



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200125042

Date: June 30, 2005

Comments Due: July 30, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Coyote Springs Development Project, which would result in impacts to approximately 7.78 acres of waters of the United States (unnamed dry washes, without adjacent wetlands, that are tributaries of Pahranaagat Wash). This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Coyote Springs Investment, LLC
Attn: Mr. Rob Derck, Chief Operating Office
6600 North Wingfield Springs Parkway
Sparks, Nevada 89436
775-626-6000

APPLICANT'S AGENT: Terry Huffman, Ph.D.
The Huffman-Broadway Group, Incorporated
700 Larkspur Landing Circle, Suite 100
Larkspur, California 94939
415-925-2000

LOCATION: The project site is located in Sections 2-5, 8-11, 14-17, and 20-26, Township 13 South, Range 63 East, Clark County, Nevada. The project area is in the northern edge of Clark County and bordered on the west side by US Highway 93 and on the south side by State Route 168. The project area extends to the Lincoln County line on the north.

PROJECT DESCRIPTION: The applicant will impact 7.78 acres of dry washes with the discharge of dredged material and fill material to construct drainage alterations and improvements to meet local flood control standards and to facilitate the Coyote Springs Development Project which includes residential, commercial, institutional, and recreational (golf courses) components on 6,881 acres in Clark County. The applicant describes the purpose as constructing a new town under separate jurisdiction within approximately one hour's drive from Las Vegas and within the State of Nevada utilizing available or existing on-site water rights or water rights from the region. Some dry washes would be graded, diverted, captured and directed into new, larger dry washes. The attached drawings provide additional project details.

Of the approximately 13,100 total acres within the project area, 6,881 acres are planned for development. The community will be phased over 20 to 25 years. The applicant expects that it will take about 5 years to reach 2,500 residential units and 80 acres of commercial development. At the 10-year mark, there

should be about 16,000 residential units and 29,000 residential units by year 15. The resident to visitor mix will be about 80% resident (972,500 residents) and 20% visitor (14,500 visitors). Initially, the percentage of visitors will be higher until homes are sold and a resident base is built.

Existing dry washes on the property do not have the capacity to convey floodwaters through the project area in compliance with county flood control requirements and in light of the proposed human development. The existing washes would be altered through grading and filling with about 75,000 cubic yards of on-site native soils. The newly created, but smaller number of larger dry washes will be clear spanned where road crossings are necessary. Utility lines will likely be buried beneath the washes. The new washes will have natural vegetation and will be protected with a minimum buffer of 25 feet along open channels.

In 1988, Aerojet and the United States Department of Interior completed a land exchange agreement, whereby Aerojet obtained title to roughly 29,100 acres as well as a 99-year lease with an option for a 99-year renewal for an additional 13,700 acres in Lincoln and Clark counties. In exchange, Aerojet relinquished title to roughly 5,000 acres in the Florida Everglades. The U.S. Congress enacted the land exchange as Public Law 100-275 entitled "The Nevada-Florida Land Exchange Authorization Act of 1988." When signing the act, President Ronald Reagan noted that the land exchange would enable the protection of "some 4,650 acres of Florida wetlands" and that the Florida land would be sold to the South Florida Water Management District, with the proceeds from the sale used for the "purchase of important wildlife habitat at two national wildlife refuges in Florida to aid the effort to preserve the Key deer and manatee." In 1996, the Secretary of the Interior approved the assignment of the lease from Aerojet to Harrich Investments, LLC. In 1998, the Secretary approved the assignment of the lease and all of its rights from Harrich to this applicant in accordance with the 1988 act.

ADDITIONAL INFORMATION:

Environmental Setting. The area is located in the Coyote Springs Valley, bordered by the Sheep Range on the west side and the Meadow Valley Mountains on the east side. It is generally surrounded by public lands. Elevations range from approximately 2,160 to 2,920 feet mean sea level. Vegetation within the project area is typical of the Mojave Desert environment near Las Vegas with a dominant plant community of creosote bush and bur sage. Species include creosote bush (Larrea tridentata), white bur sage (Ambrosia dumosa), Mojave yucca (Yucca schidigera), barrel cactus (Ferocactus sp.), cholla (Opuntia sp.), beavertail prickly pear (Opuntia basilaris), Mormon tea (Ephedra sp.), indigo bush (Psoralea fremontii), four-winged saltbrush (Atriplex canescens), and brittlebush (Encelia farinosa).

The project area consists of 3 primary topographical landforms: 1) the alluvial fans; 2) badlands; and 3) the Pahrnat Wash. The alluvial fans occur on the western one-third of the project area and consist of a homogeneous soil type identified as the Colorock-Tonopah association. The fans slope from west to east at approximately 2 percent. These upland fans are bisected with numerous dry washes and arroyos. The area between the fans and the Pahrnat Wash is referred to as Badlands. The badlands are characterized by severe erosion and deep gullies. This formation consists of highly stratified sand, silt, and clay containing large amounts of gypsum and calcium carbonate that act as cementing agents. Slopes are commonly 15 to 50 percent. Runoff is rapid and the hazard of erosion is very high. The land is generally barren of vegetation. The Pahrnat Wash is a predominately dry wash that bisects the applicant's land as it runs from northwest to southeast, entering Double Canyon in the Arrow Canyon Range where it exits the applicant's property to the south.

There are not any perennial surface waters or wetlands within the project area. The eastern portion of the area contains the Pahrnat Wash. Although the wash is typically dry, it is the main tributary to the Muddy River before it enters the Colorado River at Lake Mead. The depth to groundwater below Pahrnat Wash is greater than 400 feet.

Alternatives. The applicant has provided information concerning project alternatives including nine alternative locations and 3 on-site design alternatives. Additional information concerning project alternatives may be available from the applicant or the applicant's agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant is proposing the following mitigation measures:

* **Dry Wash Acreage Mitigation:** The applicants proposes to compensate for the fill of jurisdictional dry washes at an on-site minimum 2:1 compensation acreage ratio with newly created, larger dry washes that meet both county flood control and Federal mitigation requirements. The minimum of 16 acres of created dry washes will be designed to reflect the natural channels of the area. Where practicable, dry washes will be located near or adjacent to the existing dry washes. These new, enlarged dry washes will be comprised of native soils and rock from the adjacent areas and provide the same functions and values as the impacted washes. All created drainages will be clear spanned where they intersect with roadways within the development area.

* **Buffer Creation and Protection:** The existing incised channels to be relocated will be fenced prior to construction to avoid impacts until new channels are created. These created dry washes will have natural vegetation and will be protected with a minimum buffer of 25 feet along open channels from the edge of the waters of the U.S. On-site personnel will monitor these areas during construction. On the project area is finalized, these conservation area will be transferred to an appropriate third-party entity in the form of permanent conservation easements.

* **Creation of Wetlands Habitat:** The applicant proposes to create and set aside as conservation area at least 100 acres of permanent wetlands habitat within the Pahrnatag Wash, in conjunction with necessary storm water facilities to control peak flood events. The habitat and facilities will be separate from the primary incised flood channel, which is being avoided to the extent possible. The applicant states that the wetlands system will include constructed wetlands ponds and a naturalized system of dry washes and retention that will create a sustainable corridor of open space, recreational uses, and wildlife habitat.

Minimized Impacts to the Lease Area: The applicant is setting aside a significant portion of its leased lands (6,188 acres) lying east of Pahrnatag Wash as a habitat and wildlife reserve. If the proposal is approved as part of the Multi-species Habitat Conservation Plan currently under discussion with the U.S. Fish and Wildlife Service, the applicant will then relinquish its leasehold interest in land designated as reserve to be determined as part of this plan process.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Nevada Division of Environmental Protection (NDEP) is required for this project. For more information, contact Mr. Glen Gentry of NDEP at 333 West Nye Lane, Suite 138, Carson City, Nevada 89706-0851 or telephone number 775-687-9448.

HISTORIC PROPERTIES: In accordance with the requirements of the Nevada-Florida Land Exchange Authorization Act of 1988, the applicant is implementing a Cultural Resource Management Plan (CRMP) on the private lands consistent with its Memorandum of Understanding (MOU) with the Nevada State Historic Preservation Office (SHPO).

ENDANGERED SPECIES: The proposed project may affect the desert tortoise (*Gopherus agassizii*) and its critical habitat. The Sacramento District will consult with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act. The applicant is expected to comply with the Clark County Multi-species Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, state, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200125042, must be submitted to the office listed below on or before July 30, 2005:

Grady L. McNure, Project Manager
US Army Corps of Engineers, Sacramento District
St. George Regulatory Office
321 North Mall Drive, Suite L-101
St. George, Utah 84790-7310
Email: Grady.McNure@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps project manager, Grady McNure, at 435-986-3979, Grady.McNure@usace.army.mil.

Attachments: Drawings