



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200650373
Date: January 19, 2007
Comments Due: February 20, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the River Village Housing and Boat Ramp/Dock project, which would result in impacts to approximately 0.76 acre of waters of the United States in or adjacent to the Colorado River. 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 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Stanley Consultants Inc., 5820 South Eastern Ave., Las Vegas NV 89119.
Authorized Agent: Steven Collins, NewFields International, 8250 W. Charleston Blvd., Suite 100, Las Vegas NV 89117, telephone (702) 952-2072, email scollins@newfields.com.

LOCATION: The 19.4-acre project is located east of Casino Drive approximately 1 mile south of Harrah's Casino in Laughlin, Nevada, in Section 25, Township 32 South, Range 66 East, Clark County, and can be seen on the USGS Davis Dam 7.5 minute Topographic Quadrangle. The 19.4-acre project site is bounded by the Colorado River to the east. Undisturbed desert borders the project site to the north and south.

PROJECT DESCRIPTION: The purpose of this project is to construct a residential housing project with recreational access to the Colorado River. The applicant proposes to construct 92 duplex units and recreational boat facilities on an approximately 19.4 acre site to meet market demands of Laughlin, Nevada. The project would include a natural/open space area of approximately 3.09 acres, incorporating the Laughlin Riverwalk. A boat ramp and dock would be constructed along the riverfront for private use of residents. The 16 x 108-foot boat ramp would intrude approximately 35 feet into the Colorado River and the boat dock, measuring 200 feet long and 6 feet wide would intrude approximately 53 feet into the Colorado River and accommodate the approximately 20 day-use boat slips. According to the applicant, the residential lots are designed to step down from the adjacent home, allowing scenic and undisturbed areas along the rear of each unit in accordance with the hillside requirements. Units are designed with oversized garages to store recreational equipment.

Approximately 0.22 acre of ephemeral washes would be permanently filled to construct the housing development and approximately 0.54 acre of the Colorado River would be dredged in two areas to construct the recreational boating facilities. Dredge 1 would remove approximately

279 cubic yards of material and dredge 2 would removed approximately 379 cubic yards of material (total 658 yards). According to the applicant, the dredge work would occur from the shore and the dredged material would be redistributed in upland areas during the grading process. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The 19.4-acre project area occurs in the Mojave creosote bush scrub community, a widespread plant community in the Mojave Desert and occurs below 4,000 feet in elevation. Common vegetation includes creosote bush, white bursage, and Indian rice grass. Succulents found in the area include beavertail cactus and silver cholla. Overstory vegetation exists near the Colorado River; large, mature honey mesquite, desert willow and tamarisk thrive along the river's edge. The project area is primarily undisturbed desert. The soil is extremely sandy and appears to be prone to wind erosion once it is disturbed. The project site includes 0.22 acre of ephemeral washes, waters of the United States under Section 404 of the Clean Water Act. The ephemeral washes, which are sparsely vegetated with upland species, are narrow, ranging from 2 to 3 feet in width. The project also proposes to impact approximately 600 feet of shoreline along the Colorado River, a navigable water under Section 10 of the Rivers and Harbors Act. The Colorado River shoreline to be impacted is below the ordinary high water mark of the river supports dense overstory vegetation that provides habitat for various wildlife species, provides travel corridors for wildlife, conveys flood flows, and performs other floodplain functions.

Alternatives. The applicant has provided narrative information concerning 5 project alternatives; however, the drawings depict design plans for Alternative 5, the Applicant's Preferred Alternative. Each alternative would fill ephemeral washes and impact additional waters of the U.S. below the ordinary high water mark of the Colorado River.

Alternative 1 would meet all of Clark County's objectives, but would disturb 1.17 acres of waters of the U.S. and provide 2.73 acres of open space within the community. This alternative would result in the installation of large-sized facilities, which would intrude greatly into the Colorado River. The 16 by 255-foot boat ramp would extend 108 feet into the river and 4 boat docks, each measuring 80 by 6 feet, would extend 80 feet into the river.

Alternative 2 would meet all of Clark County's objectives, but would disturb 0.42 acre of waters of the United States and provide only 2.92 acres of open space in the community. This alternative would result in the installation of large-sized facilities which would intrude greatly into the Colorado River. The 16 by 230-foot boat ramp would extend 127 feet into the river and 2 boat docks, each measuring 80 by 6 feet, would extend 63 feet into the river.

Alternative 3 would meet all of Clark County's objectives, but would disturb 0.48 acre of waters of the US and provide 2.92 acres of open space within the community. This alternative would result in the installation of large-sized facilities which would intrude greatly into the Colorado River. The 16 by 208-foot boat ramp would extend 155 feet into the river and the boat dock, measuring 320 by 6 feet, would extend 83 feet into the river.

Alternative 4 would meet all of Clark County's objectives but would disturb 0.47 acre of US waters and provide 2.92 acres of open space within the community. This alternative would result in the installation of large-sized facilities which would intrude greatly into the Colorado River. The 16 by 226-foot boat ramp would extend 172 feet into the river and the boat dock, measuring 320 by 6 feet, would extend 122 feet into the river.

Alternative 5, the Proposed Alternative, would result in construction of boat ramp, approximately 16 by 200 feet, that would extend approximately 53 feet into the river and accommodate approximately 20 day-use boat slips. Alternative 5 was designed following two meetings with cooperating agencies to discuss concerns about the proposed project. Participants in these meetings included the Nevada Department of Environmental Protection, Nevada Department of Wildlife, Nevada State Lands, representatives from Laughlin, Stanley consultants and their consultant, NewFields International. As a result of these meetings, Alternative 5 was designed to greatly reduce the size of the boating structures to reduce the amount of intrusion into the river and the attendant safety risks that would result from Alternatives 1 through 4. Under the Preferred Alternative 5, the size of the recreational boating facilities and intrusion into the river are reduced but the repositioning of the facilities into shallower water would require additional dredging for safe boat access to the facilities.

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 has not yet proposed mitigation for this project but has indicated that a compensatory project will be designed on or adjacent to the Colorado River to mitigate for the project impacts.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Nevada Department of Environmental Protection is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the applicant's report entitled Cultural Resources Overview and Archaeological Reconnaissance for the River Village 19-acre Land Development, two archaeological sites and three isolated artifacts were identified within the project's area of potential effect. Potentially eligible cultural resources may be affected by the proposed project. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

The above determinations are 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 200650373, must be submitted to the office listed below on or before **February 23, 2007**:

Steven W. Roberts, Project Manager
US Army Corps of Engineers, Sacramento District
321 North Mall Drive, Suite L-101
St. George, Utah 84790-7310
Email: steven.w.roberts@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's agent, Steve Collins at NewFields International, 702-952-2072, email scollins@newfields.com or the Corps' project manager Steven W. Roberts, 435-986-3979, steven.w.roberts@usace.army.mil.

Attachments: 8 drawings