



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200350056

Date: February 17, 2003

Comments Due: March 19, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge dredged and fill material in upper Las Vegas Wash, as shown in the attached drawings.

APPLICANT: Mr. Brian D. Martin, P.E.
City of North Las Vegas
Department of Public Works
2288 Civic Center Drive
North Las Vegas, NV 89030-

LOCATION: The proposed work is in upper Las Vegas Wash at North Las Vegas, Clark County, Nevada in Sections 14, 23, 26, 35, 36, Township 19 South, Range 61 East and Section 1, Township 20 South, Range 61 East.

PURPOSE: The project purpose is for flood control (100-year flood event) to protect life and property from flood damages. The project will create a flood control channel that will convey flood flows from the existing North Las Vegas Detention Basin to an existing concrete-lined channel on the wash south of Craig Road.

PROJECT DESCRIPTION: The proposed project is a Clark County Regional Flood Control District master planned facility and is designed for a 100-year flood event. The new channel will be rectangular, concrete-lined, approximately 3.8 miles in length and with a bottom width of 42 feet at the northern end and widening to 56 feet at the southern end of the project. The channel will have vertical walls of 7 to 10 feet in height and with a 12-foot wide, unpaved maintenance road along each side of the channel. The applicant would discharge approximately 6,000 cubic yards of concrete and 40,000 cubic yards of earthen fill in 3.14 acres of waters of the United States i.e., Las Vegas Wash. Another 4.89 acres of Las Vegas Wash will be indirectly impacted by the project. The proposed channel does not exactly follow the existing channel of the wash in its entirety. The project will cut-off portions of the existing wash channel which will no longer convey flood flows, hence the indirect loss. Private landowners would also be expected to fill in these remaining cut-off segments. Jurisdictional wetlands will not be filled. In this reach of Las Vegas Wash, Corps of Engineers lateral limit of jurisdiction is to the ordinary high water mark in

light of the absence of adjacent wetlands. Approximately 3.41 acres of non-jurisdictional desert riparian vegetation (fragmented, discontinuous narrow strips averaging about 30 feet in width) in the northern 8,800-feet of the wash between the Beltway 400 feet south of Centennial Parkway will be directly lost as a result of the project. Another 2.65 acres of this habitat will be indirectly lost as a result of probable future development by private land owners. At the direction of the Corps of Engineers, this applicant was advised to include and disclose both direct and indirect losses of waters of the U.S. and non-jurisdictional desert riparian habitat in this permit application.

The applicant proposes to compensate for project impacts primarily, the loss of 6.06 acres of desert riparian vegetation by providing funds to the approved Clark County in-lieu fee program in an amount equivalent to 3.0 acres. Funds in this program are dedicated to creating high quality wetlands along Las Vegas Wash, several miles downstream of this project. The proposed ratio of mitigation takes into account the highly disturbed, considered lower quality nature of the project area and the expected higher quality of wetlands to be created on a downstream reach of the same watershed. Notably, this impacted desert riparian habitat is not wetlands according to the Corps of Engineers wetlands delineation methodology.

AREA DESCRIPTION: The surface drainage in the Las Vegas Valley consists of several relatively large desert washes including, from north to south: Las Vegas Wash, Flamingo Wash, Tropicana Wash, Duck Creek Wash, and Pittman Wash. These washes merge and exit the valley at the Las Vegas Wash south of Frenchman Mountain. The subject reach of Las Vegas Wash is highly disturbed. Past channel grading is evident. Debris piles, trash dumping and other human-caused activities are present. The project area is urbanizing/developing. Light industrial development already exists in the downstream end of the project limits where the wash has already been reconstructed and riprapped. No jurisdictional wetlands exist along the proposed flood channel alignment or within the Upper Las Vegas Wash. Two pockets of saltcedar (*Tamarix ramosissima*) occur within the confines of the wash near the proposed crossing of Hammer Lane and El Campo Grande. The northern 8,800-feet of the wash from just south of Centennial Parkway to the Beltway is moderately disturbed primarily from dumping and grading. This length of the wash contains some desert riparian vegetation, primarily desert willow (*Chilopsis linearis*), catclaw acacia (*Acacia greggii*) and mesquite (*Prosopis glandulosa*). These species occur primarily in a fragmented and discontinuous narrow strip along the western channel of the wash. The overall extent of desert riparian vegetation averages 30 feet in width in this 8,800-foot reach. Upland species commonly occurring within the wash include creosote bush (*Larrea tridentata*), Mojave rabbitbrush (*Chrysothamnus paniculatus*), desert holly (*Atriplex hymenelytra*), quailbush (*Atriplex lentiformis*), shadscale (*Atriplex confertifolia*), beavertail cactus (*Opuntia basilaris*), and cholla (*Opuntia* sp.)

ALTERNATIVES: The no action alternative is available. However, this alternative would not serve the purpose of protecting property and people from flood damage. Several channel types were investigated. This included an earthen channel, a grass-lined channel, a riprap/gabion channel, a trapezoidal concrete-lined channel, and a rectangular concrete-lined channel. The costs of right-of-way and construction were taken into account. An earthen channel or grass-lined channel would be four to six times more costly than the proposed project (approximately \$22,000,000). The higher costs are associated with the much wider rights-of-way required for an

earthen or grass-lined channel. At their widest points, an earthen channel would be 2,850 feet wide and a grass-lined channel would be 1,800 feet wide. These two alternatives would result in much larger land disturbances than any of the other alternatives. The trapezoidal concrete-lined channel is slightly more costly than the proposed project. A riprap/gabion channel is also more expensive than the proposed action and has considerably more maintenance costs.

ADDITIONAL INFORMATION: The Nevada Division of Environmental Protection will have to certify this project under Section 401 of the Clean Water Act. For more information on this water quality certification, contact Mr. Glen Gentry, Nevada Division of Environmental Protection, Bureau of Water Quality Planning, 333 West Nye Lane, Suite 138, Carson City, Nevada 89706-0851, Telephone number: (775) 687-4670, extension 3097.

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. A cultural resource survey was performed for the project area. On December 17, 2002, the Nevada State Historic Preservation Officer concurred with the Sacramento District's determination that historic properties will not be affected by the proposed undertaking.

The U.S. Fish and Wildlife Service issued a biological opinion (number 1-5-93-F-67R) on April 28, 1993 on the Clark County Regional Flood Control District Master Plan concerning the desert tortoise (not likely jeopardize the continued existence). Mitigation for work covered by the plan and biological opinion includes financial compensation for the loss of habitat.

Other threatened or endangered species will not be affected by activities requiring a permit from the Sacramento District. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **March 19, 2003**. 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.

For more information, contact the applicant agent's, Mr. Gary L. Galbraith, SWCA Environmental Consultants, 2820 West Charleston Boulevard, Suite 15, Las Vegas, Nevada 89102, [Telephone number: (702) 248-3880], or Mr. Grady L. McNure, St. George Regulatory Office, Corps of Engineers, Sacramento, 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7310 [Telephone number (435) 986-3979]. Mr. McNure's e-mail address is Grady.McNure@usace.army.mil.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Enclosures: Drawings