

F I N A L

Appendix A to I
Volume 3, Book 1

J U L Y 2 0 0 8

C O Y O T E S P R I N G S
I N V E S T M E N T

P L A N N E D D E V E L O P M E N T P R O J E C T

Coyote Springs Investment Planned Development Project

Appendix A to I July 2008

Prepared EIS for:

LEAD AGENCY

U.S. Fish and Wildlife Service
Reno, NV

COOPERATING AGENCIES

U.S. Army Corps of Engineers
St. George, UT

U.S. Bureau of Land Management
Ely, NV

Prepared MSHCP for:

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Sparks, NV 89496

Prepared by:

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COYOTE SPRINGS INVESTMENT PLANNED DEVELOPMENT PROJECT

Appendix A to I



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Appendix A	Coyote Springs Investment Memorandum of Agreement
Appendix B	Office of the State Engineer of the State of Nevada Order 1169
Appendix C	May 2005 Informal Consultation Letter from USFWS to CSI
Appendix D	Muddy River Memorandum of Agreement Biological Opinion
Appendix E	Coyote Springs Development Agreement
Appendix F	Coyote Springs Water Resources General Improvement District Service Rules for Clark County
Appendix G	Land Lease Agreement Pursuant to the Nevada-Florida Land Exchange Authorization Act of 1988
Appendix H	Investigation of the Presence of Wetlands and Other Waters of the US within the Coyote Springs Area, Lincoln County, Nevada
Appendix I	Coyote Springs Lincoln County Stormwater Management Plan

APPENDIX C

May 2005 Informal Consultation Letter
from USFWS to CSI



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Nevada Fish and Wildlife Office

1340 234

Reno, Nevada 89502

Ph: (775) 861-6300 ~ Fax: (775) 861-6301

May 20, 2005

Harvey Whittermore

6600 North Parkway
Sparks, Nevada 89436

Dear Mr. Whittermore:

Plan Strategy

was held on April 19, 2005 at the request of Coyote Springs Investment
Owner and and Mr. Ford (ROBCYN) the
purpose of on-going by Coyote Springs
Investment (CST) in Clark County (CC). Activities being undertaken by CSJ are covered or
approved under Conservation Plan (MSHCP) 10(a)1(8)
permit. In addition, the meeting was requested to outline to move forward, in an
expedited manner, with of an application for a Plan, and
accompanying Environmental (EIS) for a Section 10(a)1(B) permit in Lincoln
County (LC) only.

Attendees:

Harvey Owner and Chairman of Coyote (CST)

Mike Ford, ROBCYN Environmental Consultants (Mr. Ford also represented Resource Concepts
Inc., contracted to the Hep for CSI)



Harvey Whittemore

by and replaced with 40 acres on site. In 100 acres of wetlands will within and adjacent to the proposed development in CC.

- 7 (Consultation) for the 404 permit will translocation of desert tortoise in CC once approves the Translocation Program (as defined below), than of as authorized under the MSHCP in Clark County. In addition, the Consultation will rely on the commitments made by CSI the MOA (yet to be executed) for the BLM/USNWA Right of Way pipeline BO for on the Moapa

- The boundary adjustments of leased and in CC allow for the development of 6,881 acres of the Paharanagt Wash along the Meadow Valley in ACOE 404 Land Use Plan, held in for and No residential units will be developed east of perennial

- CSI the to pay a \$550 under the CC MSHCP. and to pay million in conservation funding. CSI agrees to pay the additional \$1.5 in two equal installments of \$750,000, with the initial installment due within 30 days after the date on which the ACOE 404 is The second will be due within 30 days after the on which CSI LC MSHCP approved. CSI agrees to place these funds in an interest-bearing account to at the direction of the Service through a Rep steering committee for the following purposes:

(II) Desert tortoise survey and translocation efforts in the CC portion of the CSI property, which will commence within 60-days after on which Service designates a and a (as defined in addition to any requirements imposed under the CC MSHCP. Surveys and in CC will be in an expedited manner, but consistent with a science-based proposal to be developed by CSI, in consultation with the Service, and species experts at UNR Biological Resources Research Center (UNR)

(b) Surveys of the CSI in LC, and the rest of the Mormon Mesa Recovery Unit, will be conducted in effort to that can be to determine of desert tortoise and its the MMRU. to identify conservation that can serve to off-set future development in CSV I.e MSHCP. shall completed at the direction of the Service on or before January 1, 1007.

(c) The Service will hold a meeting with CSI, ROBCYN, and species experts to make on priority fencing actions in areas in CC. Priority fencing of the CSI development area in CC be with MSHCP fees from in 1 4, above).

- (d) The Service will work with MSHCP Administrator to reserve or set aside the \$550/acre for of actions that may be in the CC development or MMRU, such as increased law enforcement.
- (e) species during for desert tortoise will be used in the development of the CSI LC MSHCP, and by CSI and in final reserve design for CC adaptive to be developed by CSI and ROBCYN in consultation with the UNR.
- (f) CSf, ROBeYN and the Service will establish that will oversee the identification and funding of conservation actions on CC conserved lands and CSI LC MSHCP Section 10 permit implementation, once the permit is issued.

Actions

- It was agreed that CSI MSHCP will be to LC only, CSI will conduct meetings for the purpose of EIS for the MS Hep application and informing public of ongoing in CE. The scoping meeting will focus on the new LC MSHCP, among other issues, thif; it is intended to multi-species habitat conservation plan for federally special status species.
- identified in the BLM lease and private land will in Lincoln County (LC). The leased land is estimated to be approximately 13,800 private in LC is estimated to be 22,140 acres, in to the 13,800 of certain lands in the CSI not to permanent with in and will be counted as a for the LC MSHCP. (The final acreage will be quantified during the LC MSHCP CSI and the will work together to will as minimization for species benefits, Such may include fencing, development and open space developments, and that will aid in species management.
- Mitigation fees fur of private will be \$800 acre, are estimated to generate more than \$17.7 million dollars permit period. Fees will be paid as lands (2000 acres per 6 below), rather than when land schedule will conservation actions to occur up front and monitored
- Survey information collected by the Service within MMRU will be identify that can be to improve the status of desert tortoise and its habitat and to offset the development of CSI in Le.

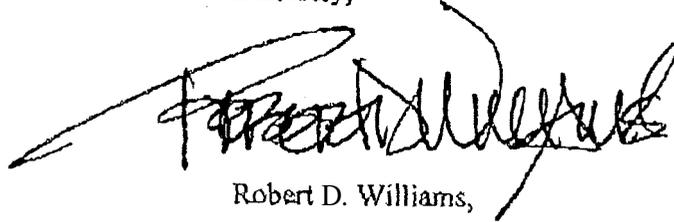
Harvey Whittemore

- Translocation of tortoise in LC WIN be under a science-
BRR species to be by CSI in with the Service and UNR
furthering from will and used in
program. within the MMRU through an management
- The current ratio of developable land to 0.6:1 (this not include the
wash acreage), which does not meet the Services mitigation Section 10 Hep issuance
In an effort to and conservation of conserved land to as close
to a 1:1 ratio as possible, and to adaptive management to the extent, CSI
has not to than 2,000 acres per over the first eight years of the
to this schedule agrees that CSI can develop a total of
16,000 acres, leaving 6,140 acres of private land for future disposition.
- At the beginning of Year 9, the a review of of the
tortoise and of recovery within the MMRIJ, as agreed
to under the of the LC HCP permit. The review is for the purpose of
in with CSI, whether additional (of the 6,140 acres
within it needs to be conserved. The of for a finding that
additional lands are needed for conservation of the species will rest with the Service;
be based on the results of analysis of the
benefits of the conservation actions and effects of the initial eight
years of permit Service and analysis within (6)
months and present to CSI upon completion.
- To accomplish the analysis identified above, the Service and CSI will establish
advisory (SAT) to work with to develop a
viability monitoring program be funded
fees.
- CSI commits to provide up 460 acre feet/yr of CSV or such other water
rights that to and up to five percent of any CSI water
the basin to to for purpose of
offsetting groundwater pumping of the carbonate and any potential impacts on
Moapa dace.
- CSI is committed to work the to of hiring additional
for CSI and ROBCYN, to ensure that all LC MSHCP planning, and Endangered
Act Policy Act compliance by
1,2001. The to diligently in and
reviews to meet the May 1, 2007 completion date for the approval of the CSI LC MSHCP
and issuance of the 10 permit.

Harvey Whitemore

We appreciate the willingness of the CSI team to work with the Service in conserving desert
and listed while the first phase of the CST project in
CC and the HCP in Lincoln Co. We look forward to this continued collaboration as we move
public phases of the NEPA and section 1.0 processes. I will do all I can to
proceed as expeditiously as possible to all of the commitments agreed to.

Sincerely,



Robert D. Williams,

Mike Ford, RobCyn, LLC, Las Vegas, Nevada
Assistant Manager, California Nevada Operations Office