



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

Public Notice

Public Notice Number: SPK-2007-01131

Date: November 17, 2008

Comments Due: December 17, 2008

In reply, please refer to the Public Notice Number SPK-2007-01131-SG

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct a new Interpretive Center at the Clark County Wetlands Park, which would result in impacts to approximately 3.30 acres of waters of the United States, including wetlands, in or adjacent to Las Vegas 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 and under Section 401 for state water quality certification.

APPLICANT: Clark County Parks and Recreation
Jane Pike, Assistant Director
2601 East Sunset Road
Las Vegas, Nevada 89120

AGENT: Kimley-Horn and Associates
Mark Turner, Environmental Scientist
7878 North 16th Street, Suite 300
Phoenix, Arizona 85020

LOCATION: The project is located within the existing Clark County Wetlands Park, which encompasses approximately 2,878 acres in the southeastern portion of Las Vegas, Clark County, Nevada. The Clark County Wetlands Park totals approximately 5 square miles and is located along a 7 linear mile stretch of the Las Vegas Wash. The project site is located in Section 26, Township 21 South, Range 62 East, MDB&M, and can be seen on the Las Vegas, Nevada USGS 7.5 minute Topographic Quadrangles. Figure 1 shows the project area.

PROJECT DESCRIPTION: The applicant is proposing to construct an Interpretive/Educational Center near the park's main entrance, which would serve as a primary field trip destination and learning center for visitors, tour groups and school children. The Center would become a resource for residents and local clubs and will serve as an example of appropriate and ecologically responsible architecture. The Center will be built on pilings and compacted fill above the elevation of the 100-yr floodplain. The facility would include a main interpretive building with a 200-seat auditorium with exhibit rooms, restrooms, handicap parking and will include up-close viewing areas of the wetlands. In addition to the interpretive center, the Clark County building codes require that a service road be constructed within the facility to meet current fire safety design standards with enough space for fire engines to turn around.

The applicant believes there is a need to provide an educational and interpretive center for the public that is centered on wetland education.

In addition to the Interpretive Center, the applicant intends to improve existing "wildcat" trails throughout the park. These wildcat trails have been created by years of un-managed recreational use.

The creation of multi-use trails, equestrian trails, pedestrian and mountain bike trails will allow users within the park access to the entire area in an access-controlled environment and will prevent the formation of haphazard and unplanned trails. The multi-use and pedestrian trails will be improved to stabilize the soil, with concrete erosion control measures installed at wash crossings. Equestrian and mountain bike trails will include only those improvements necessary to stabilize existing trails. Work at crossings will include minor grading along the wash banks to allow easy egress and regress of each wash system. The proposed development of the trail system within the Wetlands Park will impact 28 separate washes with no individual wash impacted by more than 0.19 acres. The average impact is approximately 0.05 acres. This results in a total of 1.28 acres of impacts to waters of the U.S. excluding wetlands. These impacts will not adversely affect water flow within the washes.

ADDITIONAL INFORMATION:

Environmental Setting. The Wetlands Interpretive Center will be located within the Clark County Wetlands Park located at 7050 Wetland Park Lane, which encompasses approximately 2,878 acres in the southeastern portion of Las Vegas, Clark County, Nevada. The proposed Center would be located just south of Tropicana Wash near the west entrance of the park. To the east is the Las Vegas Wash, which is a tributary of the Colorado River. The area is located in the Mojave Desert scrub-shrub biome and consists mainly of a meso-riparian community that is typical of the Mojave Desert and lower Colorado River region (Seymour 1998). Hydrology is supported through effluent discharge from Las Vegas and Henderson wastewater treatment facilities. Prior to the introduction of wastewater to the system in the 1950's, the wash was predominantly scrub-shrub communities dominated by honey mesquite (*Prosopis glandulosa*). The current plant communities consist of cattail (*Typha domingensis*) and common reed (*Phragmites communis*), with considerable stands of salt cedar (*Tamarix chinensis*) along terraces.

Aquatic resources within the project area were previously identified and delineated and include an area of approximately 52.61 acres of wetland habitat. As proposed, the construction of the Nature Center would impact 2.18 acres of jurisdictional wetlands. These wetlands consist almost exclusively of common reed (*Phragmites communis*) and salt cedar (*Tamarix chinensis*).

The trail system is located throughout the park and is predominantly in upland areas with 28 crossings of WOUS.

Alternatives. The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their 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.

In general the applicant considered the following approaches in considering alternative alignments:

- Fulfillment of Purpose and Need
- Level of impact to jurisdictional waters
- Other adverse environmental consequences of a proposed alternative
- Availability
- Logistics
- Cost

Clark County has provided a Site Selection Alternatives Analysis and has stated; based on the above criteria, that the proposed site is the best acceptable location that meets the purpose and need of the project.

Fulfillment of Purpose and Need (Applicant preferred): The overall purpose and need of the project was to better control and organize access within the park, manage erosion problems, enhance wildlife habitat and address the lack of educational opportunities within Clark County. The Nature Center would provide an educational opportunity and interpretation of the Nature Preserve and the Ducks Unlimited Wetland restoration project associated with the Las Vegas Wash Floodplain. The preferred site location allows direct viewing of the Ducks Unlimited wetland restoration site and provides for an important educational tool. The Center would provide a primary destination for field trips for park visitors, tour groups and school children.

Level of impact to jurisdictional waters: As required by the 404 (b)(1) guidelines, a key evaluation criterion is the impact of each alternative on jurisdictional waters. The applicant's preferred alternative would impact 3.30 acres of jurisdictional wetlands. The impact calculations do not take into account the area beneath the building and decks, which may be considered temporary impacts depending on re-establishment of emergent, shade tolerant vegetation.

According to the applicant, they have selected the location that has the least impact to waters of the U.S., balancing considerations of wetland avoidance, accessibility, educational value and cost. The selected location also utilizes existing trails and roads where practicable.

In addition, the 1.28 acres of impacts to seasonal/ephemeral washes may result in a reduction in erosion and improve overall water quality within the park.

Other adverse environmental consequences of a proposed alternative: Other alternatives had less wetland impacts, but at a greater impact to the floodplains of Las Vegas and Tropicana Washes. Costs associated with additional road bridge construction were determined by the applicant to prohibitive. In addition, increased travel times through residential areas and possible air quality issues were associated with other alternatives. Construction activities associated with the floodplain of Tropicana Wash could adversely impact hydrological functions necessary for success of the Ducks Unlimited wetland restoration project. The Nature Preserve alternative would adversely impact unique riparian and wetland habitats already established.

Availability: The Clark County Wetland Park owns all land within the project area, including all alternatives. Availability was not an issue for all sites.

Logistics: Other alternatives would require changes to existing infrastructure and require additional travel requirements.

Costs: The preferred alternative is the least expensive of the selections. As stated above, except for the no build alternative, improvements and additions would be necessary to infrastructure within the park.

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.

Avoidance and Minimization Measures: The design for the new interpretive center would incorporate ecologically friendly architecture to reduce the building's footprint such as building on piers instead of a solid foundation. The proposed location also avoids impacts to 100-yr floodplains of Las Vegas and Tropicana Wash. The project minimized impacts to higher quality wetland habitats that exist within the park.

Compensatory Mitigation: Wetland Mitigation has been addressed in the “Wetlands Mitigation and Riparian Enhancement Plan” located in Appendix C of the Programmatic EIS. Impacts to existing wetlands within the park are considered insignificant within the EIS due to the overall improvement planned for wetlands within the park boundary. On-site mitigation has been previously approved through the above document and includes enhancement and restoration efforts currently under way or planned for the future.

OTHER GOVERNMENTAL AUTHORIZATIONS: Under Section 401 of the Clean Water Act, water quality certification or a waiver is required for this project from the Nevada Division of Environmental Protection. Projects are usually certified where the project may create diffuse sources (non-point sources) of wastes which will occur only during the actual construction activity and where best management practices would be employed to minimize pollution effects.

HISTORIC PROPERTIES: The applicant has conducted a cultural resources inventory on approximately 130 acres for the Clark County Wetland Park on June 22, 1998. A site file search was conducted at the Southern Nevada Archival Repository, Harry Reid Center for Environmental Studies, University of Nevada, Las Vegas, to determine if any of the subject parcel or adjacent lands (within 1-mile) had been surveyed for cultural resources, and if so, whether previously recorded cultural resources were present. According to the applicant, the survey documented no new sites. The applicant submitted its cultural resources report to the Nevada State Historic Preservation Office on October 14, 1998. The Nevada State Historic Preservation Office sent a “no effect” concurrence letter on October 27, 1998.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The applicant has acknowledged that suitable habitat for sixteen federally listed wildlife species occur or potentially occur in Clark County. Of the sixteen listed species, 4 federally endangered species, 2 federally listed threatened species, and 1 candidate for federal listing were found to occur or potentially occur within the project area. The Clark County Multiple Species Habitat Conservation Plan and Environmental Impact Statement for Issuance of a Permit to Allow Incidental Take of 79 Species in Clark County, Nevada was issued September 2000 in accordance with the Endangered Species Act of 1973 and would apply to this project. The Corps will further initiate consultation with USFWS in accordance with Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

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 SPK-2007-01131 must be submitted to the office listed below on or before December 17, 2008.

Patricia L. McQueary, Project Manager
St. George Regulatory Office
321 N Mall Dr, Suite L-101
St. George, Utah 84790
Email: patricia.l.mcqueary@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, Patricia L. McQueary, by telephone at 435-986-3979, or by email: patricia.l.mcqueary@usace.army.mil.

Attachments:

Figure 1 – Vicinity Map

Figure 2 – USGS Quadrangle Map

Figure 3 – Alternative Sites

Figure 4- Emergency Access and Pedestrian Bridges

Figure 5 – Primary Trails

Figure 6 – Perimeter Trails