



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200250238

Date: August 13, 2002

Comments Due: September 12, 2002

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under the authorities of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act (CWA), and water quality certification under Section 401 of the CWA to construct commercial marina facilities in Laughlin Lagoon, Colorado River, Clark County, Nevada, as shown in the attached drawings.

**APPLICANT:** CRM Colorado River Marina, LLC  
c/o Samuel Wacht Associates, A.I.A.  
5016 North Parkway Calabasas, #222  
Calabasas, CA 91302

**LOCATION:** The proposed project is located in Laughlin Lagoon in the Colorado River at Laughlin, Clark, Nevada, Section 32, Township 32 South, Range 22 West. Coordinates are UTM Zone 11, 715953.91 North, 3889080.12 East.

**PURPOSE:** To construct and commercially operate a marina (handicap accessible), launch ramp, beach area, and associated infrastructure for residents and visitors of Laughlin, Colorado. Dredging is for the purpose of enlarging the available area for the marina.

**PROJECT DESCRIPTION:** The project includes dredging, a boat launch ramp, boat marina with slips (including a handicap accessible boat dock), beach enhancement, bank stabilization, and on-shore facilities i.e., parking lots, boat storage, marina office/store, restaurant, and public rest rooms.

The applicant would dredge, with an onshore excavator, approximately 4,074 cubic yards of material from waters of the U.S (0.67 acre, including 0.51 acre of open water and 0.16 acre of wetlands) and excavate 27,821 cubic yards from adjacent uplands to enlarge the lagoon and create a stable bankline. An average of width 20 feet along the existing lagoon slope will be dredged and then the existing toe and slope along the shoreline will be excavated inland for approximately 72 feet in width. Dredged and excavated materials will be placed in previously disturbed upland areas. A silt screen will be set in place to isolate the dredging area from the remainder of the lagoon.

A boat launch ramp (53 feet wide x 150 feet long at approximately a 15% grade) would be constructed on the western end of the property. Below the water line, the launch ramp fill would be about 67 cubic yards of clean 0.75-inch gravel, topped with pre-cast concrete panels. The portion of the ramp above the water line will be cast-in-place concrete with a 6-inch base. The boat marina will consist of a series of floating docks, anchored with 61 galvanized steel piles, placed parallel to the shoreline. The marina is designed to accommodate approximately 110 small boat moorings (22 single slips, 60 double slips, 4 end ties and 24 inside ties). The floating boat docks will be a factory-engineered aluminum marina system. All flotation will be foam-filled, polyethylene-enclosed shells. Decking will be UV-protected vinyl planks. The dock system will include a handicap-accessible courtesy dock, launch dock, short-term tie-up dock, and several boat moorings for both short-term and long-term rental. An on-dock fueling facility is not being proposed. A land-based fueling service station is also not being proposed at this time but one may be proposed in the future on the 30-acre parcel where automobiles, recreation vehicles and trailer boats can be fueled.

To stabilize the 2:1 embankment along the lagoon perimeter, an EnviroGrid-type Cellular Confinement system will be used to hold the slope in place. Filter cloth will be laid over the newly-excavated slope. A series of 6-inch x 8-foot x 20-foot polyethylene cellular sections will be set on the slope and staked in place. Approximately 390 cubic yards of clean, 3-inch, granular material will then be placed within the cells. Approximately 480 linear feet of vertical aluminum sheet piling will be used to retain the banks at the west end of the lagoon, containing the boat launch, short-term tie-ups and the handicap accessible courtesy dock. The 1-foot x 20-foot piles will be driven by shore-based equipment.

To improve safety for wading and swimming at a small natural beach that occurs on the western edge of the property, the applicant will grade and groom the area to a 5:1 slope. The grooming area extends 25 feet shoreward of the existing ordinary high water mark to 25 feet into the lagoon, including a 2,500-square foot area below the existing ordinary high water mark. Approximately 190 cubic yards of clean sand will be placed. The beach area and channel to the southwest will be closed to boat traffic by means of a buoy line.

As part of the proposed action, the applicant is developing a wildlife protection plan within the lagoon in coordination with the Nevada Division of Wildlife. Regulatory buoys will be placed and maintained by the marina operator to restrict access within the designated protection areas. Public information kiosks will provide educational information and emphasize the importance of protecting wildlife habitat within the lagoon. Boating violations e.g., "no wake" violation, in the lagoon will be monitored, and immediately recorded and reported by the marina operator.

Onshore improvements will include parking lots, boat storage, green belts, marina office/store, restaurant, community room, public rest rooms, and an access road. Land use plans for the remaining upland portions of the property are conceptual at this time and include residential and possibly, commercial stores along the access road. According to the applicant, existing zoning for the property permits both residential and commercial uses.

**AREA DESCRIPTION:** The town of Laughlin located along the Colorado River lies within a valley bordered by the Black Mountains to the east and the Newberry Mountains to the northwest. The project site is at an average elevation of 510 feet mean sea level. Natural surface drainage of the area flows toward the south. Laughlin Lagoon is a backwater area of the Colorado River and approximately 127 acres in area. It was essentially formed from sediment deposits following the U.S. Bureau of Reclamation (BOR) construction of a levee to protect the shoreline from erosion in 1962. The BOR dredged along the Nevada side of the lagoon in 1999-2000 in response to requests from property owners to restore historic access channels through the lagoon to the Colorado River in accordance with the Colorado River Front Work and Levee System Act of 1946. According to the applicant, the entire southern margin of the property bordering the lagoon was dredged during the BOR's project. Upland areas of the project site are located within the Mohave desert scrub vegetation community. However, the majority of the upland areas have been previously-cleared as part of the failed Paradise Bay Casino development. Along the fringe of the lagoon, vegetation includes arrow weed, willow and tamarisk saplings, cattail, bulrush, three-square, and rush, along with upland species. The lagoon bottom consists of a natural mudflat with aquatic plants including pondweed, spiny naiad, and water milfoil. Laughlin Lagoon supports a diverse wildlife community. Numerous waterfowl and other birds have been observed. The lagoon fish community is dominated by non-native fishes but the Federally endangered razorback sucker presence has been documented by recent surveys. Existing recreation uses of the lagoon include motorized and non-motorized watercraft, waterskiing, and fishing.

**ALTERNATIVES:** The applicant analyzed six alternatives, including on-site and off-site alternatives and the no action alternative. See the attached table for a comparison of the alternatives. Alternative B in the table is the proposed action.

**ADDITIONAL INFORMATION:** The applicant will need to obtain water quality certification, or a waiver thereof, under Section 401 of the Clean Water Act from the State of Nevada. The responsible state agency is:

Nevada Division of Environmental Protection  
Attn: Mr. Glen Gentry  
333 West Nye Lane, Suite 138  
Carson City, Nevada 89706-0851  
(775) 687-4363

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are not any places either listed or recommended as eligible which would be affected by the project. A professional archaeologist, hired by the applicant, completed a cultural resource inventory of the project site, did not record any cultural resources, and concluded with a "no historic properties affected" determination. The Corps of Engineers concludes that proposed work, subject to a Department of the Army permit, will not affect properties protected by Section 106 of the National Historic Preservation Act.

The following list of Federally endangered species may or do occur in the permit area:

Bonytail chub, *Gila elegans*

Razorback sucker, *Xyrauchen texanus*

Southwestern willow flycatcher, *Empidonax traillii extimus*

Yuma clapper rail, *Rallus longirostris yumanensis*

The Corps of Engineers preliminarily determines that the permit action will not affect the bonytail chub and the southwestern willow flycatcher; may affect the razorback sucker; and may affect, but is not likely to adversely affect, the Yuma clapper rail. The Sacramento District will consult with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act. The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **September 12, 2002**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain 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 Corps of Engineers 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 of Engineers 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 the 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.

Written comments on this permit application should be submitted to the District Engineer at the letterhead address. Please furnish a copy of your written comments to Mr. Grady L. McNure, St. George Regulatory Office, Corps of Engineers, Sacramento District, 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7310. If additional information is required, please contact Mr. McNure at e-mail address, [grady.mcnure@usace.army.mil](mailto:grady.mcnure@usace.army.mil) or telephone number (435) 986-3979.

Michael J. Conrad, Jr.  
Colonel, Corps of Engineers  
District Engineer

Enclosures