



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200550448

Date: October 5, 2005

Comments Due: November 4, 2005

SUBJECT: The U.S. Army, Corps of Engineers, Sacramento District (Corps) is evaluating a permit application to construct the South Edge Master Planned Community and associated infrastructure, and to concurrently construct certain regional flood control facilities of the Clark County Regional Flood Control District in Henderson, Clark County, Nevada which would result in impacts to approximately 5.46 acres of waters of the United States, consisting of ephemeral washes without adjacent wetlands. 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: South Edge LLC
Attn: Mr. Larry W. Bross, Director of Development
3455 Cliff Shadows Parkway, Suite 290
Las Vegas, Nevada 89129
702-242-4949

LOCATION: The project site is located Sections 10, 11, 14-17, and 20-26, Township 23 South, Range 61 East, Clark County, Nevada. It is located south of Volunteer Boulevard, west of the existing Del Webb Anthem community, north of the Sloan Canyon National Conservation Area and east of Interstate 15.

PROJECT DESCRIPTION: The applicant will discharge dredged material (earthen fill) and fill material (concrete) in 5.46 acres of ephemeral washes to construct a master planned community with associated infrastructure (roads, utilities, etc.) and previously planned regional flood control facilities (detention basin and flood control channels) on behalf of the Clark County Regional Flood Control District (CCRFCFCD) on approximately 1,940 acres. The applicant acquired the land from the U.S. Bureau of Land Management (BLM) at auction in 2004 pursuant to the Southern Nevada Public Lands Management Act of 1998. Based on the available information, the overall project purpose is to construct a large, viable, master planned, residential community with CCRFCFCD planned regional flood control facilities in Henderson, Nevada. The applicant believes there is a need for more residential housing in Henderson.

According to the applicant, this will be the first large scale "New Urbanist" master planned community in Nevada. It will consist of a Town Center, and seven interconnected pedestrian-oriented villages and neighborhoods focused around communal open space and community facilities. It will include approximately 11,500 residential dwelling units, 6 schools, 2 million square feet of regional commercial development (likely to include a hospital, library and hotel/resort), 160 acres of parks, 100 acres of desert open space, and 19 miles of hiking trails. The regional flood control facilities are identified in the CCRFCFCD Master Plan, and the 2002 Las Vegas Master Plan Update (See www.ccrfcd.org). These

facilities consist of a Headworks Detention Basin, a concrete channel to convey accumulated stormwater from this new basin to the existing Pittman East Detention Basin, and five concrete channels which will complete the partially-constructed regional stormwater conveyance facilities begun concurrently with the nearby Anthem master planned community and convey stormwater to the Pittman East Detention Basin. Presently, these uncompleted facilities convey stormwater through the Anthem community and discharge it directly onto the applicant's unimproved 1,940-acre parcel. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are 6.85 acres of waters of the United States, consisting of small ephemeral washes on the 1,940-acre parcel. Corps-defined wetlands do not occur on the property. The project lands are part of the Mojave Desert, dominated by creosote bush and white bur sage. This lower bajada community of creosote bush and bur sage is widespread in the region and occurs below 4000 feet in elevation. Surrounding land uses include existing residential development to the north and east, undeveloped land and Interstate 15 to the west, and the Sloan Canyon National Conservation Area to the south. The population of Las Vegas Valley (which includes Henderson) is almost 2 million and has been at the top or near the top of the list of the most rapidly growing metropolitan areas in the nation for many years. Approximately 90% of the undeveloped land in Clark County is owned by the Federal government.

Alternatives. The applicant has provided information concerning project alternatives, including off-site, on-site, and no action alternatives. The applicant identified and now seeks authorization to construct an alternative that avoids the filling of 1.39 acres of jurisdictional ephemeral wash, which is the best of the natural wash habitat on-site, according to the applicant. 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 proposes to participate in the Clark County in-lieu fee program but has not suggested a fee amount for the loss of 5.46 acres of ephemeral wash at this writing. The applicant is also amenable to alternative mitigation approaches.

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 is required for this project. The applicant has applied for this certification.

HISTORIC PROPERTIES: Based on the available information (including the BLM's analysis associated with the disposal of the subject property), historic and cultural resources are not within the project's area of potential effect.

ENDANGERED SPECIES: The proposed action may affect the desert tortoise (*Gopherus agassizii*). The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate. This determination is based on information provided by the applicant and our preliminary review.

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 200550448, must be submitted to the office listed below on or before November 4, 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 Mr. McNure at 435-986-3979 or Grady.McNure@usace.army.mil.

Attachments: drawings