



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Travis Anderson
City of Mesquite

Published: March 10, 2025
Expires: **April 28, 2025**

**Sacramento District
Permit Application No. SPK-2025-00149**

TO WHOM IT MAY CONCERN: The Sacramento District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Travis Anderson
City of Mesquite
10 East Mesquite Boulevard
Mesquite, Nevada 89027-4706

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Virgin River. The project area is located South of the City of Mesquite along the Virgin River in 16 Section, 13 S Township, 71 E Range; at Latitude 36.80260 and Longitude -114.05492; in Clark County, Nevada.

Directions to the site are as follows: Upon arriving in Mesquite, Nevada, take exit 122 to head south on Sandhill Boulevard. Continue for 0.5 miles and turn left onto Mesquite Boulevard for 0.46 miles to arrive at the center of the project area.

EXISTING CONDITIONS: The area where the work is proposed to occur is located along the Virgin River, a perennial tributary of the Colorado River/Lake Mead. The project area contains palustrine emergent and palustrine scrub-shrub wetlands.

PROJECT PURPOSE:

Basic: Flood protection.

Overall: To protect the residents of the City of Mesquite from flood events on the Virgin River.

PROPOSED WORK: The applicant requests authorization to discharge approximately 35,000 cubic yards of fill material for the construction of 11,620 linear feet of levee. The levee would be constructed at a 2:1 slope and would be designed to prevent a 100-year flood event from impacting the City of Mesquite. The levee would contain maintenance roads on either side. The proposed project would result in permanent impacts to 1.75 acres of the Virgin River and 0.09-acre of wetlands.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: *“The bed and bank for the river has greatly fluctuated in this area over the last ten years. The size and location of the proposed levee have been designed to avoid and minimize impacts to the greatest extent practicable while still providing the flood protection necessary for the area. A cofferdam/berm will be placed in the Virgin River to divert flow through a temporarily excavated channel while the levee is being constructed. Once the levee is completed the cofferdam will be removed and the river will return flow through/near is current channel.”*

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: *“the functions and services of the river would be maintained.”*

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps’ program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps’ permit area; therefore, there would be no historic properties affected. The Corps subsequently requests concurrence from the SHPO.

The District Engineer’s final eligibility and effect determination will be based upon coordination with the SHPO, as appropriate and required, and with full consideration given to the proposed undertaking’s potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
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California Least Tern	<i>Sternula antillarum browni</i>	Endangered
Southwestern Willow Flycatcher and it's Critical Habitat	<i>Empidonax traillii extimus</i>	Endangered
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Threatened
Yuma Ridgway's Rail	<i>Rallus obsoletus yumanensis</i>	Endangered
Desert Tortoise	<i>Gopherus agassizii</i>	Threatened
Virgin River Chub and it's Critical Habitat	<i>Gila seminuda</i>	Endangered
Woundfin and it's Critical Habitat	<i>Plagopterus argentissimus</i>	Endangered
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened
Suckley's Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	Proposed Endangered

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Bureau of Land Management is the lead Federal agency for ESA consultation for the proposed action. Consultation has been completed by the Bureau of Land Management. Any additional consultation required will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Nevada Division of Environmental Protection.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic

resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: 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 determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Sacramento District will receive written comments on the proposed work, as outlined above, until **April 28, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Ethan Schindler at ethan.w.schindler@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Sacramento District, Attention: Ethan Schindler, 1325 J Street, Room 860, Sacramento, California 95814-2922. Please refer to the permit application number (SPK-2025-00149) in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a

public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.