Nationwide Permit Program, the revised General Condition 23 requires compensatory mitigation for losses of stream bed that exceed 0.03 acre and require preconstruction notification (PCN), unless the U.S. Army Corps of Engineers (USACE) district engineer determines that either some other form of mitigation would be more environmentally appropriate, or the adverse environmental effects of the proposed activity are no more than minimal and the district engineer provides an activity-specific waiver of this requirement.

As noted in Block 22 of ENG Form 6082, the project would cause approximately 0.024 acres of permanent impacts and approximately 0.037 acres of temporary impacts to ephemeral, non-wetland WOTUS in Wash 2. No impacts to wetlands or other special aquatic features would occur. The ephemeral stormwater flows within the permanently impacted WOTUS would continue downstream from the project area. No loss of function would occur, as the causeway constructed in Wash 2 would be at-grade and flows from localized precipitation events would not be restricted.

To protect wildlife, the following measures will be taken:

- All mitigation and minimization measures described in the project's Biological Opinion included in Attachment C will be implemented during project construction, operation, and decommissioning to protect Mohave desert tortoise (*Gopherus agassizii*).
- If an active nest is observed before or during construction, measures would be taken to protect the nest from destruction and to avoid violation of the Migratory Bird Treaty Act.

The proposed project activities would result in less than 0.03 acres of permanent WOTUS loss; therefore, no compensatory mitigation is proposed for this project.

Block 22, Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by Proposed Nationwide Permit Activity

The project's July 2024, Preliminary Jurisdictional Determination (PJD) identified three (a)(1)(iii) interstate WOTUS within the project area (Washes 1, 2, and 4) with overall streambed lengths of approximately 373, 18,276, and 2,300 feet, respectively (see Attachment A). Washes 1 and 4 would be avoided during construction and no impacts would occur. Wash 2 would be impacted at a single crossing area with a delineated OHWM width of 55 feet.

The dredge and fill quantities and areas associated with the project's permit activities are summarized in Table A-1.

Table A-1. Impacts and Dredge and Fill Quantities within WOTUS

Impact Area	Structure/ Disturbance Description	Impacted Streambed Length (feet)	Permanent Impacts (acres)	Temporary Impacts (acres)	Excavation (cubic yards)	Aggregate Base (cubic yards)	Rock (cubic yards)	Concrete (cubic yards)
Wash 2								
1	Causeway and collector lines	50	0.024	0.037	50	20	20	10
Total		50	0.024	0.037	50	20	20	10

2021 NATIONWIDE PERMIT GENERAL CONDITIONS COMPLIANCE

- 1. Navigation.** No navigable waters are present within the project area. Navigation would not be impacted.
- 2. Aquatic Life Movements.** No perennial water bodies that support aquatic life are present in the project area; therefore, aquatic species would not be impacted.
- 3. Spawning Areas.** No perennial water bodies that support aquatic life or their spawning areas are present in the project area; therefore, spawning areas would not be impacted.
- 4. Migratory Bird Breeding Areas.** No important migratory bird breeding areas are present within or near the project area; therefore, there would be no effect to breeding areas from discharges into watercourses.
- 5. Shellfish Beds.** No perennial waterbodies that support shellfish are present in the project area; therefore, shellfish beds would not be impacted.
- 6. Suitable Material.** Only suitable materials would be used for fill. No unsuitable materials (e.g., trash debris, car bodies, asphalt, etc.) would be used as fill within WOTUS. All materials used for construction or discharged within WOTUS would be free from toxic pollutants in toxic amounts.
- 7. Water Supply Intakes.** The proposed project does not occur in proximity of a public water supply intake. No impacts to water supply intakes would occur.
- 8. Adverse Effects from Impoundments.** The proposed project would include construction of an at-grade access road crossing on Wash 2 and no adverse impacts from impoundments are anticipated to occur.
- 9. Management of Water Flows.** The project has been designed to allow stormwater to continue to cross the project area and flow downstream. Downstream flows in Wash 1, 2, and 4 would be maintained. There are no open waters within the project limits.
- 10. Fills within 100-Year Floodplains.** The Federal Emergency Management Agency (FEMA) maps most of the project area as a Zone X area of minimal flood hazard; however, a Zone A 100-year floodplain is associated with Wash 2 (FEMA Flood Insurance Rate Map Panel No. 32003C2450E). Fills within this 100-year floodplain associated with Crossing 1 would allow surface flows to continue without restriction because the causeway to be constructed would be at-grade.
- 11. Equipment.** Standard equipment—such as rubber-tired trucks, backhoes, loaders, graders, excavators, and/or dozers—may be used to construct the project. No wetlands or mudflats are present in the project area; therefore, no equipment would be placed in wetlands or mudflats.
- 12. Soil Erosion and Sediment Controls.** The total area of ground disturbance associated with the project exceeds 1 acre; therefore, National Pollution Discharge Elimination System construction general permit (CGP) coverage is required for the project including preparation of a stormwater pollution prevention plan (SWPPP). Best management practices for erosion and sediment controls will be described in the SWPPP and would be implemented during construction. Any work below the ordinary high-water mark would be permanently stabilized at the earliest practicable date and would be conducted during low-flow or no-flow periods.

13. Removal of Temporary Fills. No temporary fills would occur during construction of the project.

14. Proper Maintenance. All authorized structures or fill would be properly maintained to ensure public safety and compliance with applicable Nationwide Permit (NWP) conditions. During construction activities, the permittee's contractor would be required to perform maintenance activities to protect the installed work and the safety of the public. The maintenance shall be continuous and conducted daily with adequate equipment and personnel to always maintain the work in a manner satisfactory to the permittee's construction inspector until the work is completed.

15. Single and Complete Project. This project is a single and complete project and would only use one NWP 14 and one NWP 57.

16. Wild and Scenic Rivers. As noted in Block 28 of ENG Form 6082, no wild and scenic rivers or "study rivers" are present within the project area.

17. Tribal Rights. No Tribal lands or resources are present in the project area; the project would not affect Tribal rights (including treaty rights), protected Tribal resources, or Tribal lands.

18. Endangered Species. The threatened Mohave desert tortoise (*Gopherus agassizii*) occurs in the project area and three additional species, the endangered Yuma Ridgway's rail and southwestern willow flycatcher and the threatened yellow-billed cuckoo may also occur. The project's Biological Opinion issued on April 29, 2025, concluded that the project, as proposed, is not likely to jeopardize the continued existence of Mohave desert tortoise and concurred that the project may affect, but is not likely to adversely affect Yuma Ridgway's rail, southwestern willow flycatcher and the threatened yellow-billed cuckoo (Attachment C).

19. Migratory Birds and Bald and Golden Eagles. Migratory birds occur in the project area, and foraging golden eagles has the potential to occur. If any active migratory bird nests are present on-site during construction, measures would be taken to protect the nest(s) from destruction until the young have fledged.

20. Historic Properties. A Class III survey and cultural resources inventory report was prepared for the project's area of potential effect (APE) in 2022. Nineteen archaeological sites were identified within the APE, including seven prehistoric sites, all lithic scatters, that were determined to be eligible for listing in the NRHP under Criterion D. These sites are within the APE but outside of the fenced development area for the project and physical effects would be avoided. While the eligible sites are located outside of the fenceline, one site is located directly adjacent to the proposed fenceline. Inadvertent damage could occur due to construction activities occurring in the immediate vicinity, particularly due to increased presence of workers and access to the area. Seven historic sites, three prehistoric sites, and two multicomponent sites have been determined not eligible for the National Register of Historic Places under any National Register criteria. Of these, five cultural sites including two prehistoric sites, two historic roads, and one multicomponent site would be impacted by the construction of solar arrays. No adverse effects to historic properties were identified.

The BLM is using the NEPA environmental review process to fulfill its requirement to consider effects to historic properties under Section 106 of the National Historic Preservation Act. As part of the process, the BLM has notified the ACHP, the Nevada State Historic Preservation Office, Tribes, and all consulting parties that the BLM will use the environmental review process to meet its Section 106 compliance requirements, consistent with 36 CFR section 800.8(c).

21. Discovery of Previously Unknown Remains and Artifacts. If previously unidentified archaeological or historical features, or any other type of historic properties, are encountered during

activities related to project construction, the permittee shall, within 24 hours, notify the USACE's Regulatory Sacramento District at (916) 557-7481. The permittee shall immediately suspend all work at that location and take all reasonable steps to secure the preservation of those resources. The permittee shall not resume construction in the aforementioned location until the USACE reauthorizes project construction, per 36 Code of Federal Regulations 800.13.

22. Designated Critical Resource Waters. No National Oceanic and Atmospheric Administration–managed marine sanctuaries or monuments or National Estuarine Research Reserves are present within the project area. No impacts to designated critical resource waters would occur.

23. Mitigation. See Attachment A, Block 20 above.

24. Safety of Impoundment Structures. The proposed project would include construction of an at-grade access road crossing on Wash 2. No impoundment structures would be constructed

25. Water Quality. The project would conform to all general Section 401 conditions resulting from the NDEP certification process.

26. Coastal Zone Management. The project is not within a coastal state.

27. Regional and Case-by-Case Conditions. The project would comply with all regional conditions (see below).

28. Use of Multiple Nationwide Permits. NWP 14 and 57 are the only NWPs that would be used for this project.

29. Transfer of Nationwide Permit Notifications. The permittee does not anticipate a change in ownership of the project area but would follow applicable laws and procedures in the event of a transfer. All responsibilities and liabilities associated with this NWP would be the responsibility of the current landowner. If the property is sold, a letter of NWP transfer would be submitted to the USACE.

30. Compliance Certification. After completion of the work, the permittee would submit to the USACE a signed certification regarding the completed work and any required mitigation.

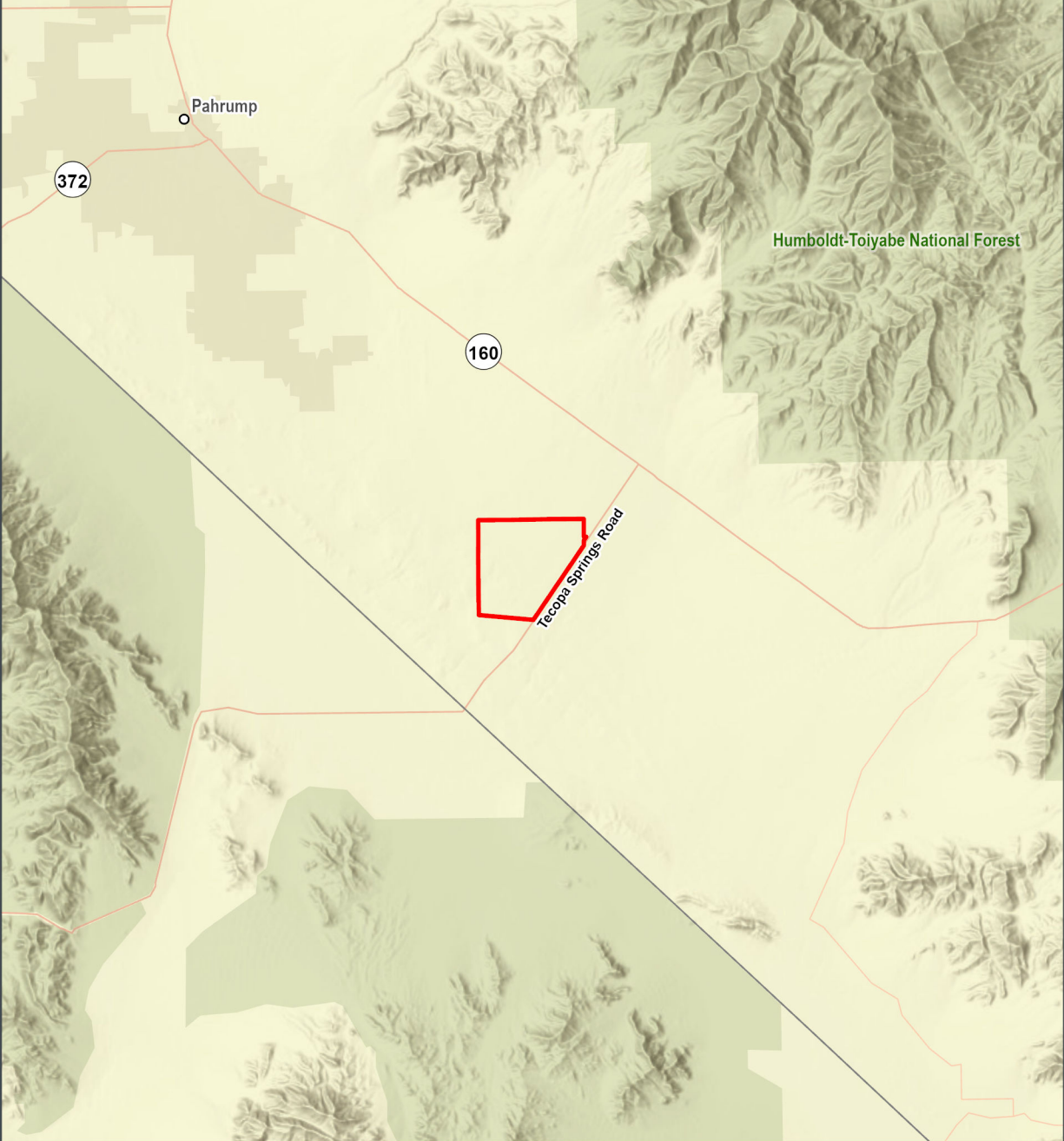
31. Activities Affecting Structures or Works Built by the United States. The project would not alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project.

32. Preconstruction Notification. Materials submitted herein to the USACE constitute a NWP 14 and 57 application and include information requested by the USACE that is required to complete the application package. Construction will not start until the permittee is notified in writing by the district engineer that the activity may proceed under NWP 14 and 57 with any special conditions imposed by the district or division engineer met, or 45 calendar days have passed after the district engineer's receipt of the complete PCN, and the prospective permittee has not received written notice from the district or division engineer.

2021 NEVADA REGIONAL CONDITIONS COMPLIANCE

Regional Condition 1. Not applicable. The project does not include Tribal land, bank stabilization; or the permanent channelization, realignment, or relocation of streams.

Regional Condition 2. Not applicable. No peatlands, bogs, or fens are present in the project area.



 Project Boundary

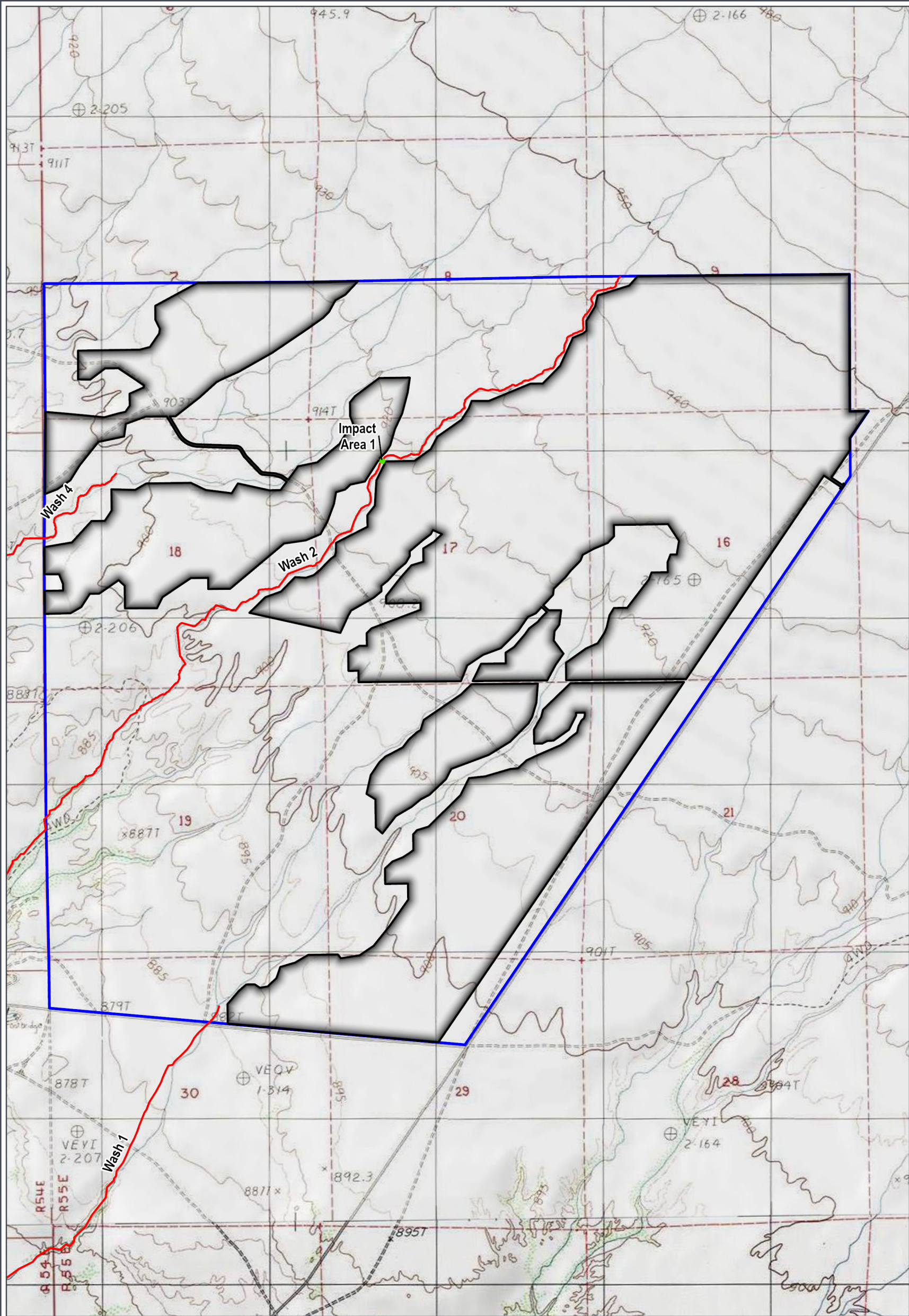
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USGS 7.5' Quadrangle:
Hidden Hills Ranch, NV,
T22S R55E Section
02,03,07-10,15-21,29,30
T22S R54E Section
12,13,24,25
NAD 1983 UTM Zone 11N



Base Map: Esri ArcGIS Online,
accessed March 2025
Updated: 3/17/2025
Project No. 95955
Layout: Project Location
Aprx: 95955_purpleSage

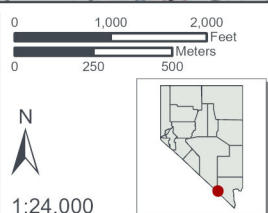
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- Project Boundary
- Developmental Boundary
- Impact Area 1
- Wash

Clark County, NV
USGS 7.5' Quadrangle:
Hidden Hills Ranch, NV,
T22S R55E Section
07-09, 15-21, 29, 30
T22S R54E Section
12, 13, 24, 25
NAD 1983 UTM Zone 11N







Base Map: Esri ArcGIS Online,
accessed March 2025
Updated: 3/17/2025
Project No. 95955
Layout: Project Area
Aprx: 95955_purpleSage

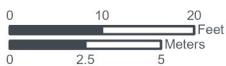
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ENVIRONMENTAL CONSULTANTS



-  Impact Area 1, Wash 2, Access Road
-  Permanently Impacted Waters of the United States (WOTUS), 0.024 Acres
-  Temporarily Impacted WOTUS, 0.037 Acres
-  Concrete Cutoff

Clark County, NV
USGS 7.5' Quadrangle:
Hidden Hills Ranch, NV,
T22S R55E Section 17
NAD 1983 UTM Zone 11N



Base Map: Esri ArcGIS Online,
accessed March 2025
Updated: 3/17/2025
Project No. 95955
Layout: Crossing 1
Aprx: 95955_purpleSage

1:250



