

**FIN A L**

**Appendix J to S**

**Volume 3, Book 2**

**JULY 2008**

**COYOTE SPRINGS  
INVESTMENT**

**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**

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# **Coyote Springs Investment Planned Development Project**

## **Appendix J to S**

### **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

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# Appen ixJ oS

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APPENDIX P

**Application for Clean Water Act  
Section 404 Permit  
Coyote Springs Project  
Lincoln County, Nevada**



*Application for Clean Water Act  
Section 404 Permit  
Coyote Springs Project  
Lincoln County, Nevada*

Corps File No. SPK-2007-327-SG

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## 1.0 INTRODUCTION

CSI, LLC (CSI), proposes to develop a new town in Lincoln County, California. The project will include residential, commercial and industrial land uses. This Individual Permit application for the proposed new town development is submitted to the U.S. Army Corps of Engineers, Sacramento District (Corps) in compliance with Section 404 of the Clean Water Act. The permit application addresses potential impacts to Waters of the United States (WOUS) that may occur during project construction which will be over a period of approximately 40 years. No wetlands occur within the project development area. In addition, no other type of Special Aquatic Site as defined by the United States Environmental Protection Agency's (EPA) 404(b)(1) regulations will be impacted by the proposed project.

The property that is the subject of this Corps individual permit application comprises approximately 21,454 acres in Lincoln County, California (see map I-2) with the following ownership status:

- 21,454 acres of land owned by CSI in Lincoln County.
- 3,331 acres of BLM land adjacent to the Development Area west of U.S. Hwy 99.
- 7,548 acres of Land Exchange Authority (LEA) land in Lincoln County (7,548 acres). Under the Land Exchange Authorization Act of 1996, CSI holds a 99-year lease (with an automatic 99-year extension) from the U.S. Bureau of Land Management (BLM) for approximately 7,548 acres of land in Lincoln County in the Development Area. The land will be developed under the terms of a BLM lease.

### Project Location

This Individual Permit application addresses lands within portions of Townships II 12 South, primarily 63 East (Mount Diablo) and Meridian (MDBM); a small part of the Utility Corridor is in Townships II 12 South, 62 East.

The CSI property in Lincoln County is approximately 29,000 acres and 7,548 acres of land owned by CSI. The BLM land is approximately 56 acres northeast of the project and extends 9 miles north of the Lincoln County-Clark County line. The CSI property occupies most of the northern portion of Coyote Spring Valley. The CSI Lease in Lincoln County is located in the approximate center of the CSI property and CSI in accordance with the lease will use the lands for residential and commercial purposes. The Pahranagal Wash extends northwest to the project property. The Springs Wash runs to the west near the northern border. Land surrounding CSI lands is primarily public land owned by the U.S. Fish and Wildlife Service (USFWS). The property is bordered by the

Specific sections some or all of which are subject of this IP application are Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Declarator Mountains to the north, the Meadow Valley Mountains to the east, U.S. Highway 93 to the west (although the BLM Utility Corridor is along the west side of Highway 93), The southern boundary is the Lincoln County-Clark County line, where property is adjacent to the development in County,

At present within Coyote Spring Valley (CSV), there is only one permanent residential structure located to the northeast of the Development Area; however the CSV has seen disturbance from infrastructure improvements involving local, state, and federal authorities, CSV has been and is presently disturbed by one federal highway (U.S. Highway 93) bisecting the valley from the north to the south, both old and now Kane Springs Wash road extending from east to the west near the boundary of the Development Area, an abandoned paved segment of U.S. Highway 93 (although it receives intermittent use) running north to south, Highway 168 bisecting a portion of the valley from west to east, various agricultural uses, additional unpaved roads, jeep trails, wells, monitoring wells (including access routes), aggregate operations, a recycling, and a facility. recycling and facility is within or adjacent to the Pahrangat Wash ephemeral channel, just east of U.S. Highway 93.

### ***Definitions***

Other Project documents and plans encompass slightly land configurations (Exhibits I and 2). These configurations and their identifying terms are presented below clearly, as the terms are utilized in the ensuing pages.

- The "CSI" The CSI property in Lincoln County includes approximately 29,000 acres and consists of 21,454 acres of land owned by CSI 7,548 acres leased from BLM
- The "CSI Lands" include approximately 7,548 acres in Lincoln County 6,219 in adjacent Clark County (approximately 13,767 total acres), The CSI Clark County Lease Lands are included in Corps Permit No. 200125042 CSI's Clark County development. Because these lands publicly owned lands there is no Endangered Species Act (ESA) Section 10(a) coverage under County MSHCP. Similarly there will be no ESA coverage for the Lincoln County Lease Lands if the CSI MSHCP is approved by the USFWS. In recognition of this CSI has in agreement with BLM and the USFWS developed and implemented a management plan to protect the 6,219 acres of leased lands in Clark County and will develop and implement a similar plan the 7,548 acres of leased land in Lincoln County upon project approval.
- The "Area" defined in the Environmental Impact Statement the Lincoln County project comprises the Development (21,454 acres) and BLM Utility Corridor (3,331 acres) identified above and the CSI Lease (approximately 13,767 acres) in Lincoln and Clark counties a total area of 38,552 acres),
- The "Area" of the Multi Species Habitat Conservation Plan (MSHCP) described below comprises the CSI private lands within the Lincoln County Development Area (21,454 acres),

- The “Coyote Management Area” comprises the 13,767 acres of CSI Lease in Lincoln Clark counties.

Endangered Species Act Section 10(a) Consultation

state-listed special status species including the desert tortoise - are present in the Project Area, requests that the Corps request initiation of an Section 7 consultation with the U.S. Service (USFWS). It should be noted that CSI for an incidental take permit from the in with ESA Section 10(a)(1)(B) before development activities occur that could result in take of listed species or their habitats.

In consultation with the has prepared a Multi Species Habitat Conservation (MSHCP) as part of the permit application. In addition to species that occur within the Covered Area (see Section 3.1.7), the MSHCP addresses that outside of the Covered that may be affected by project activities. of the CSI lands that may be indirectly by project activities include, but not limited to, the Muddy Springs Area of the River its various tributaries. Muddy River is approximately 17 miles Development Area. River area is not of the Project Area.

CSI Proposed Development

CSI has prepared an Environmental Impact Statement (EIS) et al. 2(07), which will be submitted for public review. Up to 111,000 residential dwelling units may be constructed in the Development under EIS (see 3). following is a representative, but non-inclusive list of the type of development structures and infrastructure being proposed:

- housing
- urban villages
- Public buildings, as schools other public facilities
- Commercial light industrial development
- **Hotels, and**
- Associated
- amusement parks, trails
- Utilities other including
  - ❖ **Power** electric, natural gas and/or propane, and solar and geothermal production)
  - ❖ **and wastewater treatment facilities**
  - ∴ Stormwater of (site)
  - ∴ waste disposal
  - ∴ **Telecommunications** facilities
  - ∴ Water supply development, treatment production monitoring storage transmission distribution
  - ∴ **Reclaimed wastewater storage, distribution, and discharge** facilities
  - ❖ **Flood control** structures

A is being proposed for the construction development or the community, This will help accommodate for the sensitive environment e characteristics or the Covered Area, In year 9, the USFWS will determine in accordance with evaluation standards set ronh in the incidental take permit and this MSHCI, and in cooperation with CSI, whether all or portion or the Disposition Lands will be made available for development or will be conserved desert tortoise habitat. It is anticipated that the community will be built in four phases over approximately 40 years as shown below:

Phase	Approximate Acreage of Development	Estimated Implementation Timeframe (Yrs)
1	6,000	2 - 9
2	6,000	10 - 18
3	6,000	19 - 27
4	1,500	27 -
	21,500	40

### 1.1 Environmental Setting

A series of events have occurred leading up to CSI owning or controlling the property described herein as the Development Area. In 1988, Aerojet and the United States Department of the Interior completed a land exchange agreement, whereby Aerojet obtained among other lands title to roughly 29,000 acres as well as a 99-year lease with an option for a 99-year renewal for an additional 13,700 acres in Lincoln and Clark counties. In exchange, Aerojet relinquished title to roughly 5,000 acres in the Florida Everglades. The land exchange was enacted as Public Law 100-275 by Congress, and entitled *The Nevada-Florida Land Exchange Act of 1988* (Act). In signing the NY-FL Act, President Reagan noted that the land exchange would enable the protection of "some 4,650 acres of Florida wetlands" and, that the Florida land would be sold to the South Florida Water Management district, with the proceeds from that sale used for the "purchase of important wildlife habitat at two National Wildlife Refuges in Florida to aid in the effort to preserve endangered Deer and the Manatee."

In 1996, the Secretary of the Interior approved the assignment of the Lease from Aerojet to Harrich Investments, LLC. CSI informed the Secretary of its proposed residential and commercial development plans before requesting the Secretary's approval of the Lease Assignment. In 1998, the Secretary approved the assignment of the Lease and all its rights from Harrich Investments, LLC to CSI in accordance with the NY-FL Act. In May of 1998, CSI purchased the fee lands from Aerojet.

Initially CSI proposed developing all the lands acquired in both fee and under the long-term lease. As CSI began working with the USFWS to address endangered species issues the BLM in addressing land management issues it became apparent that developing the acquired land was not in the best interest of protecting WOUS or endangered species

<sup>2</sup> Ronald Reagan, Statement on Signing the Nevada-Florida Land Exchange Authorization Act of 1988 (March 31, 1988).

habitat, land the During the course or years the land configuration for lands in Clark County by the was agreed to by 13LM and CSI as being the best configuration for avoiding WOUS, minimizing impacts to habitat, maximizing benefits to the desert tortoise and aiding land managers in fulfilling management responsibilities and consolidating the Project, and the impacts associated therewith, in a area. reconfiguration of the Clark County Development Area was completed in February 2005 upon the recording of a Corrected Patent. Currently CSI is similarly with the Corps, USFWS and 13LM to develop similar (or avoiding WOUS, minimizing adverse impacts to maximizing to the desert tortoise and other species, aiding land managers in fulfilling their management responsibilities and consolidating the Project, and the impacts associated therewith, in area.

CSI into a or Agreement (ivIOA) with, BLM and the USFWS in 2001 to a Conservation Plan under 10(a)(1)(11) of the ESA for its lands, a copy of which is provided in Appendix A or IYIOA provides guidance for development of a mutually agreeable (CSI with the subsequent or a Section 10(a)(1)(13) permit. In signing the MOA, CSI agreed to develop an (I)-the desert tortoise and other species or concern. an Implementing Agreement and Water Monitoring Plan. been by a 2005 Letter of Agreement by CSI in accordance with MOA and outlines a strategy to move forward on Lincoln County only since the CSI in Clark County is on-going having obtained Section 10(a)(1)(B) coverage under the Clark County MSHCP.

Over the course of the last (ur it was determined that the Project to be developed on lands owned and controlled by CSI was separate and distinct from any potential development in Clark County) as by the actions of state and agencies. CSI is currently working with USFWS and BLM in developing the CSI MSHCP the Lincoln County Area, at this time there are no assurances that the CSI MSHCP will be approved and a IO(a)(1)(B) permit issued.

Further, subsequent to the initiation of the CSIMSHCP development process in Lincoln County, the Nevada State Engineer issued Order No. 02-09 on March 8, 2002, copy of which is provided in Appendix B or Exhibit I. Pursuant to Order the State Engineer stated no additional rights would be issued to appropriate waters from the Coyote Spring Valley Basin until such time as the required pump test was completed and results obtained indicating there were no to flows of the Muddy River Springs. As a result it became clear that development in Lincoln County could not occur without additional resources being brought to CSV. It is noted that the required under the Order has yet to start.

No additional Section 10(a) permits required to construction in the Project Area in accordance with the CSIMSHCP.

As part of its ongoing MSHCP (CSI has agreed to its leased lands in Clark County lying east of the Pahrangat Wash ephemeral channel until the MSHCP process is completed.

The Regional Water Monitoring Plan was approved by the State Engineer on 14,2005 and has been implemented. In addition, CSJ currently AFA of water rights within the Project Area that are not subject to the Order, except to the extent they must be produced in furtherance of the study required by the Order, or which CSJ will use AFA to support development within the Development Area and CSI has dedicated 1000 AFA to the Clark County Water Resources General Improvement District.

Of the approximately 29,000 total acres within the Project Area, 21,454 acres are planned residential, commercial and recreational development within what is designated as the "Development Area". CSI has proposed to designate approximately 7,954.5 (406.5 acres within the development area + 7,548 acres lands) acres as a conservation area to avoid and protect WOUS and habitat in accordance with agreements with the USFWS. No wetlands exist within the Project Area, and, therefore, no wetlands will be impacted as a result of the development. A total acres delineated as WOUS within the Project Area will be impacted by the Development. Figure 4 is a map showing the existing WOUS within the Project Area. CSJ has agreed to avoid a total of 27.5 acres of dry washes within the Project Area and to a reconfiguration of its fee and leasehold interest in the Project Area. A total acres out of 53.7 acres of dry washes within the Development Area, BLM Utility Corridor and CSL lands (Lincoln County) which have been delineated by the Corps as waters of the United States (WOUS) would be impacted. Figure 4 shows the proposed impacted, unimpacted (avoided), and restored WOUS within the Project Area.

In their existing condition, these dry washes do not have the capacity to adequately convey floodwaters through the Development Area in compliance with Lincoln County flood control requirements. To comply with County flood control regulations, the dry washes will need to be relocated, enlarged, and somewhat expanded during the mitigation process to meet acceptable flood conditions. Without relocation into new County-regulated drainage ways, the current WOUS would be inadequate to convey potential flood flows due to increased velocities and subsequent erosion and sedimentation issues within these existing washes resulting in adverse impacts to the health, safety, and welfare of the residents within the proposed development area during a flood event.

As part of the permit, the Applicant proposes to mitigate for the relocation of the existing acreage of dry washes delineated as WOUS at a minimum by constructing 53.7 acres of larger naturalized drainages that meet both county and state requirements. As additional mitigation, the constructed washes, which will consolidate flood control into major drainages meeting county flood control standards, will be re-vegetated with native plant species. Native plants will be selected from the native plants listed in Appendix J of Exhibit I. The constructed wash will also be protected by a dedicated easement to ensure long-term protection. The easement will allow for drainage maintenance and protection of the WOUS and the establishment of permanent buffers of at least 25 feet in width along both sides of the open channels from the edge of the constructed washes. Cross-sections of typical constructed washes and related improvements are provided in Figures 7 and 9.

## 1.2 Existing Conditions

descriptions of site conditions by various topics can be found by reading the draft EIS and (see Exhibits I and 2). This reference guide to the location of this information is summarized in the following.

Descriptions of Existing Conditions		
Topic	Documents Found In	Section(s)
Climate	Draft EIS	4.8.1
	Draft MSHCT (Exhibit 20 of this document)	2.1.1
Biological (vegetation, wildlife, and ecological resources)	Draft EIS	4.1.2
Soils	Draft EIS	4.5.2
	Draft EIS	4.5.1
Water and Ground Resources	Draft EIS	4.3.1

## 1.3 Overview of This Permit Application

This permit application meets the requirements in the Corps Permit Application Form (section 2.0), and the Corps' regulations at 33 CFR §320.4 (section 1.0). The intent is to provide reviewers with a clear and concise explanation of C/SI's proposed project and associated impacts to Corps jurisdictional areas, with emphasis placed on those issues thought to be of most interest to the reviewing agency and interested parties. In some cases references are given to descriptions of on-site conditions and can be found by reviewing the draft EIS and/or Draft MSHCT. Where it was thought that additional information would prove useful to reviewers, additional information is provided in exhibits to this document. Additional information will be submitted if needed under the project cover.

## 2.0 APPLICATION FORM

The completed Application Form (ENG FORM) is presented on the next two pages, with more extensive block-specific description in referenced Sections of this application document.



See Section 2.2 for details

11. Project Purpose (describe in 1 paragraph) Develop a new town in Lincoln County, NM that is approximately a one-hour drive from the Las Vegas area and within the State of Nevada utilizing available or existing on-site water rights or water rights from the region.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Quantity for Discharge

See Section 2.3 for details

21. Type of Material Being Discharged and the Amount of Each Type in Cubic Yards

See Section 2.4 for details

22. Surface Area in Acres of Wetlands or Other Waters Filled (see manual)

26.2 acres of WOUS (desert dry wash habitat); See Section 3.1.5 for details. Also see Table 5.

23. Is Any Portion of the Work Already Complete? Yes  No  IF YES, DESCRIBE THE COMPLETED WORK

24. Address of Adjoining Property Owners, Lessors, Etc., Whose Property Adjoints the Work (only if more than 500 ft; if critical here, please attach a supplemental list)

See Exhibit 3 (mailing labels provided)

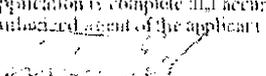
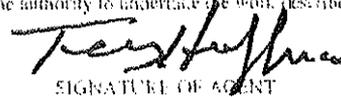
25. List of Other Certifications or Approvals/Permits Received from other Federal, State or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL	CERTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
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See Exhibit 4 for details

\*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

	
SIGNATURE OF APPLICANT	SIGNATURE OF AGENT
DATE	DATE

The application may be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent of the applicant if block 25 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any bribe, scheme, or defrauds in material fact any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

U.S. GPO: 1994-570-475-82018

## 2.1 Directions to the Site (Block 17)

Directions to the CSI property in Lincoln County are presented below. Figure I is a regional road map.

From St George, Utah:

- Drive south on I-15 to Las Vegas.
- Take State Route 168 to US 93.
- Turn right onto US 93.
- Arrive at the Lincoln County site.

From Las Vegas,

- Take I-15 North from Las Vegas.
- Take US 93 towards Pioche/Ely.
- Arrive at the Lincoln County site.

## 2.2 Project Purpose and Need (Block 19)

### 2.2.1 Purpose

The purpose of the Applicant's proposed project is to develop a new town within Lincoln County within approximately a one hour drive from the Las Vegas area and within the State of Nevada utilizing available or existing on-site water rights or water rights from the region.

### 2.2.2 Need

CSI proposes to develop a new town in Lincoln County to address the need for increased economic opportunities and housing in Lincoln County. The development would provide up to 111,000 residential dwellings to meet the needs of the growing Southern Nevada area. Economic growth in Lincoln County would result in commercial development components of the planned community, as well as an increased tax base for Lincoln County's increasing public needs in the future. This growth would revitalize the current limited economy of Lincoln County, increase employment opportunities and economic diversification, and create an environment that would encourage the 20 to 34 age group to stay within the county.

Lincoln County covers approximately 6.8 million acres in Nevada, and in 2005 had a population of approximately 3,886 people. Based on the 2000 Census, Lincoln County is the third least-populated county in the State of Nevada (Nevada State Demographer 20(6)). The current population in Lincoln County has decreased by about 10 percent since 2000 when the population stood at 4,165 and was only slightly higher than 1990 levels.

With 98 percent of the county's land in public ownership, little private land has historically been available for development. The county's population and economy have been constrained as a result. Currently there are only 122,508 acres of private lands. Concerns have been raised by Lincoln County residents that their population is aging and younger people are forced to leave

because of lack of (Lincoln County 1991, 2006; Gibbons 2(04), U.S. data indicate that these concerns are valid, in the decade in between the 1990 and 2000 censuses, population in Lincoln County within the 20 to 24 and 25 to age groups by 16.67 percent (U.S. Bureau 2(00), Rural counties often see declines in the population sizes of these age groups, because these age groups often leave rural areas to seek better (Harris et al. 2(04), et al. (2004) suggest encouraging age groups to stay should always be a goal for economic development.

Agriculture, mining, and government have traditionally been dominant sectors of the economy in Lincoln County (Borden et al. however, agriculture and mining's in the county's economy have declined in recent years (Harris et al. Thus, unemployment in natural economics often do not reflect downturns in agriculture or mining economics, Instead, the size of the labor force can as leave rural areas in search of other itics, et al. (2004) measured indicators of employment Lincoln County, such as residents employed, When residents in Lincoln County are analyzed, a 1998 (1,133 residents employed) to 2003 residents employed) is noticeable, During the same time frame, resident employment in the of Nevada steadily increased from 943,600 in 1998 to 1,081,900 in 2003 et al. 2(04). In addition, 1990 and 2000, County's population increased by approximately 1 percent, while employment opportunities declined at a much greater rate et al. 2(04).

Based on information from 1970 through 2003, Lincoln County is the fourth most unstable economy of Nevada's 19 counties. This indicates dependency on single economic sector, such as mining, Economic diversification would stabilize the county's economy (Harris et al. 2(04). This index encapsulates time frame when mining employment and real income declined by 95 percent (between 1980 and from the closure of several mining operations (Borden et al. 1996).

Agriculture also declined in terms of income to the Lincoln County economy. Real earnings per job declined 52 percent 1975 and 1994, even though 19 new jobs were added during the same time period (Borden et al. 1996). In terms of dollars, total net income of farms in Lincoln County also decreased from 2,390 in 1970 to 1,612 in 2005 (Headwater Economics This is likely result in a county-wide decrease in the number of livestock raised per year (18,000 animals in reduced to 12,000 in 2000) and an increase in agriculture during same time period (National Agricultural Statistical Service Livestock is more than crops, but labor is needed both.

Census data also show that housing stock in Lincoln County is relatively old, Approximately 22 percent of homes in county were built 1940, which is second highest value of pre-1940 homes across all Nevada counties and substantially higher than the 1.7 percent value for State of Nevada as whole, Further, only about 17 percent of housing units in the county were built in 1990 or later, compared to 42 percent in the state of Nevada (U.S. Census 20(0).

In contrast to the economy and population of Lincoln County, the nearby Las Vegas metropolitan area has a increase in economic opportunities population in the

last few decades. Between 1990 and 2005, the population in neighboring Clark County, Nevada, has steadily increased by 1,020,100 people, a 40 percent increase in population during that time period (Center for Business and Economic Research at UNLV 2(06). The number of jobs also increased in the same time period from 452,733 to 788,025. It is anticipated that as developable land in Clark County becomes scarcer, the population will need to spread into adjacent Lincoln County.

### 2.3 Reasons for Discharge (Block 20)

HBG conducted an investigation of the potential extent of wetlands and other waters of the United States subject to Corps of Engineers jurisdiction within the Coyote Springs Project Development Area. No wetlands were found and, therefore, no wetlands will be impacted as a result of the Project. However, 53.5 acres of desert dry washes subject to infrequent surface flows were identified and delineated as waters of the United States (WaUS) within the Project Development Area, including the ISLM right of way west of Highway 93. Of the delineated acreage, 21.2 acres will be directly impacted by the Project.

In their existing condition, these dry washes do not have the capacity to convey floodwaters through the Project Development Area in compliance with Lincoln County 1100d control requirements. To comply with Lincoln County flood control regulations, the dry washes will need to be relocated, enlarged, and somewhat expanded during the mitigation process to meet acceptable 1100d conditions. Without relocation into new County-regulated drainage ways, the existing waLIs would be inadequate to convey potential flood flows and could endanger the health, safety, and welfare of the residents within the Project Development Area during a 1100d event.

Table I summarizes the project impacts to *Walls* by development phase and Table 2 summarizes impacts by development activity.

Table 1, Project Impacts to Waters of the United States by Project Phase

Phase	Type of Impact	Approximate Acreage of Development	Impacts to WOUS when grading occurs	when (acres)	Estimated Implementation Time Frame (Yrs)
	Fill	6,000		10.43	2 - 3
2	Fill	6,000	+	4.20	10 - 18
3	Fill	6,000		5.5	19 - 27
4	Fill	3,500		6.1	27 - 40
<b>Totals</b>		<b>21,500</b>		<b>26.2</b>	<b>40</b>

Table 2. Impacts to Waters of the United States Resulting from the Coyote Springs Development Project

Development Activity	Direct Fill Impacts to WOUS (acres)	
Fill Drainages (Desert Dry Wash Habitat)	Fill	14.43
<b>Construct Detention Basins West of State Highway 93</b>	Fill	5.10
Replace <b>Existing Washes</b> with Open Bottoms on 3 Preserved Desert		0.50
Replace <b>93</b> with Larger Culverts State Highway		0.75
Restore Desert Dry Wash Habitat		2.70
<b>Widell</b> Feet of (Desert Dry Wash Habitat)		1.50
<b>Construct Retention Basins to Attenuate Flows</b> They <b>Pahrnagat Wash</b>		1.22

2.4 Types and Amounts of Materials Being Discharged (Block 21)

Table 3. Estimated Quantities of Cut and Fill for Mitigation Implementation

Project Component	Type of Activity	Estimated Cut (cubic yards)	Estimated Fill (cubic yards)	Type of Material to Be Discharged
Upgrade Access Points.	Add aggregate to roadway transition areas		15,000	Clean engineered fill
Restored Desert Dry Wash Habitats	Obtain Inoculum	52,000		
Restored Desert Dry Habitats		( ),200,000		
Dry Habitats	Smooth		28,000	Clean engineered fill
Access Routes	Fill in ruts and disk to loosen ground surface		10,000	Native soil
<b>TOTALS</b>		<b>6,252,000</b>	<b>53,000</b>	

### 3.0 COMPLIANCE WITH APPLICABLE REGULATIONS (33 CFR PART 320)

This section is intended to provide information needed by Corps and other reviewers to evaluate the Project. It describes the policies and procedures for evaluating permit applications outlined in the regulations at 33 CFR § 320.4, including the section's reference to the Analysis required under the U.S. Environmental Protection Agency's 404(b)(1) Guidelines."

#### 3.1 Public Interest Review Factors (33 CFR 320.4(a)(1) - 3)

##### 3.1.1 Conservation

CSI is conserving an estimated 27.5% of the 53.7 acres of WOUS occurring within the Project Area by the proposed development plans.

The MSHCP developed as part of the CSI Incidental Take Permit (ITP) request includes strategy and management program that is designed for multiple uses and ecosystem conservation and management (Appendix D of the ITP).

##### Desert Tortoise

Incidental take of desert tortoise in connection with Project development would be covered under the ITP. CSI will take steps to comply with the terms and conditions of the ITP applicable to the Project.

##### Conservation Measures Specific to the Desert Tortoise

- CSI will provide mitigation fee of Eight Hundred Dollars (\$800) per acre, to the one-quarter (1/4) acre, on all development activities occurring on private land within the Development Area defined in the IICP).
- \$750,000 provided to fund conservation measures for the desert tortoise upon issuance of the CSI ITP (a Technical Advisory Team will assist the USFWS in directing the expenditure of these funds under the Adaptive Management Plan).
- All areas surveyed and mapped of desert tortoise prior to ground disturbing activities.
- Research studies will be conducted as directed by Technical Advisory Team, include surveys to evaluate the status of the tortoise within the Mormon Lake Critical Habitat Unit; assessment of weed control and habitat restoration measures; and establishing juvenile tortoise rearing program."

Also, desert tortoise surveys and translocation would take place in the Development Area in conjunction with USFWS-approved translocation program. This effort will be similar to the on-going program that is being conducted in the CSI master plan development in Clark County immediately south of the proposed Project Area. This program is being used as a model

found at 40 CFR Part 320.4(a)(1) with reference to Section 3.1.22 or this document.

for a \_\_\_\_\_ program \_\_\_\_\_ by USFWS and species experts at \_\_\_\_\_ University or \_\_\_\_\_ Biological \_\_\_\_\_ Center. As a result of these \_\_\_\_\_ development of the \_\_\_\_\_ will \_\_\_\_\_ minimal \_\_\_\_\_ on the desert tortoise population and may lead to enhanced recovery of the desert tortoise within \_\_\_\_\_ region.

MOI/pl/ dace

Conservation Measures Specific to the Moapa dace

- Participate in the establishment of a Recovery Implementation \_\_\_\_\_ and employ **principles of adaptive management to outline and carry out conservation measures** necessary to \_\_\_\_\_ and \_\_\_\_\_ and allow for development and **operation** of regional water facilities.
- Dedication of an amount equal to 10% (4,000 ac) of the CSI water rights within Coyote \_\_\_\_\_ Valley Basin to the survival and recovery of the \_\_\_\_\_ and its habitat.
- Dedication of an additional \_\_\_\_\_ or any \_\_\_\_\_ rights above 4,600 ac that CSI may be entitled to withdraw in the natural \_\_\_\_\_ Coyote Spring Valley or import into the basin.
- CSI has agreed to provide \$50,000 annually \_\_\_\_\_ time (4) years to be \_\_\_\_\_ habitat restoration to promote the recovery of the Moapa dace.

Surface water impacts to the \_\_\_\_\_ Wash Ephemeral Channel will be minimized by detaining the stormwater from developed areas onsite. As part of CSI flood control measures, water quality within the Pahrangat Wash ephemeral channel or downstream will not be significantly impacted by development. Sediments and associated nutrients will be sufficiently removed through the installation and maintenance of naturalized corridors allowing for deposition of \_\_\_\_\_ uptake of \_\_\_\_\_ nutrients. Retention and filtering ponds will be utilized to provide additional treatment. All of these storm water \_\_\_\_\_ will separate from the Pahrangat Wash \_\_\_\_\_ channel in line with a 1 \_\_\_\_\_ planned setback measured from the top of bank or \_\_\_\_\_ channel that will be left \_\_\_\_\_ In addition, a protective \_\_\_\_\_ will be built outside \_\_\_\_\_ 100-foot setback zone that will eliminate storm water from entering the Pahrangat \_\_\_\_\_ ephemeral channel directly from developed \_\_\_\_\_ CSI storm water \_\_\_\_\_ will allow storms centered in undisturbed areas to \_\_\_\_\_ north and east to run \_\_\_\_\_ Pahrangat \_\_\_\_\_ ephemeral channel in their natural condition.

While CSI does not \_\_\_\_\_ adverse impacts to the Muddy River springs flows will occur as a result of groundwater production from within the Development \_\_\_\_\_ CSI recognizes that such an event is a \_\_\_\_\_ and taken \_\_\_\_\_ to ensure such \_\_\_\_\_ do not occur. CSI \_\_\_\_\_ into an Agreement for Settlement of all Claims to Groundwater in \_\_\_\_\_ Coyote \_\_\_\_\_ with the \_\_\_\_\_ Nevada Water Authority \_\_\_\_\_ the Las Vegas Valley \_\_\_\_\_ (LVVWD) and \_\_\_\_\_ Moapa Valley Water District (MVWD) dated \_\_\_\_\_ 7, 2002 (hereafter \_\_\_\_\_ as the "Settlement Agreement"). \_\_\_\_\_ Settlement Agreement also incorporated \_\_\_\_\_ and conditions of the Stipulation for Dismissal of Protests by and \_\_\_\_\_ LVVWD, SNWA, the BLM, the National Park Service \_\_\_\_\_ USFWS dated July 18, 2001. A Regional Water Monitoring Plan was approved by the \_\_\_\_\_ State Engineer on March 3, 2005.

### Muddy River MOA

On April 20, 2006, the SNWA, USFWS, CSI, the [redacted] of Paiutes (Trihc), and the MVWD signed the Muddy River MOA (Appendix D of Exhibit I). The Muddy River MOA established conservation measures [redacted] monitoring and management criteria to be implemented concurrently with development of water projects within certain groundwater basins, including the Coyote Spring Valley and the [redacted] hydrographic [redacted] basins. The Muddy River MOA outlines specific conservation actions [redacted] party would complete to minimize potential impacts to the [redacted] (Moapa ('oriacca) if water levels decline in the [redacted] River system result of cumulative [redacted] of 16,100 acre-feet per [redacted] (afy) from the Regional Carbonate [redacted] in Coyote Spring Valley and [redacted] Wash Basins. The parties [redacted] to establish [redacted] River Recovery Implementation Program (MRRIP) as [redacted] conservation measure for the protection and recovery of [redacted] Moapa dace and its habitat. CSI agreed to dedicate [redacted] portion of its current [redacted] rights for the survival [redacted] recovery of the Moapa [redacted] agreed to provide [redacted] the restoration of Moapa [redacted] habitat. The parties to the MOA have developing the MRRIP [redacted] anticipate completion of the MRRIP in 2007.

The [redacted] developed an intra-service, programmatic Biological Opinion (130) for the proposed [redacted] River MOA regarding the groundwater [redacted] and [redacted] conservation the Moapa dace (1-5-05-FW-536, [redacted] 2(06). ESA consultation for project-activities included in the MOA is tiered [redacted] 2006 programmatic BO.

Based on CSI's commitments to the survival and recovery of the [redacted] dace and overall conservation of the Muddy River as outlined in the [redacted] River MOA (Appendix D of Exhibit I), CSI has agreed to provide 460 acre-feet per [redacted] (afy) [redacted] the Moapa dace, an amount equal to 10 percent of CSI's allotted water rights within the Coyote Spring Valley Basin. In addition, CSI agreed to dedicate 5 percent of all water rights above 4,600 afy that CSI appropriates within the basin or imports into and uses the Coyote Spring Valley Basin. This [redacted] of water rights to [redacted] recovery and [redacted] River conservation was established under the River MOA and will be implemented through the MRRIP [redacted] water rights used for development in Clark County, an action separate from the CSI MSHCP. [redacted] dedication of water rights to Moapa dace recovery and [redacted] River conservation will also occur for the CSI development in Lincoln County.

Development of water in excess of 16,100 afy, analyzed in the intra-service programmatic 130, would require reinitiation of Section 7 consultation.

### CSI Resource (Hulliqell) Agreement

Subject to BUVI approval, CSI [redacted] designated approximately 7,548 acres in Lincoln County and [redacted] acres in Clark County, for a total of 13,767 acres [redacted] would be set to preserve natural resource values.

**3.1.2 Economics.** Detailed descriptions or economics by various topics can be found by reading the EIS [redacted] MSHCP (see Exhibits I [redacted] 2). [redacted] reference guide to the location of this information is summarized in the following.

Descriptions of	• Conditions		Section
	Document	In	
Population and other Demographic Characteristics	Draft EIS		4.14.1
Housing	Draft EIS		4.14.2
Employment	Draft EIS		4.14.3
Income	Draft EIS		4.14.4
Fiscal Resources	Draft EIS		4.14.5

### 3.1.3 Aesthetics

The proposed Project will result in the conversion of an unoccupied acres or privately desert surrounded over 4,000,000 acres open space to housing, golf and associated commercial development. Within the Project Area jurisdictional dry west east of the Pahrangat will need to be relocated constructed washes large enough to comply with Lincoln County Flood Control requirements. These will be constructed with plant species to look within the community. In the will impacts to the Wash ephemeral channel and the dry washes west and east of the ephemeral channel, the Pahrangat Wash Conservation Corridor, within the Coyote Springs Resource Management Area. With the exception of road and trail crossings, a 100 foot setback to the west and east of the Pahrangat ephemeral channel, as shown on Figure 4, will be provided to protect the Channel those existing WOUS westerly and easterly of the Pahrangat Wash ephemeral channel within the Project Area.

The will be with open corridors golf courses, providing both amenities. In addition to County required parks other by CSI, areas along Burrell zone that will 10 protect the Pahrangat channel, will provide a variety of opportunities for recreation CSI will additional recreational opportunities within these areas for the or the community the region.

Implementation of the development cannot result in changes to aesthetic within adjacent to the Project Area beyond those allowed by local jurisdictions. qualities on private in Lincoln County guided by the Lincoln County Code. Aesthetics are using compatibility or existing zoning. Title 13 of the Lincoln County the Planning and Code building height, yard sizes, lot requirements, buildings on the lot. Title 15 or Lincoln County Code the Coyote Springs Unit Development Code addresses

**the regulation**

**ol'planning and zoning withinlhc Coyote Springs Planning**

PUDs must comply with the Lincoln County Code with respect to site development standards.

According to the Development Agreement between Lincoln County and CSI, the Coyote Springs Charter Community Association, Inc, a Nevada corporation, (CSCCA) will create and establish uniform design guidelines for all construction and development within the development area (Figures 2, 3 and 5) by use of recorded restrictive covenants or pursuant to contractual obligations binding on purchasers of property within the Planned Community. These design guidelines will become a part of any tentative or Final PUD Plan. Lincoln County has agreed to utilize the (CSCCA) design guidelines, adopted within a Tentative pUD Plan, in the construction of any Lincoln County facility within the pUD plan area (Coyote Springs Development Agreement, County and CSI(04).

CSI may adopt the Southern Nevada Green Building Standards and has proposed adoption of these standards to Lincoln County. The Coyote Springs Design Standards and Covenants, Conditions, and Restrictions (CCRs) include the following building design principles:

- Reflect the architectural heritage of the Southwest and American West. Exemplify these styles in the public and semi-public buildings as distinctive imaging and place-making **stratagem for the community.**
- Provide an eclectic expression style families throughout the community, with subtle shifts in sub-styles between villages and districts.
- Within the limits of Phase IA, focus on more rusticated, limited set of sub-styles to a cohesive image and identity for the community's public buildings.
- Consider color as one of the most basic primary of Western American style and shall medium to dark in tone and blend with the natural setting.
- Leverage materials as a primary style determinant with proportions of natural stone, stucco, and stained wood used in more natural and rustic expressions.
- In addition to the above, use as key tool of expressing the preferred style families. to non-reflective surfaces that visually recede in the natural
- cllviOllmcnL**
- Emphasize the pedestrian scale; meaning the 1100r of all public buildings being "high touch, high feel" in with a strong focus on detail, spatial intimacy **gathering places.**
- Consider sustainability in the design of all public private buildings and recommend the development criteria established by the Design Review Committee incorporating the Green Building Program adopted by the Southern Nevada Home Builders.

Aesthetics on the adjacent land managed by the is guided by the BLM Resource Management Plan (BLM) Visual resources are rated using BLM Manual Handbook 8431-1, Visual Resource Contrast Rating. The contrast rating system is systematic process used by the BLM to analyze potential visual impacts of projects and activities on land managed by the BLM. The rating includes analyses of form, line, color, texture, scale and space. The VRM classes for the land surrounding the Project Area are Class II (most valued) and Class III (moderate value). The Class II land, near Arrow Canyon, directs management to retain the landscapes' existing character. The remainder area is Class III, which directs

partial retention of the character of the Thus, while  
 Lincoln County Code 13 and 15 applies to the Development Area, BLM Contrast  
 Rating would to both the BLM Utility Corridor the CSI is leasing

### 3.1.4 General Environmental Concerns

The environmental with the Development include 10  
 acres of dry (21.1 acres within Project Development area and 5.1  
 within BLM Utility Corridor) and impacts to the desert environment and  
 habitat. Mitigation impacts is discussed in 3.1.22.

### 3.1.5 Wetlands and Other Waters of the United States

A site reconnaissance in 2006 to delineate or the United States (WOUS)  
 subject to Corps jurisdiction, following current Corps guidelines under Section 404 of the Clean  
 Water Act (CWA). survey area or all of the Project Area (21,454 acres of CSI land  
 and 13,767 acres of CSI lease land in Lincoln and Clark counties), as well as the BLM Utility  
 Corridor west of U.S. Hwy 93 (3 acres).

On the or the methods criteria delineating wetlands and other WOUS, as defined in  
 Corps' *Manual*, and Corps guidance documents and regulations (Corps 2001,1(92),  
 no subject to the Corps jurisdiction were found; as collectively, there were no  
 present indicators of hydric soil, prevalence of wetland vegetation, and wetland hydrology. The  
 proposed Project will have no impacts on wetlands because there no wetlands present within  
 the Project Area.

However, other WOUS were found within survey area.  
 Huffman-Broadway Group, Inc. and Resource Inc. (RCI) (2007) that approximately 53.7 or  
 WOUS in the Development Area and BLM Utility Corridor subject to Corps jurisdiction  
 under Section 404 of the CWA (4).

Table 4. Aquatic Habitats Found within the CSI Lands (private and Leased) and  
 BLM Utility Corridor Regulated Under Section 404 of the Clean Water Act  
 (Huffman-Broadway Group, Inc. and RCI 2007)

Land	National Wetlands Inventory Habitat Type	Hydrology Regime	Regulatory Data Regarding Potential Jurisdictional Status	Areas Delineated Technically Meeting EPA/Corps Wetlands Criteria (ac)	Areas Delineated Technically Meeting EPA/Corps WOUS Criteria (ac)
Ephemeral Drainages	Riverine	Intermittently Flooded	Bed and OHWM	0	0

Intermittently Flooded: U.S. Fish and Wildlife Service National Wetlands Inventory Definition: is usually exposed, water is present for variable periods of periodicity. Weeks, may periods of inundation. communities under this regime may change as change. Some areas exhibiting this (Cowardin et al. 1979) list fall within our definition of wetlands because do not have soils or

Figures 3 and 4 these delineated WOUS. complete jurisdictional report on wetlands  
 WOUS (Huffman-Broadway Group, Inc. and RCI 2(07) has been submitted

WOUS were delineated by the presence of a definable bed and bank and the use of field indicators to the presence of an ordinary high water mark (OHWM) representative of normal inundation (hydrology). Field data collected were compared to predicted channel flows using the Rational Method or U.S. Geological Survey (USGS) method to compare channel widths for a two-year event. This comparison provided means to determine that the indicators being observed were representative of normal, above normal to extreme flow events. The low-flow channel widths were selected as the most representative of flow during normal rainfall conditions, which are believed to occur, on average, every year or every two years. Daily flow within this frequency range is typically below 1 inch. It is believed, based on indicators and data, that flows from less frequent rainfall events of a greater magnitude than 1 inch or daily rainfall are not representative of normal hydrology conditions (Huffman-Broadway Group, Inc., and RCI 2(07)).

*Wetlands: Other Waters Areas Exempt from CWA Jurisdiction*

number of discretionary exemptions from CWA regulations exist for that would otherwise qualify. Furthermore, Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (9,200 I) (SWANCC) involved statutory and constitutional challenges to the assertion of CWA jurisdiction over isolated, non-navigable, intrastate waters used as habitat by migratory birds. SWANCC held that there is no CWA jurisdiction over "isolated, non-navigable, intrastate waters" where there is no interstate or foreign commerce nexus. Huffman-Broadway Group, Inc. and RCI (2007) examined aquatic resources in the Development Area and BLM Utility Corridor with respect to the above discretionary exemptions and SWANCC exclusion from CWA regulation. They concluded that no areas were found that could either potentially be exempted or excluded from regulation.

HIG prepared mitigation plan to address impacts to WOUS (HIG June 2007). Mitigation activities onsite will result in the following:

*Avoidance/Minimization*

The Coyote Springs Project, in Lincoln County, will avoid 27.5 acres of direct impacts to WOUS consisting of dry desert wash habitat within the Project Development Area (20.9 acres), and lease

<sup>5</sup> As described in the preamble discussion of the Corps regulations in the November 13, 1986, *Regulations*, certain areas that meet the technical definition of wetlands generally not considered waters of the U.S. (33 CFR 328.3(a)). Such areas include:

- a. Non-tidal drainage and irrigation ditches excavated on dryland;
- b. irrigated areas which would revert to upland if the irrigation ceased;
- c. or ponds created by excavating and/or diking dryland to collect and retain water which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
- d. or swimming pools or other small water bodies or water created by excavating and/or diking dryland to retain water for aesthetic reasons;
- e. depressions created in dryland incidental to construction activity and pits excavated in dryland for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.

lands (6.6 acres). No wetlands or other type of USEPA special aquatic habitat occurs within the Development Area. The project has been designed to avoid and minimize direct impacts where practicable.

### Compensation

Implementation of this Mitigation Plan will result in the creation of 52.4 acres of dry wash habitat within the Development Area (48.8 acres) and BLM Utility Corridor (J.G acres) as compensation for 26.2 acres of impacted or wous within the Development Area (21.1 acres) and BLM Utility Corridor (5.1 acres). This will be accomplished by:

- Restoring desert dry wash habitat so as to provide a net increase in fully functional, self-sustaining dry wash habitat having habitat functions and associated values to those present onsite prior to the start of project construction;
- **Providing for contingency measures in case desert dry wash habitat restoration efforts fail to meet success criteria;**
- **Providing financial guarantees for the five-year monitoring and the five-year short-term maintenance program, and implementing control measures during implementation,**

### Acquisition and Preservation

A total of 79.9 acres of desert dry wash habitat (WOUS) will be preserved within the Development Area as a result of Mitigation Plan implementation. The following is a list of the habitat to be preserved:

- Preservation of 52.4 acres of restored desert dry wash habitat.
- Preservation of 27.5 acres of desert dry wash habitat.

### Other Protections

Mitigation Plan provides the following additional protections:

- Creation of 336.8 acres of protective upland buffer habitat adjacent to preserved desert dry wash habitat. The upland buffer will be 100 feet wide on each side of the Pahrangat drainage and a minimum of 25 feet on each side of all other drainages.
- The upland buffer Protection Plan includes "in perpetuity" management to include **periodic (annual) inspections and maintenance, if necessary.**
- A Perpetual Conservation Easement Grant will be placed by the land owner/Corps Permittee on preserved desert dry wash habitat and upland habitat for preserved desert dry wash habitat. The Conservation Easement will include environmental monitoring activities authorized by the permit within the mitigation plan. Once mitigation criteria have been met, the management responsibility for the site will be assumed by the Grantee of the Conservation Easement. The Permittee will be **responsible as the Conservation Easement Manager for assuring long-term protection of the site in accordance with the Conservation Easement agreement. It is the Permittee's responsibility that the Conservation Fund (TCF) will function as the Conservation Easement Manager; alternatively, another third party acceptable to both the Corps and CSI would function. The Grantee will be funded by an endowment provided by the Corps**

PC/mtce.

- A Drainage and Maintenance Easement will be placed by the land owner/Corps Permittee on restored desert dry wash habitat and protective upland buffer. The Drainage and Maintenance Easement will include environmental restrictions related to activities authorized by the Corps within the mitigation area including maintenance and repair open space use of the upland buffer as long as the buffer provides water quality protections. Once mitigation success criteria have been met, the management responsibility for the site will be transferred to the General Improvement District and/or the CSCCA. Funding the maintenance of the drainages will be provided by CSCCA and 70% the GID in perpetuity. The CSt Restored Habitat Manager will be the point of contact regarding management of the restored WOUS in accordance with Corps permit conditions. The CSCCA Restored Habitat Manager will be the point of contact once mitigation has been determined successful by the Corps.

### 3.1.6 Historic Properties

Detailed descriptions of historic properties by various topics can be found by reading the draft EIS MSIICP (see Exhibits I and 2). A reference guide to the location of this information is summarized in the following.

<b>Descriptions of Existing Conditions</b>		
<b>Topic</b>	<b>Document Found In</b>	<b>Section(s)</b>
Archeology/ Historical-Cultural Resources	Draft EIS (Exhibit I of this document)	4.4.1 & 4.4.2
Mitigation	Draft EIS	3.3.6

### 3.1.7 Fish and Wildlife Values

Descriptions of fish and wildlife values by various topics can be found by reading the draft EIS MSHCT (see Exhibits I and 2). A reference guide to the location of this information is summarized in the following.

<b>Descriptions of Existing Conditions</b>		
	<b>Document Found In</b>	<b>Section(s)</b>
Terrestrial Wildlife Species	Draft EIS (Exhibit I of this document)	
Aquatic and Riparian Species	Draft EIS	4.1.2
Special Status Species	EIS	4.1

	Descriptions of Existing Conditions	
	Document Found In	Section(s)
Species Addressed in the MSHCP	Draft MSHCP (Exhibit 2 of this document)	3.1 &
Covered Species and Habitat	Draft MSHCP	3.3

### 3.1.8 Flood Hazards

#### Existing conditions

There are no perennial channels within the Project Area. The watershed is bounded on the east by the Sheep Mountain Range, on the west by the Mcadow Valley. The Pahranaagat Wash is dry that is the CSI as it runs from northwest to southeast. It is connected to the north with the Valley exits CSIIlands to the south. water reservoirs store water in the southern Pahranaagat and little runoff enters the Coyole Spring Valley to the north. The channel is flanked by alluvial fans. These upland fans are bisected with dry and are connected with the Pahranaagat Wash ephemeral. Some of the alluvial fans are highly incised, while others are relatively smooth.

The ephemeral channel runs through Pahranaagat Valley to the north. To the south, during large storm events (such as the 100-year 1100(1), the Pahranaagat Wash channel may be a tributary to the River it enters the Colorado River at Lake an interstate water. There are several other large tributaries joining with the Pahranaagat Wash to form the Arrow Canyon Wash, which flows into Muddy Kane Springs Wash runs from northeast to southwest along Springs Wash between the and Mcadow Valley mountains. It is a dry wash that is a tributary to the Wash ephemeral

The Pahranaagat Wash ephemeral channel is typically dry; however, during storm events it may have large flows. The 100-year peak discharge in the Wash channel has been estimated to be about 10,000 to 15,000 cfs at the State Route 115 crossing in Clark County. A 10-year event is estimated to have a magnitude of about 1,000 cfs. The event would be contained within existing channels through the existing culverts under Route 115. Storm events could exceed capacity or the existing and may result in standing water upgradient of State Route 16S.

Runoff in the Project Area is from local precipitation within the or from precipitation falling in the Sheep Range to the west, the Mcadow Valley Mountains to the their respective alluvial fans. Runoff from precipitation in the or fans flows across coalescing alluvial fans to the Pahranaagat Wash ephemeral channel. The alluvial fans are generally sloping to the west with high density or small

On the west side of the Pahranaagat Wash ephemeral channel, culverts (in size from 24 inches to 7 feet in diameter) under U.S. Hwy 93 control the stormwater flows from the Sheep Range to the Development. Stormwater flows from the coalescing alluvial fans are intercepted by a large ditch paralleling the entire length of the west side of U.S. Hwy 93. Water enters the ditch and flows along until it encounters a culvert under U.S. Hwy 93. These culverts control the hydrology of the desert dry wash entering the ephemeral channel. Similarly, stormwater flows from the Mcadow Valley are altered by berms with Old Hwy 93.

The drainages crossing U.S. Hwy 93 generally do not flow every year. Rather they flow periodically during localized regional rain events which typically occur during the winter months (January through March) or during localized summer thunderstorms (July and August). (Oceanic and Atmospheric Administration [NOAA]; pers. comm. Nick McMurray, NDOT, 8-29-06; RCI observations 2001-2005, pers. conlin. Lynn Zonge, cited in The Development Group, Inc. and RCI 2(07).

Only during very large storm events (100-year events or greater) would the Pahranaagat Wash have the potential for continuous flow to the Muddy River, before it enters the Colorado River at Lake Mead, an interstate water. The Pahranaagat Wash ephemeral enters the North Fork of the Muddy River (via the Arrow Canyon Wash) downstream of the Development Area. Several other large tributaries join with the Pahranaagat Wash ephemeral channel to the Arrow Canyon Wash, which flows into the Muddy River during periods of heavy precipitation. The confluence is near, but upgradient of, the numerous springs represent the headwaters of the North Fork of the Muddy River. The Mcadow Valley Mountains, southeast of the Development Area, contains numerous additional ephemeral, dry wash channels convey stormwater to the North Fork of the Muddy River. The Mcadow Valley Wash, a major tributary to the Muddy River, enters the Muddy River channel above Glendale, Nevada.

Project Flood Control Measures,

dry washes on the alluvial fans do not have the capacity to adequately convey 100-year floodwaters through the Development and could impact the health, safety, and welfare of the Development during a 100-year event. Some of the desert dry washes would need to be relocated and enlarged to meet acceptable 100-year conditions and comply with EPA and State of Nevada flood control regulations and with Lincoln County requirements for 100-year control structures and their maintenance. The following elements are included.

Impacts of WOUS

Portions of desert dry washes would need to be filled to develop the proposed town, impacts to WOUS as a result of construction activities are summarized in the following table.

Table 5 Proposed Modification to WOUS Under the Preferred Alternative

Project Impact	Development Area	BLM Utility Corridor	Lincoln County Leased Lands (CSRMA)	Totals
Potentially disturbed WOUS	21.1	5.1	0	26.2
Avoided WOUS	20.9	0	6.6	27.5
Total Existing WOUS	42	5.1	6.6	53.7
Restored WOUS	48.8	0	3.6	52.4

To the maximum extent practicable, CSI would preserve and maintain first flow channel within ephemeral channel. As agreed with Lincoln County, CSI may propose and improvements do not hinder the flow of storm (10-01' within the flow channel. from rest of the development would be routed to stormwater facilities described below 10 being into existing first flow channel, is expected to minimize runoff impacts to maximum extent practicable.

Upon completion of construction, would be through variety of flood control including detention basins, constructed and other collect storm and all low sediment to separate from prior to entering any jurisdictional waterway. of WOUS within the Project (Development and the BLM Utility Corridor) completed in 2007 Groll and Reiter (2001),

Detention/Retention Basins

CSI would develop integrated sub-regional control to address both stormwater that the Development Area stormwater generated from within the Development Area. Flood storage and conveyance would be constructed both in the BLM Utility Corridor west of U.S. 93 within Development Area.

Flood conveyance within system low flow would Additional flow capacities may be conveyed within series of appropriately-sized flood control that may be built in conjunction with an Aquifer as described in NRS Chapter 534 to control excess flood flows from the north, west, and east, the back flow condition south planned community,

Up to detention basins with sediment storage for off-site storm flows could be built west of U.S. Hwy 93 within the BLM Utility Corridor, following approval right-of-way application would be filed with the HUC. Potential locations of these basins shown on Figure 3. Stormwater would be collected along west of U.S. Highway 93 and

conveyed 10 detention basins as needed to control peak flows and protect U.S. Highway 93, the general public, and drainage improvements. These detention facilities would be designed to address the 100-year flow event for the respective sub-hydrologic and subsequently control the peak flows conveyed through the Development Area. The detention basins would help to preserve the highway, which currently is subject to being washed out during heavy storms. These detention basins and associated ditches could affect up to 244 acres within the BLM Utility Corridor. All detention basins constructed within the BLM Utility Corridor would not be covered under the CSI MSICP and associated ESA Section 10 Permit, but, would be addressed through Section 7 consultation with the USFWS. The construction of these detention basins is a component of the Preferred Alternative.

Constructed conveyance channels would transport the storm flows from the detention basins through the Development Area. The 10-year event would be conveyed in the low flow channel with over flow that varies in width necessary to convey the 100-year storm. These constructed conveyance channels would be constructed, stabilized, and protected from erosion with native rock and revegetated with native plant species (Figure 7). Several retention basins have been proposed for construction within the Development Area to retain stormwater generated within the Development Area. The shape and/or final location of these basins are subject to change as the design progresses. The retention basins are designed to retain the 6-hour storm volume from the site at build-out of the development. The 2-year, 6-hour storm volume generated from within the Development Area would be collected, pretreated, and retained for subsequent reuse or infiltration within the Development Area. This volume would be obtained by creating a series of connected retention basins that in total would have the required retention volume. Stormwater volumes that exceed the 2-year, 6-hour storm event would be

The storm flows greater than the 2-year event can be handled in several ways, as described below.

First, it is possible that only a portion of the development would experience precipitation during a rainfall event. Therefore, a majority of the flow would be rerouted to a specific retention basin, allowing other retention basins to be underutilized during certain storm events. The purpose of allowing flows to be routed to additional retention basins is to retain as much storm flow as possible. If only one constructed conveyance channel is collecting stormwater run-off and the flow is greater than the 2-year storm, a portion of the storm flow could be retained within the downstream basins that are not receiving storm flow. The routing of these flows out of the retention basins would be done with the use of control weirs placed at elevations, such that basins at the 2-year capacity would outflow at specific points into the Palmlilgat Wash channel, as well as into a collection channel that would route the flows to the next **down-gradient retention basin.**

The channels and weirs would be lined to prevent erosion during operation. The type and extent of the erosion protection would be determined during the final design of the facilities. Erosion protection may include one or several methods, including rip-rap, waterproof and/or erosion membranes, vegetation, turf reinforcement, gabions, grouted rip-rap, concrete, or other methods. The exact erosion control method would be chosen based on flow velocities and aesthetics.

Additional water volume within the eomlllulity utilizing various golf course and park volume or this retention is dependent on the of the lake's and the water at time or evenl.

**3.1.9 Floodplain Values**

The Project would ensure the 1100d water retention capacity of site is maintained and protected. addition of retention/detention ponds along with larger constructed washes required by the county will expand enhancing 1100d cont'l0I capacity.

Providing Cor "natural" substrates along constructed washes rather than concrete and pavement will retain existing permeability with potential to improve water runoff quality 9). CSI's proposed 1100d control management system will system of constructed washes, well and ponds and other naturalized retention that will create a sustainable corridor open space, recreational and wildlife habitat (Figures 3 and 8). stormwater retention areas will ensure that any sedimentation from within developed is separated by implementing outlined above and protected from ephemeral

**3.1.10 Land Use**

Detailed descriptions of land use can be found and (see I 2). A to location of this is summarized in the following.

Topic	Descriptions of Existing Conditions		Section(s)
	Document Found In		
Land Use	Draft EIS		4.11 & 4.11.1
	Dran		2.1.7 & 2.1.8

**3.1.11 Navigation**

There are no navigable waters on the site.

**3.1.12 Shore Erosion and Accretion**

There are no existing permanent natural or water bodies on the site. Therefore, no impacts to erosion/accretion anticipated as a result of the proposed Project.

**3.1.13 Recreation**

Recreational facilities, may include an open such as golf courses, parks, sports fields, corridors, anti trails (i.e., hiking, horseback riding, walking

biking, etc.) be constructed to residents and visitors. recreational facilities, and open space would be constructed in a phased

- Before the permit is issued for the 1,000th residential unit, 10 acres of parks, recreational facilities, and open space be constructed.
- Before the permit is issued for the 5,000th residential unit, 50 acres of parks, facilities, and open space be constructed.
- Before permit is issued for the 10,000th residential unit, 100 of parks, facilities, open would be constructed.
- After the permit for the 10,000th residential unit is issued, CSI construct 50 acres of parks, and open before the issuance of the every 5,000th successive residential unit.
- For every 20,000th successive residential unit before the permit is issued, CSI would construct public leisure pool recreation center (subject to county design approval).

Amenities that may be included in recreational facility, or open turf trees, irrigation, playground apparatus, playfields, play areas, picnic areas, and other recreational facilities and equipment designed to serve the residents. CSI construct and include stormwater detention basins, channels, and floodways in parks, recreational facilities. open space, if all required to be obtained.

Golf courses sports be sited to avoid impacts to preserved WOUS. It is that restored WOUS would be incorporated into golf courses park facilities. The golf courses could have up to 162 holes of golf and related facilities. An additional nine holes of golf and related per group of 2,000 residential dwelling units (developed or may be developed, if either: 1) effluent were primarily used to irrigate of the holes or 2) CSI were to acquire water permits issued by the State Engineer and adequately meet the irrigation needs of the golf course.

The CSI lands are adjacent to BLM and USFWS lands. The USFWS west of U.S. Hwy 93 are the Desert National Wildlife Range, which provides opportunities camping, hiking, backpacking, horseback riding, and watching. Limited hunting for sheep is also allowed. Mormon Well provides access into the refuge from U.S. Hwy 93 (USFWS No date).

Two areas of critical environmental concern (ACECs) on directly adjacent BLM lands: Kane Springs and Mormon Wells, while Coyote Spring (C12C) is. These ACECs allow all non-consumptive recreation use (e.g. camping, hiking, backpacking, casual horseback riding, and bird-watching). Casual (non-organized) OHV use is limited to roads and vehicle trails designated for OHV use. These areas closed to speed competitive OHV use and are closed to organized OHV events from March 15 to June 15 and from August 31 to October 15 (BLM 20(0)).

Other nearby BLM lands includes the Meadow Valley Range Wilderness to the east the Arrow Canyon to the south. These areas offer recreational experiences and are closed to mechanized and motorized vehicles. Hunting, and trapping allowed

according to state or federal regulations (BLM No date). Valley Range  
 can be accessed by the road leading up to Springs on the corner or the  
 CSI The Canyon is accessible (from State 168 to the south or the  
 CSI lands.

In addition to County required and other private by CSI, to  
 the Protective Buffer that will be implemented to protect the Wash  
 will provide a variety of opportunities for recreation open space. CSI will provide  
 additional recreational opportunities, including those activities outlined above, for the benefit of  
 the community and the region.

**3.1:14 Water Supply and Conservation**

Descriptions of water conservation by various topics can be found by reading the  
 MSHCP (see Exhibits I and 2). The approach CSI is taking is impacts to WOUS will  
 not downstream environmental impacts. A reference to the location of  
 this is summarized in the following.

Topic	Descriptions of Conditions Location Found In	Section(s)
Water Supply	MSIICP	4.1A
Water	MSIICP	4.1.3.6 & 4.1.3.7

**3.1,15 Water Quality.** There are no water quality standards for Lahranagat Wash  
 ephemeral or other desert dry in the Project Area due to the or  
 ephemeral washes would be impacted only by brief flow periods during  
 storm events. The ephemeral channel, which is one of the tributaries  
 storm as the 100-year 1100d), to the River (via the Arrow Canyon  
 Wash), enters the North Fork or the Muddy River approximately 17 miles downstream of the  
 Development Area. The confluence is near but upgradient of the numerous springs that represent  
 the headwaters and contribute perennial flow into the North Fork or the Muddy River. The  
 Meadow Valley contain additional ephemeral channels that also convey  
 stormwater to the North Fork of the Muddy The Valley Wash, major tributary  
 to the Muddy River, enters the River channel above Glendale, Nevada.

Water quality events in the Wash ephemeral channel, which may flow  
 during (100-year or greater) events to the Muddy is influenced by the natural  
 sediment yield of the watershed, as well as local runoff from U.S. Hwy stormwater  
 flows have high sediment on observed sediment deposition U.S.  
 Hwy 93 following storms and the required removal by NDOT (ENTRIX et al. 2005).  
 Nevada has listed the Muddy River under CWA 303(d) as an "Impaired Water Body" for select  
 pollutants or concern (2002). The Muddy River, a perennial river, is  
 approximately 17 miles downstream of the Development Area. The numerous perennial  
 that feed into North Fork or the Muddy are recognized as the headwaters of the North

Wash channel contribute flows to the North Fork only during significant (100-year 1100d or greater) storm events. The Valley Wash, a major tributary, contributes perennial flow to the Muddy at its confluence Glendale, Nevada.

Administrative Code Section 445A.210 describes water quality the Muddy River from the Glendale Bridge to the river source. NAC 445A.211 describes the water quality standards from to Glendale. Both reaches of the Muddy River have been on the 303(d) list for impaired NAC 445A.210 (Source to Glendale) water quality is impaired for total iron, temperature, and total NAC 445A.211 (Glendale to Lake Mead) water quality is impaired for total boron, total iron temperature.

### **NIDES**

The EPA and the Corps are responsible for administration of the Clean Water Act (CWA), established Pollutant Elimination System (NPDES) permit and the Section 404 permit program. NDEP has been the authority to administer the NPDES in Regulatory that regulate construction activities long-term operation of the improvements required to control the discharge of pollutants protect waters described below:

- Temporary Work in Waterways Permit: This project-specific permit is required for construction activities in and waterways. The permit requires construction to be implemented in a manner to preserve water quality, control erosion and sedimentation, restore riparian vegetation, and manage project dewatering during construction.
- Stormwater General Permit 100000: permit applies to construction activities and industrial activities such as concrete and plants associated with the construction project. Permit conditions require of a SWPPP that sources of pollution, and permanent measures to erosion minimize transport, stabilize disturbed soils, and establishes methods to control hazardous materials and other waste.
- General Permit for Discharge from Small Municipal Storm Sewer Systems, NVS 040000: This permit applies to small municipalities outside with population of at least 10,000. The regulations require SMS 4 management program to address six program elements that, when implemented in concert, are to achieve significant reduction of pollutants discharged to waters. The six elements 1) education, 2) public 3) illicit discharge detection and elimination, 4) construction site runoff control, 5) post-construction runoff control, and 6) pollution prevention/good housekeeping.
- Under Sections 404 401 of the CWA, the Corps and/or the NDEP have jurisdiction over WOUS. Under the authority within Section 401 of the CWA, the NDEP Bureau of Water Quality Planning requires application for Water Quality Certification concurrently with all Section 404 permits. of measures to water quality and minimize disturbance within WOUS constitute evaluation criteria.

Direct Effects

The release of pollutants into the environment without implementation of long-term, post-construction measures would result in increased runoff from urban streets into the Development Area. The Coyote Wash ephemeral channel would directly receive runoff from urban streets. The SWPPP addresses the six SMS 4 elements noted in the criteria. The SWPPP milestones must be accomplished of the six SMS 4 recognizes when these six elements, which includes institutional BMPs, implemented in concert, reduction of pollutants discharged to surface waters is CSI would submit NOI to implementation of the NVS 040000 I Permit for SMS 4 entities. The permit contains monitoring, reporting, recordkeeping requirements require the submission of reports to NDEP regarding the various components of the proposed Implementation of the Coyote Springs SWPPP, Working-In-Permits would reduce the pollutants from the Development into WOUS and subsequently Wash ephemeral channel.

In the long term, natural buffers, stormwater systems and regulations regarding management of golf courses other manicured would limit the potential for nutrient-rich runoff to enter. Implementation of the would produce slight positive effects on the hydrology in the Development Area by controlling pollutants.

Indirect Effects

As discussed in the Effects section, the implementation of construction and post-construction structural institutional BMPs would manage stormwater pollutants concurrent with an increase in the number sources pollutants. Increased use of vehicles in the could potentially increase potential hydrocarbon contamination.

CSI need to protect the surface and ground quality of the of the of Nevada. In order to protect quality conserve water resources, all wastewater (domestic commercial) would be collected tertiary treatment, stored, subsequently reused within or outside Development sewage collection system would convey the wastewater to treatment facilities. Facility use Bioreactor technology to provide tertiary treatment and produce effluent with CBOD and TSS of less than 1.0 mg/l, respectively total nitrogen in the range of 5.0 to 6.5 mg/l. This quality effluent would be suitable for reuse on golf courses consistent with NDEP reuse requirements and would not quality resources.

As noted above, the ephemeral channel only connects with the Muddy River during storm events (100-year flood events). Therefore, it is unlikely that the Wash ephemeral flows that may the Muddy River would influence on the water that has resulted in the 303(d) listing. Avoidance, **minimization, and mitigation measures such as sediment control would reduce the sedimentation levels to low levels entering the ephemeral channel; this sediment and potential are unlikely to travel 17 miles to the Muddy River.**

Water Quality Protection During Construction

- A SWPPP in accordance with Section 402 of the Clean Water Act and any state/local requirements would be implemented during construction to minimize impacts to water quality.
- Contractors would be required to use standard erosion control best management practices, including silt fencing, sediment traps, vegetated buffers, sand filters, grassed filter strips, bio-retention structures, soil roughening on grade, earthen perimeter dikes, near ephemeral washes disturbed sites to control sediment generation and transport.
- Construction site waste management would be required, including: 1) covered trash containers; 2) frequent scheduled collections; 3) oil and fuel products in covered with dikes in place to contain spills during retiling; 4) immediate clean-up of spills; and 5) vehicle washing and maintenance areas in appropriate areas where untreated discharges can be captured.
- Construction would be sequenced to avoid large expanses of graded, vacant land.
- Worker Environmental Awareness Training all managers and employees (whether they are employed by CSI or third party) would be required manager or employee is allowed to work on-site. During the training, the managers and employees would be informed that they may be removed from the site and/or be prohibited from returning to the site if they do not comply with applicable environmental laws, regulations, permits, programs governing activity in the project.
- CSI would hire staff or contract with third party to monitor construction activities to protect the Wash ephemeral channel.
- Chemical Application Management Plan (CHAMP) would be developed and employed at each golf course to minimize the impacts from pesticides, fertilizers and other turf products.

litigation measures on the projects would minimize and avoid effects to water quality. Potential spills would be avoided and minimized during construction so as to not affect water quality. Temporary sedimentation etcets would be mitigated through construction timing during no flow periods, sediment traps, fencing, and other measures. Other measures would minimize and potential spills during construction from affecting water quality, to water quality would therefore not be significant.

No significant impacts to quality are anticipated as a result of the proposed Project. Construction will be done in accordance with an approved Storm Water Pollution Prevention Plan (SWPPP) and any locally required erosion control measures. After construction is complete, stormwater will be managed onsite through the use of the naturalized system of constructed wetland ponds and other retention/detention facilities to reduce erosion and sedimentation and remove other potentially nutrients before they enter the Pahrangat Wash ephemeral channel. Wastewater will be handled using an onsite treatment facility that meets all applicable water quality standards. After water is treated to tertiary with the wastewater treatment, water will be stored in effluent ponds that will be separated from the

storm in with In addition, the golf  
 courses will employ 13est Practices (I3MPs) the of chemicals for turf  
 IIIallHgcIIIIC111.

### 3.1.16 Energy Needs

of energy by various topics can be found by the  
 MSIICI' Exhibits I 2), A relcrenee to the location information is  
 summarized in the following.

<b>Descriptions of Existing Conditions</b>		
<b>Topic</b>	<b>Document Found In</b>	<b>Section</b>
Electricity	Dran EIS	4,13,2
Natural Gas	Draft EIS	4.13.3

### 3.1.17 Safety

Worker training, Occupational Health Administration regulations,  
 equipment would be utilized to minimize the need emergency  
 during construction, As part of its obligations its development with Lincoln  
 County, CSI will also provide ncilities for lire police within the  
 in with development. If a health associated with the  
 construction of the "mjeet should it would at medical  
 facility in Las Vegas or North until such time as those ncilities would be by  
 the CSItown immediately to south ill Clark County or onsite,

### 3.1.18 Food and Fiber PrOduction

The site is not presently utilized for growing crops for food or fiber.

### 3.1.19 Mineral Needs

aggregate there no economically  
 mincral operations that could be conducted on site, CSI will couduct aggregate  
 outside of Wash channel 100

### 3.1.20 Considerations of Property Ownership

A list of adjoining property owners is provided in Exhibit 3, The Project is bounded by US  
 Highway 93 on the west, lands by ('SI and the federal On the  
 south, owned by the on the east. across US Highway 93 to  
 the west arc by the not for  
 utilities overhead The only privately held land is the  
 Elite No impacts to adjacent/nearby property owners as a  
 result of the Project with the exception or the possible construction of 8 detention basins which

will be constructed in the Department of right of way and lands owned by BLM.

### 3.1.21 The General Needs and Welfare of the People

The State Demographer predicts the population in Southern Nevada will increase by over 1.1 million people between 2003 and 2024. County Comprehensive Planning growth projection estimates that by 2010 the Clark County population will be 1,945,409, up a total of 11.4 percent (from 2004). Annual increase percentages taper slightly until the growth projection estimate end date of 2035, when growth is projected to be 1.44 percent, and the population (Clark County Comprehensive Planning accessed Jan. 21, 2005). In order to meet the needs and of existing residents and newcomers, housing, employment, reasonable cost of living and available services must be available. The reader is to Sections 2.3, Purpose and Need, and Section 3.1.2, Economics.

Availability of Affordable Housing. A critical economic consequence to be considered includes recent increases in housing prices in Southern on recent the Las is experiencing greater influx of people to the than current housing and available land development can support. development are with approximately 2% of the County's being held in ownership. The is entirely surrounded by land, with the exception of the BLM disposal Dennis Smith of Home Builders Research, Inc. of Las Vegas, Nevada (HBR) estimates that the Las Valley is within a years of running out of lands suitable for private development without further legislation from Congress.

The lack of available land has greatly the land chain in Southern Nevada causing rapid increases in home prices over past trend that is expected to continue. According to HBR, median prices for new homes increased from in 2002, to \$209,000 in 2003 and, most recently, to \$290,300 in 2004, a increase of over 40 percent. Furthermore, HBR projects that median new home prices will through 2006 to \$345,000.

As housing prices in Southern Nevada are rapidly escalating, housing opportunities residents continue to decline. The Southern Nevada economy is driven by tourism/gaming the associated employment is consequently weighted towards lower to mid-level paying service jobs in the entertainment and retail sectors. In general, the desirable for home is not more three times income (Clark County Comprehensive Planning website). For example the price of a house in Las Vegas in 2003 \$166,630, nearly times the median family income ([www.factfinder.census.gov](http://www.factfinder.census.gov)). People moving into Southern will need housing that meets their income level. The Project is anticipated to benefit socioeconomic conditions within the region through the development of additional housing in the Southern Nevada with home prices starting anywhere from 10-35 percent below current home prices within the Las Valley.

Employment Opportunities. Historically, the economics of rural Southern Nevada have been based on mining, agricultural and government sector jobs. A large percentage of the government sector jobs at the Department of Energy's Nevada Test Site. State and government

Both the mining industry and agricultural industries in significant depressions, affect this region's rural economy. Unemployment rates still for area. substantial portion of the rural work presently works in the Las metropolitan area due to the of employment opportunities closer to

positive in the form or new jobs are expected in the area as result of the proposed New retail, commercial industrial in the project will provide opportunities and new mix of employment for rural Nevada. As community and its economy mature, population will try to meet the needs of industry and proposed project will result in a reliant community with its own and community facilities supporting the larger region, and opportunities today.

Services and infrastructure. In addition, job growth in rural or Southern that currently lack opportunities; the project brings extension of upgrades or utility services to portions of rural In addition, positive impacts in the form of tax in the area as result of the project.

would substantial economic activity in the regional, and local economics taxes and or goods and services during construction.

### 3.1.22 Compliance with EPA's 404(b)(1) Guidelines

Central to EPA's 404(b)(1) Guidelines (Guidelines) is designed to minimize impacts to and other waters of the United States. Applicants required to: (1) impacts were possible; (2) minimize impacts cannot be avoided; and (3) compensate for remaining that can neither be avoided nor minimized to an As discussed below, CSI has designed the proposed Project in accordance with

#### 3.1.22(a)

Guidelines "... no discharge or dredged or material be permitted if there is to proposed would less adverse impact on the ecosystem, so long as the does not other adverse environmental consequences."<sup>6</sup> is considered practicable". - if it is available and capable of being done after into consideration cost, existing technology and logistics in light of overall project purposes."<sup>7</sup>

The Applicant's overall project purpose is to develop new town in Lincoln County comprising planned community (residential housing; mixed-use urban villages; public buildings, and other public commercial industrial development; and hotels, resorts, and casinos) within a one hour drive (from the Las Vegas area.

<sup>6</sup> 40 C.F.R. § 230.10(01).

<sup>7</sup> 40 C.F.R. § 230.10(a)(2).

The proposed new town development would include residential housing, urban villages, public buildings, other public and other uses as the community matures. Commercial and light industrial development would occur to support the local community. A hotel/resort area, including casinos is planned. Roads and bridges would be constructed. (golf courses, parks, trails and open space will serve residents and visitors. Utilities and other infrastructure will be developed to serve the master planned These would include power facilities, sanitary sewer and wastewater treatment facilities, stormwater facilities, solid waste disposal transfer stations, and telecommunications facilities. Water supply development, treatment and production facilities, monitoring wells, facilities, and transmission and distribution also are covered activities. Flood control structures would be developed. Resource management features are an important component of the proposed community development. These features include a re-alignment of the existing land ownership, establishment of resource protection corridors associated with ephemeral channels, and designation of a resource management area.

Components of the planned development include: 1) community development and construction activities, 2) recreational facilities and open space, 3) utility and public transportation infrastructure, 4) water supply management, 5) flood control measures, 6) resource management features. These development components and associated development activities are summarized in the table below.

**Table 6. Representative List of Development Components and Activities\***

Development Components	Representative Development Activities
Community Development and Construction Activities	<b>Residential Land Use</b> <b>Public Building Land Use</b> <b>Hotels and Resorts Land Use</b> <b>Commercial and Light Industrial Land Use</b> <b>Roadway Construction and Maintenance</b> Bridge Construction and Maintenance Agricultural Land Use
Recreational Facilities and Open Space	<b>Golf courses,</b> <b>Parks</b> <b>Sports fields</b> <b>Wash corridors</b> <b>Trails</b>
Utility Infrastructure	<b>Power (Electric and gas)</b> <b>Wastewater Treatment</b> <b>Reclaimed water facilities and operations</b> <b>Stormwater facilities</b> <b>Solid waste disposal</b> <b>Telecommunication</b>
Water supply use and management	<b>Water treatment</b> <b>Production wells</b> <b>Monitoring wells</b> <b>Storage facilities</b> <b>Distribution facilities</b> <b>Regional Water Distribution facilities</b>

**Table 6. Representative List of Development Components and Activities\***

Development Components	Representative Development Activities of WOTJS
Flood control measures	Detention and Retention Basins Culvert placement
Resource management features	Land ownership re-alignment Resource management area

\* Representative non-inclusive list of development facilities and infrastructure.

CSI selected the Project Development Area (Figures 2 and 3) principally for accessibility, the potential economic development and delivery of sufficient water supply to support the project. The project has a strong potential for federal approval to be covered by Section 10 permit and an approved habitat conservation plan or multi-species conservation plan, as appropriate.

In light of the requirement that an alternative be "available and capable of being done after taking into account cost, existing technology and logistics in light of Project purposes," it is inherent in this Project purpose that alternative sites meet the following criteria:

1. Be available for acquisition,
2. Be of sufficient size to meet the Project purpose and be able to be developed at a comparable cost.
3. Have adequate road access for existing access to the site,
4. Have access to permitted and water rights to serve the community economically,
5. And, be located within Lincoln County, or elsewhere within the State of Nevada in an area not subject to Endangered Species Act restrictions, or if subject to ESA restrictions it has a strong potential for federal approval to be covered by a Section 10 permit and an approved habitat conservation plan or habitat conservation plan, as appropriate.

In addition to specifying the criteria to be considered in evaluating Project alternatives, the Guidelines state that:

Where activity associated with a discharge which is proposed for a site [e.g., wetlands] does not require or proximity to or within the aquatic site in question to fulfill its basic purpose (i.e., is not water practicable alternatives that not involve aquatic are presumed to be unless demonstrated otherwise. In addition, where a is proposed for a special aquatic site, all practicable to the proposed discharge not involve

discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.<sup>8</sup>

These "clearly demonstrated" requirements are generally referred to as rebuttable presumptions, i.e., they increase the burden of proof for the applicant to show that there is no practicable alternative to the proposed Project and its associated wetland impacts. This report emphasizes that no wetlands (or other special aquatic sites) will be impacted by the proposed Project. Therefore, it is CSI's understanding that the rebuttable presumption that there are alternative sites available is not applicable in this instance.

Notwithstanding, the lower burden of proof applicable to the proposed Project, CSI conducted an extensive evaluation of potential alternative sites with the assistance of Robcyn, LLC of Las Vegas, Nevada. Robcyn, LLC is a leading expert in the availability large land parcels for acquisition or exchange in Southern Nevada.

The principals of Robcyn, LLC are Mr. Barry Stubbs and Mr. Mike Ford. Mr. Stubbs has lived in Southern Nevada since 1943 and is a former real estate agent and President of Chicago Title in Las Vegas. He is currently a principal of Robcyn, LLC and, along with Mr. Ford (former Deputy State Director for BLM), manages major land acquisitions for The Conservation Fund, a national land conservation non-governmental organization.

Robcyn conducted a survey of large parcels within approximately one hour's drive of Las Vegas. Due to the prevalence of federal land ownership in the area and lack of water rights available for economic delivery, there are no alternative sites within Southern Nevada that are available, similar in nature and are capable of being done after taking into consideration cost and logistics in light of overall Project purpose. However, parcels that meet at least one of the criteria listed above were examined as potential alternatives for comparison.

The only parcels of sufficient size in the area are currently owned by the federal government. The transfer (disposal) of these lands is controlled by the Southern Nevada Public Lands Management Act of 1998 (SNPLMA), as amended by the Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282). The SNPLMA provides for the orderly disposal of certain federal lands in Clark County, Nevada within the Land Disposal Boundary areas as set forth in the Acts. Land totaling approximately 50,000 acres is qualified for disposal. The method of disposal has been through semi-annual public oral auctions, generally twice yearly in May & November. Typically, the auctions are for parcels totaling less than 2,000 acres.

In the past, such lands were sometimes exchanged for other, privately held, lands, rather than through public auction. As previously discussed, the federal government originally gained several thousand acres of wetland and potential wetland habitat adjacent to the Florida Everglades in exchange for the Coyote Springs property in this manner. However, BLM policies no longer allow such exchanges in Nevada. Hence, the only potential way of acquiring large parcels of land in the Las Vegas area suitable for the project purpose is through the public BLM auctions.

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<sup>8</sup> 40 C.F.R. § 230.10(a)(3).

With the initial criterion being properly evaluated in comparison with the Coyote Springs property, Roheyn's and The Huffman-Broadway Group's evaluation of large parcels in the Las Vegas area resulted in the following findings:

***Alternatives Considered and Dismissed***

Because of the prevalence of federal land ownership in Lincoln and adjacent counties and the lack of designated utility corridors between existing facilities and the parcels, none of the alternative sites evaluated in Nevada were identified as viable alternative sites. Without associated utility corridors, none of these locations could be supplied with power, water, and other utilities. In addition, none of the sites were suitably configured for the type of development planned and none was capable of accommodating the project purpose from both a logistics and cost perspective. However, parcels meeting certain criteria were examined as potential alternatives for comparison.

***Alternative Sites***

Alternative development sites that were considered and dismissed are listed below.

- The site does not satisfy the project purpose and need.
- **Less environmentally friendly options are available.**
- The alternative would cause unacceptable environmental, cultural, and social impacts.
- The site presents unacceptable engineering risks and constraints with an associated increase in costs.

The development of alternatives included evaluation of different development locations. Important considerations in the evaluation of alternative locations were the availability and accessibility of alternative locations and the economic availability of water supply to support development. To meet the project's purpose, the selected site would need to have adequate acreage to support the project. CSI conducted an extensive evaluation of potential alternative sites with a focus on large land parcels potentially available for acquisition or exchange in Southern Nevada within an approximate one hour's drive from Las Vegas.

Because of the prevalence of federal land ownership in the area and the lack of designated utility corridors between existing facilities and the parcels, none of the alternative sites evaluated in Nevada were identified as viable alternative sites. Without associated utility corridors, none of these alternative locations could be supplied with power, water, and other necessary utilities. In addition, none of the sites were suitably configured for the type of development planned and none was capable of accommodating the project purpose from both a logistics and cost perspective. However, parcels meeting certain criteria were examined as potential alternatives for comparison.

The proposed project was presented to the public and evaluated. They compared the project to the alternatives.

***Lincoln County***

There are limited privately owned lands in Lincoln County (122,508 acres); the federal administers 98 percent of the land (6,801,455 acres) within the County boundaries. The following were considered:

- The LCCRDA 01'2004 (Public Law 108-193) provided for the sale of 13,500 acres by open public auction. This property is located in Lincoln County adjoining the county line with Clark County immediately north of the City of Mesquite. A sale was conducted on February 9, 2005, in which 13,500 acres consisting of eight parcels were sold. The parcels ranged from 666 to 4,357 acres and were bought by separate purchasers. Development plans for these parcels are underway by the owners; these parcels are not available.
- A Resource Management Plan (RMP) for the Pahrump District of the U.S. Bureau of Land Management is presently under development which may designate additional lands for disposal to private ownership. The RMP is scheduled for finalization in late 2007 or early 2008. It is expected that lands which will be made available for sale will be those that will promote community development in and around the small towns in the County and would be too small and scattered to meet the Project's requirements.

The only disposal activity presently underway in Lincoln County involves land for a proposed recreational park adjacent to the town of Alamo.

Although the project purpose is to develop a new town in Lincoln County, CSI examined neighboring counties for potential disposal sites, as discussed below.

#### Nye County

The current U.S. Bureau of Land Management Resource Management Plan for the Pahrump Disposal Area in southern Nye County provides for a total of 19,384,62 acres as available for disposal. The parcels are scattered around the perimeter of the private lands within the Pahrump Valley. No sales have been conducted and any held in the future will be as requested by the local jurisdiction involved. The amount of property to become available in the future is unknown as to schedule and as presently held is unsatisfactory in size and location for the Project.

Clark County

Following parcels were identified from the County records on single parcels or 5 provides a showing where these are located. These, being the largest single properties, and None large enough to meet the project's overall development or anyone of the 9 parcels would result in impacts to WOUS similar to that of the project.

- Parcel 1 (Parcel Number (APN) 011500002001 -- 11,110 acres): This parcel is located immediately north of North Las Vegas near the master planned communities currently under construction and/or proposed near 215. The parcel is approximately half the size of the Development. However, it is vested in the USA and is outside the BLM Disposal boundary established in the SNPLMA and would; therefore, require an act of Congress to become available.
- Parcel 2 (APN 011600002001 -- 11,110 acres): As with Parcel 1, this parcel is located immediately north of North Las Vegas near the master planned communities under construction and/or proposed near 215. However, it is also in the USA and is outside BLM Disposal boundary established in SNPLMA and would; therefore, require an act of Congress to become available. It is also located where several Las Vegas plants (a number of which are recommended for full protection by the State or Federal Government) have been located.
- Parcel 3 (APN 14100001001 -- 10,505 acres): This parcel is north of Lake Mead Boulevard south of Nellis Air Force Base. The terrain is steeper than in the Development Area in Coyote Spring Valley, thereby limiting the amount of developable land. The parcel is also in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would; therefore, require an act of Congress to become available. Its proximity to an air base (Nellis Air Force Base) also makes it unsuitable for housing.
- Parcel 4 (APN 14100002001 -- 11,457 acres): This parcel is immediately south of Parcel 3. As such, its suitability for housing is similarly limited because of its steep terrain and proximity to Nellis Air Force Base. The parcel is also vested in the USA and is outside the BLM Disposal boundary established in the SNPLMA and would; therefore, require an act of Congress to become available.
- Parcel 5 (APN 02000001002 -- 7,363 acres): This parcel is north of U.S. Highway 95 and the Las Vegas Paiute Indian Community. This parcel is significantly larger in size than the area proposed for development at Coyote Springs, and its suitability is limited, as there is no highway or road leading to the property. This parcel is also vested in the USA and is outside BLM Disposal boundary established in the SNPLMA and would; therefore, require an act of Congress to become available.

- Parcel 6 (APN 02000002002 - 7,340 acres): This parcel is south of, and is similar in size to, Parcel 5. As such, it has the same size access limitations. The parcel is also vested in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would; therefore, require an act of Congress to become available. In addition, Parcel 6 is within the Desert National Wildlife Range.
- Parcel 7 (APN 08700002004 - 8,413 acres): This parcel is east of U.S. Highway 95 and north of Floyd Lamb State Park. It has the same size and access limitations as Parcels 5 and 6. The parcel is also vested in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would; therefore, require an act of Congress to become available. Parcel 7 is within the Desert National Wildlife Range.
- Parcel 8 (APN 27-2003-0052 - 7,690 acres): This parcel was conveyed to the City of Mesquite on May 7, 2003, pursuant to the Mesquite Lands Act of 1988, Public Law 99-548, amended by Section 121 of Public Law 104-208, dated September 30, 1996, as amended by Public Law 106-113, dated November 29, 1999, and Section 209 of the Federal Land Management Act of 1976, (43 U.S.C. 1719), as amended. This property consisted of numerous Assessor Parcel Numbers and is located within the city limits of Mesquite. The City immediately transferred the majority of the property to residential and commercial real estate developers, retaining a portion for a City-sponsored business park and, therefore, the land is not now available for acquisition. In addition, this parcel is significantly smaller in size than the Development Area in Coyote Spring Valley, and access is limited, as there is no highway or major road leading to the property.
- Parcel 9 (USA Patent 27-2004-0104 - 5,752 acres): This parcel was conveyed to Clark County, Nevada pursuant to the Ivanpah Valley Airport Lands Act of January 24, 2000, 114 Stat. 1404 for use as an airport. Clark County is presently conducting relative studies for such use. In the event that the land is not used for the intended purpose, the property will revert to the USA and, therefore, is not available for acquisition. In addition, this parcel is significantly smaller in size than the proposed location.

In addition to the lack of availability and other shortcomings of the alternative sites, the lands do not provide a reasonable alternative to the CSI site for the following reasons:

The land is only offered at public auction by the BLM and the applicable units of local government have jointly selected lands to be offered for sale. This process results in tracts of land that the local jurisdiction determines can be served by public and private services. Therefore, at public auction, scattered parcels throughout the County, of varying sizes and in several jurisdictions, are offered for sale. Recent auctions of Clark County lands contained parcels which were mostly smaller scattered parcels, with occasional parcels of up to a few hundred acres master planned usage. This being somewhat representative of recent auctions, it is apparent that it is virtually impossible to fashion an assemblage of parcels that would meet the purpose of the project.

In last two public auctions under the Nevada Public Lands Management Act in Clark County conducted by U.S. Bureau of Land Management in November 2005 and August 2006, ninety-six percent (96%) of the parcels were ten acres or less, in 2005 sale two large parcels were combined to total 2,654.95 acres in North Las Vegas, and one stand alone parcel was 14.38 acres. remaining seventy-four parcels were 10 acres or less.

Locations in Nye and Clark counties would not project's objective of providing facilities for residents and companies to support long-term economic viability in Lincoln County,

A comparative analysis of potential impacts to WOUS among alternative sites in Lincoln and Nye Counties was also conducted. The 404(b)(1) Guidelines state that "... no discharge of dredged or fill material shall be permitted if there is a practicable alternative to proposed discharge which would have less adverse impact on aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."<sup>9</sup> The 12 locations determined to be potential off-site alternatives were examined using aerial photography, U.S. Geological Survey (USGS) topographic maps, and the USGS National Hydrographic Data Set (Figure 10). only exceptions to were Parcels/sites 5 and where only topographic mapping was used due to lack of available orthorectified aerial photography (Figures 5 and 16). However, USGS National Hydrographic Mapping Data Set showed mapped drainages being present on of sites.

Review of topographic mapping and aerial photography revealed that the 12 sites (Figures 11 thru 18, 20 and 22) exhibited relatively steep topographic and associated valleys with alluvial fans similar to the proposed project site alternative in Lincoln County (Figure 23). Desert dry wash habitat containing potential WOUS found to be present within each of these terrain features greatest concentration of dry habitat occurring within valley areas between elements of steep topographic Parcel 19 and North Buhl Pahrump Disposal Lands (Figure 21) exhibited flatter terrain. However, flatter terrain appeared to be prone to flooding beyond the banks of the desert dry washes as indicated by their landscape position and evidence of salt deposits on the aerial photography reviewed Parcel 19. Like the proposed project site no wetlands or other special aquatic sites were identified at any of the alternative project site locations,

on this analysis it was determined that potential WOUS were present at each twelve alternative project site locations (Figure 10). The analysis also revealed that if a new town were constructed at anyone of the twelve locations evaluated, the same flood control requirements necessitating relocation and/or widening of WOUS at proposed site would result in or greater impacts at the alternative locations, there are no practicable alternatives to the proposed discharge would have less adverse impact on the aquatic ecosystem.

For all reasons outlined above, proposed site (Figures 3 and 23) is the only location.

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<sup>9</sup> 33 CFR § 230.111(a),

Other Alternatives Discussed

Modifying Species Permit with a Longer Permit Term

This alternative would either shorten or lengthen the term of the permit, at which time it would be reauthorized, modified, or terminated. A shorter permit was not considered, because it would not cover the estimated time needed to complete development of the town on CSI lands. A longer permit was **not** considered because it would result in a greater amount of incidental take of federally listed species.

3. J.22(b) Alternative/Modification: Alternative Project Configuration

Alternative 1 – Fill Utility Corridor and Develop the New Town Consisting of 11 Impacted Community with Resource Management Features

This project alternative would result in the issuance of an ESA Section 10a incidental take permit by USFWS and a Clean Water Act (CWA) Section 404 permit by the Corps that would allow development of the entire CSI private and lease lands in Lincoln County, Nevada. This would bring about:

1. Development of 21,454 acres of private property, and 7,548 acres of leased land. A total of 27 acres of impacts to WOUS would occur.
2. A greater potential take of species (Figures 5 and 6).
3. The 7,548 acres of leased lands would remain as currently located in the approximate center of the Project Area with the lack of habitat connectivity with surrounding federally owned lands that contain federally-listed species habitat.
4. Detention basin facilities would be sited within the 3,331 acre BLM Utility Corridor west of U.S. Highway 93, but as with the Preferred Alternative, would be covered under a separate ESA section 7 consultation. Impacts to WOUS would total 5.1 acres.
5. Total impacts to WOUS considering all lands impacted by development would be 33.9 acres (Figures 5 and 6).

All land owned and leased by CSI would be available for development activities immediately upon issuance of an incidental take permit and other required regulatory permits, rather than be phased in under an Adaptive Management Plan. An incidental take permit would be issued based on the Southern Lincoln County regional HCR, not the CSIMSHCP. Under this alternative, the private and lease lands would be reconfigured, subject to BLM's consent, with lease lands extending along the **northern** and **eastern** borders of the Covered Area (Figure 5). These CSI lease lands in Lincoln County would not be added to the existing CSRMA.

New town development and construction activities would be of the same types as described for the Proposed Project (e.g. Preferred Alternative; See Section I, above), but the density of all development activities would be increased. The new town would eventually include approximately 131,879 residential dwelling units, a development rate of 6.5 residential units per gross acre. Approximately 85,000 gals of water would be needed to support the development at build-out. A total of 27.8 acres of WOUS would be filled as a result of this development activity.

As authorized in the Land Agreement, the lands could be used for constructing and operating roads, utility wells, and for any other lawful that the Secretary or the Interior authorize, subject to the requirements of the Nevada-Florida Land Exchange Authorization Act of 1988 and to reasonable requirements that the Secretary or Interior may establish for the protection of the desert tortoise and any other species or fish, wildfire, or A or Exhibit 2). The extent of activities in would be substantially greater than under the proposed project (e.g. EIS Preferred Exhibit I) with up to 6.1 acres or WOUS would be impacted as a result of development activities within the leased lands.

The acres of CSI leased land in Clark County would not be counted as mitigation measure for activities on lands in Lincoln County to desert tortoise under I. The would still be added to the CSRMA, as described in ENTRIX et al. 2005. Covered, Evaluation, and Watch List Species would be the addressed under the Alternative 2).

**"The Pro/Joze" Project" -- Fill! and Immediate Development of a New Town Consisting of a Community with Resource Management Features**

This would result in the issuance of an ESA Section 10a incidental take permit by USFWS and a CWA section 404 by the Corps that would allow for:

1. Reduced development foot print within the 21,454 acres of the CSI without use of the 7,548 acres of CSI lands in Lincoln County, Nevada (Figure 3).
2. lands to be relocated located away from development allowing for connectivity with owned lands containing species habitat and an endowed habitat program for long-term management.
3. The detention basin to be sited within the 3,331 acre BLM Utility Corridor west of U.S. Highway 93, but as with the Preferred Alternative, would be covered under separate ESA section 7 consultation. Impacts to WOUS would total 5.1 acres.
4. or species.
5. Reduced total impacts to WOUS from 33 acres in on-site Alternative I were permitted to 26.2 acres.

All land owned CSI would be available development under an Adaptive Plan upon or an incidental permit and other required regulatory permits, rather than be. An incidental take permit would be issued on the CSI MSHCP. Under this alternative, the private and would be subject to ISLM's consent. These CSI Lease in County would be added to the existing CSRMA.

New town and construction activities would be of the same as described for the Alternative, but the density of all development activities would be decreased to 111,000 dwelling units (Figure 3). This will be accomplished by avoiding development on the more visible ridgelines and the higher on the east side of Pahrangat Wash ephemeral channel. In addition, development within the CSI Lease Lands would be avoided.

The 6,219 acres of CSI leased land in Clark County would be counted as mitigation measure activities on lands in Lincoln County to describe with the 6,219 acres being added to the CSRMA, as described in ENTRIX et al. 2005. Covered, Evaluation, and Watch List Species would be the same species addressed under the Alternative I (Exhibit 2).

### 3.1.22(c) Other Minimization Strategies

Other minimization strategies proposed by CS t include:

- As part of the reduction of the project foot print achieved through the design of the preferred alternative, transportation and utility infrastructure was rerouted so as not to bisect the 13,767 acres of potentially developable CSI Lease Lands within in Lincoln County (7,548 acres) and Clark County (6,219 acres).
- Minimization of Impacts to Wetlands (WOUS): Any activity occurring adjacent to the Pahrnagat Wash ephemeral channel and all jurisdictional waters (e.g. WOUS) to the west and east of the Pahrnagat Wash ephemeral channel will be done in compliance with the Corps permit conditions. All road, trail and golf cart crossings will be over crossings with natural substrate bottoms overlying any necessary support and protective structures so as to avoid permanent impacts to WOUS.
- Sensitive Habitat Protection Construction: Sensitive habitats (e.g., WOUS/dry washes) within 50 feet of construction activities within the Development Area will be marked with orange or yellow temporary construction fencing or rope and "Do Not Enter" signage until such time as they are authorized for filling.
- Protective Setback Zone: In addition to avoiding impacts to the Pahrnagat Wash ephemeral channel and all waters of the United States to the east, CSI will implement a 100' setback from the top of bank along the west and east of the Pahrnagat Wash ephemeral channel within the Project Area. This zone will remain relatively undisturbed, except for the roadways shown by Figure 3 which over cross the Pahrnagat Wash, to allow a reasonable distance between the Pahrnagat Wash ephemeral channel and any adjacent construction activities.
- Storm Water Management (Sedimentation) Zone: Minimizing impacts to waters of the United States also entails minimizing impacts to water quality, especially within the Pahrnagat Wash ephemeral channel and areas down-gradient. A Storm Water Pollution Prevention Plan in accordance with Section 402 of the federal Clean Water Act and any State/local requirements will be implemented during construction. Upon completion of construction, storm water will be managed through a variety of flood control facilities, including detention/retention basins, constructed washes, wetlands ponds and other facilities that collect storm water and allow sediment to separate from stormwater prior to entering any jurisdictional water (e.g. WOUS). A portion of this naturalized storm water management system will occur within a Storm Retention Zone, which generally runs within the current flood zone within the Development Area. This Storm Retention Zone will ensure that any sedimentation from within developed areas is

by the and protected li'om Pahranaat Wash ephemeral A section and map showing the typical facility systems arc included in Figure 3.

- Worker Training and Monitoring:*** Worker Environmental Awareness Training for all managers and employees (whether they arc employed by CSI or a third party) will be required a manager or employee is allowed to work on-site. During the training, the managers and employees arc that they may be removed li'om the site and/or be prohibited from returning to the irthey comply with all applicable environmental **Jaws,** **plans and programs governing activity in the Project.** In addition, CSI will hire stalT or contract with a third party to monitor construction activities to protect the Wash ephemeral ehanucl and washes west and ortbe ('hannel.
- Resident EducatiOI, Enforcement and Monitoring:*** Environmental Awareness iOtl lilr all residents will be provided under the Mastel' Dcclarations by Charter Owners Association, lu additiou, CSI will hire stalTor with a third party to monitor construetiou activities and residents' activities to proteclthe Pahranaat Wash ephemeral chanucl and cast or the Channel, which also provides a Ill' on-going survei llance or constructed Owners Association will adopt association that will provide, among other things, enrorcement **provisiolls construction and resident activities.**
- An Integrated Pest Management-Chemical Application Management Plan (IPM-CHAMP) will be developed employed at each golrcourse 10 minimize the impacts from pesticides, and other lurrmanagement

### 3.1.22(d) *Compellsl/tioll*

Appropriate and compensatory mitigation is required Ill' unavoidable adverse impacts that remain aner all appropriate and practicable minimization has been required. CSI suite or on-sile compensatory mitigation for nnavoidable to the 26.2 acres or the WOUS. The compensation will consist or the Il)llowing:

**Restoration of Dry Wash Habitat:** Applicant to compensate for the fill or jurisdictional dry at a minimum 2: I compensation through the restoration of desert dry wash habitat. The constructed washes will be designed to meet both Lincoln County flood control requirements requirements, A minimum or 52.4 or restored will be designed and constructed to compensate for fill impacts within the existing WOUS channels in the Development Area (21.1 acres) and 13LM Utility Corridor (5.1 acres), Where possible, will be located near or adjacent to existing dry washes. restored will be comprised or native soils and rock li'omthe adjacent areas and **provide for the functions and valucs as the impacted washes. Typical design sections Ill' constructed are presented on Figure 7, All roadways and pathways will span the constructed washes where they intersect within the Development Arca in a similar manner as depicted in and 9.**

A detailed mitigation for unavoidable to WOJIS can be found in Exhibit I, Appendix "I".

### 3.1.23 General Criteria

3.1.23(11) *Public Need* *Need for the Proposed Structure or Work (33 CFR 320.4(11)(2)(i))*

Sec Section 2.2 discussion of the public private need for the project.

From an economic perspective, there are many needs that the proposed project meets. To summarize Section 3.1.21, the Nevada State Demographer predicts the population in Southern Nevada will increase by over 1.1 million people between 2003 and 2024. In order to meet the general needs and welfare of existing residents and newcomers, affordable housing, employment, cost of living and available services must be available.

The lack of available land has greatly impacted the land supply-demand chain in southern Nevada causing rapid increases in home prices over past few years, a trend is expected to continue. As housing prices in Southern Nevada rapidly escalating, housing opportunities for residents continue to decline. People moving into Southern Nevada will need housing that meets their income level. The Project is anticipated to improve socioeconomic conditions within the region through the development of additional housing in the Southern Nevada.

Historically, the economics of rural Southern Nevada have been based on mining, agricultural and government sector jobs. Both the mining industry and the agricultural based industries are in deep depressions, which adversely affect rural Southern Nevada's economy. Positive impacts in the form of new jobs are expected in the area as a result of the proposed project.

Significant positive fiscal impacts in the form of tax revenues to local jurisdictions are expected in the area as a result of the proposed project. The Project would generate substantial economic activity in the state, regional, and local economics through taxes and ancillary purchases of goods and services and ancillary construction. This influx of tax revenues within these rural areas will provide the jurisdictions with opportunities to provide basic and expanded services to their taxpaying residents, which they have been unable to provide in the past.

The improvements proposed within the project also provide a variety of important physical needs within the community and the region. The project will provide important services which are lacking in rural areas. In addition to the basic utilities of power, water, telecommunications and gas, the project will bring new schools, public parks, fire and emergency services to an area that lacked these basic infrastructures.

In its current state, the Development Area is privately held and will not open to the public for recreational purposes. Once constructed within the development area, County-required facilities will be open to the public use. In addition to County required parks and other private facilities planned by CSI, areas adjacent to the Protective Wash Buffers that will be implemented

to protect the recreation and open benefit of the community and in the permanent construction/restoration of the compensation measures outline in this document. will provide additional At minimum, the project will also result of opportunities for within 52.4 acres of WOUS habitat through

The existing dry washes that are to be filled and relocated as part of this application do not have to convey floodwaters through the Development in compliance with County flood control requirements. Erosion within dry washes begin to occur at velocities of 5-10 feet per second without erosion control measures in place. **During major storms and given the volumes calculated, significant erosion will occur to these existing washes causing sedimentation further down-gradient unless the flood conveyance arc and necessary with erosion control measures to meet flood conditions.** The construction of the Project the potential to solve larger storm flood control issues that impact the US 93 and the region by alleviating subsequent erosion and sedimentation issues during major storms that might result in impacts to the Pahrangat Wash channel and providing further water quality the River its inhabitant

There are historic trails, mining activities and other activities that pre-date CSI acquisition of the project which have impacted jurisdictional waters (e.g. desert dry wash habitat). The construction of the minimization outlined in this application provide the opportunity to protect against any further harmful activities impacts to habitat within the Pahrangat channel other existing waters of the United States to remain undisturbed.

3.1.23(b)  
320.4(a)(2)(ii))

*Altel'latit'e*

(33 **CFII**)

Alternative locations/methods are

in Section 3.1.22.

3.1.23(c) *Extent of the Beneficial/Detrimental Effects of the Project on Public Uses to Which the Act Applies (33 CFR 320.4(11)(2)(iii))*

The housing, golf courses and associated commercial development are expected to permanently replace the existing desert habitat within the Development Area. A total of 26.2 acres out of 53.7 acres of dry washes (WOUS) within the Development Area, BLM Utility Corridor and CS L Leased lands (Lincoln County) which have been delineated by the Corps as waters of the United States (WOUS) would be impacted. CSI has agreed to avoid a total of 27.5 acres of dry washes within the Project Area and to a reconfiguration of its fee and leasehold interest in the Project Area from the central portion of the Project Area to the edge of the property to achieve connectivity with federally-listed species habitat on federally owned lands. In addition, 336.8 acres of undisturbed upland habitat will be provided as protective buffer around the preserved WOUS (e.g. desert dry wash habitat). The preserved WOUS and upland buffer habitat will be placed in conservation with an endowment provided for long-term management and land use protection. Impacts to the 26.2 acres of WOUS will be mitigated for at a 2:1 ratio (restored: lost) through the constructing of 53.7 acres of larger naturalized drainages that meet both county and federal requirements. As additional mitigation, the constructed washes, which will consolidate flood waters into major drainages meeting county flood control standards, will be re-vegetated with native plant species. Native plants will be selected from the native plants listed in Appendix I of Exhibit I. The constructed wash areas will also be protected by a dedicated easement to ensure long-term protection. The easement will allow for drainage maintenance and protection of the WOUS and the establishment of permanent buffers of at least 25 feet in width along both sides of the open channels from the edge of the constructed WOUS. Cross-sections of typical constructed washes and related improvements are provided in Figure 7. Figures 3 and 4 show the proposed impacted, unimpacted (avoided), and restored WOUS within the Project Area.

In the event the MSHCP is not approved by USFWS, CSI will affirmatively work with BLM (the federal land manager of the proposed reserve lands) to create appropriate WOUS conservation areas requiring avoidance by all persons.

3.2 *Effects on Wetlands (33 CFR 320.4(b)(1 - 5))*

As noted above in Section 3.1.5, the Project will have no adverse impact on wetlands because no wetlands exist within the Project.

3.3 *Fish and Wildlife (33 CFR 320.4(c))*

CSI is currently consulting with the USFWS Section 10(a) regarding potential impacts to listed species under the Endangered Species Act. The proposed Project will impact desert tortoise (*Gopherus agassizii*) critical habitat. It is anticipated that these impacts will be covered under a Section 10(a) Incidental Take Permit granted to CSI for non-federal lands as described above in Section 1.0 (Introduction). As part of the Incidental Take Permit that is anticipated, impacts to desert tortoise habitat will be minimized and mitigated under the terms and conditions of the MSHCP and the additional conservation measures described in Section 3.1.1 above.

no on within the Project the Development Area.

While the Project may have indirect impacts on the dace, CSI will avoid, and/or any such impacts should they occur. Groundwater production consistent with the Muddy MOA MOA will ensure that no reduction in River spring flows will result from developing the project. Flows from up-gradient, events will flow through the Pahranaagat Wash ephemeral channel with no from development as all road and trail crossings will be over crossings with flows overlying any buried support and protective Surface flows generated as result or running within 0' through will be retained and polished within wetlands and constructed Sediments and associated nutrients will be removed through the installation and maintenance or corridors and wetlands ponds allowing 10' deposition or sediment and uptake or excess nutrients. Sediment will from the Pahranaagat Wash by implementing storm water controls in the a 100 foot protective to eliminate storm from directly entering the Pahranaagat Wash channel and 4).

Other and candidate species by USFWS with the potential to occur within proximity to Project will not be affected. detailed assessment or impacts to species of concern will be provided in a Biological Assessment (submitted under cover). In addition, the USFWS will issue a biological opinion at the conclusion or their consultation in connection with this Application.

### 3.4 Water Quality (33 CFR 320.4(d))

Water quality impacts are above in Section 3.1.15.

### 3.5 Historic, Cultural, Scenic and Recreational Values (33 CFR 320.4(e))

See Section In accordance with the all known sites within the Project have been investigated and recorded as required in the treatment plan. Nevada SHPO has maintained oversight with the actions initiated by (night-Lcavitt the cultural consultant. CSI will continue to implement the CRMP in programmatic manner, in advance or development of the property.

With to scenic values, the proposed Project has been designed to avoid development on the more visible ridgelines. Recreational values will be enhanced by integrating development with open through the use of trails, golf courses, and parks. Both active and recreation will be provided, however, constructed washes will be protected by providing buffers as outlined in this application.

### 3.6 Effects on Limits of the Territorial Seas (33 CFR 320.4(f))

Not applicable to this

### 3.7 Consideration of Property Ownership (33 CFR 320.4(g))

Considerations or ownership discussed in Section 3.1.20.

3.8 *Activities Affecting Coastal Zones (33 CFR 320.4(h))*

Not applicable to this Project.

3.9 *Activities in Marine Sanctuaries (33 CFR 320.4(i))*

Not applicable to this Project.

3.10 *Other Federal, State, or Local Requirements (33 CFR 320.4(j))*

**Federal Requirements:**

Section 7 of the **Endangered** Species Act

Section 7 of the Endangered Species Act requires all Federal agencies to consult with the USFWS regarding any Federal action that may affect a Federally listed species. Federally-listed species that may be affected by the project include the following:

Common Name	Federal Status	Is there a potential that the listed species may be affected by project?	Direct or Indirect Impact?	Rationale
<i>Fish Species</i>				
Moapa dace ( <i>Moapa coriacea</i> )	Federal-Endangered	Yes	Indirect	This species is not found in the Project Area. It is found in springs, tributaries, and springs along the Muddy River. Lowering of the water table caused by groundwater extraction and subsequent alterations to habitat may affect this species.
Muddy River Population of the Virgin River chub ( <i>Gila semitlida</i> )	Federal-Endangered (Virgin River Population only)	Yes	Indirect	This species is not found in the Project Area. It is found in the main channel of the Muddy River. Lowering of the water table caused by groundwater extraction and subsequent alterations to habitat may affect this species.
<i>Reptiles</i>				
Desert tortoise ( <i>Gopherus agassizii</i> )	Federal-Threatened	Yes	Direct	This species occurs within the Project Area. Additionally, designated critical habitat for this species also occurs within the Covered Area. The proposed project activities may affect this species by enhancement of the threats that warranted federal and state protection of this species.
<i>Amphibians</i>				
Relict leopard frog ( <i>Rana olivacea</i> )	Federal-Candidate	Yes	Indirect	This species is not found in the Project Area. This species occurs in the lower Muddy River system, Lowering of the water table caused by groundwater extraction may affect this species.

Common Name	Federal Status	Is there a potential that the listed species may be affected by project?	Indirect Impact?	Rationale
<b>Mammals</b>				
None				
<b>Birds</b>				
Southwestern willow flycatcher ( <i>Empidonax traillii extimus</i> )	Federal	Yes	Indirect	This species does not occur in Project Area. This species occurs in the lower Muddy River system and in the Pahrangat Drainage upstream of the Covered Area. The proposed project activities may affect the species, but are unlikely to enhance threats that warrant federal protection.
Yuma rail ( <i>Rallus longirostris yumanensis</i> )	Federal	Yes	Indirect	This species is not in Project Area. It occurs in the lower Muddy River system. The proposed project activities may affect the species, but unlikely to enhance threats that warrant federal protection.
Western billed cuckoo ( <i>Coccyzus americanus</i> )	Federal-Candidate	Yes	Indirect	This species is not found in the Project Area. This species occurs in the lower Muddy River system. The proposed project activities may affect the species, but are unlikely to enhance threats that would warrant federal protection.
<b>Invertebrates</b>				
None				

The applicant requests the Corps, as part of the process, initiate an ESA Section 7 Consultation for the above listed species that may be affected by the proposed project. It is requested that the Corps request that the USFWS review the list of any additional federally-listed or candidate species that may be affected by the project.

**Section 10a of the Speck's Act**

Section 10a of the ESA allows take of listed species that are incidental to, but not the purpose of, lawful activities on non-federal land. This Project is seeking a permit under Section 10a Permit for incidental take with the loss of five species associated from either direct or indirect project

Take associated with direct project impacts:

1. Desert tortoise (*Gerrhonotus carolinensis*),
2. Banded Gila monster (*Amphispiza bilineata*), and
3. Western scree owl (*Athene cunicularia*)

Take associated with indirect project impacts:

1. Virgin River chub (*Moxostoma valenciennesi*),
2. Muddy River population of the Virgin River chub (*Gilil sellinidil*),

**State Requirements:**

**Nevada Revised Statutes (NRS)**

NRS 501.100 is amended, most recently in 1991, to expand the State's requirement to classify wildlife (NRS 501.100). The classification of species occurs through administrative regulation by the Board of Wildlife Commissioners (NRS 501.105 and 501.181) and is codified in Nevada Administrative Code (NAC).

The Nevada Division of Wildlife (NDOW) in the Department of Conservation and Natural Resources is the entity vested with statutory authority under NRS to protect resident wildlife in the State, through the Board of Wildlife Commissioners to establish policy and regulation for the protection, propagation, transplanting, introduction and management of wildlife (NRS 501.105, 501.181, 501.331, 501.337). The desert tortoise is listed as protected and further classified as threatened in Nevada (NAC 503.090). Specific regulations providing protection for all wildlife species are established in NAC 503.090 and 503.093.

Plant species that may occur within the Project Area and are listed as critically endangered by the State of Nevada are listed in NRS 527.270 and 527.050. As such, "no member of its kind may be removed or destroyed at any time by means except under special permit issued by the state forester." The Nevada Division of Forestry also regulates the collection of cactus and yucca through permit requirements under NRS 527.070. CSI is surveying the property during the appropriate blooming time for the plant species. This is further described in the BABE.

Upon issuance of the MSHCI and ESA Section 10a permit CSI has agreed to contribute in the amount of \$750,000 for use as mitigation funding in addition to the \$800 per acre mitigation fee imposed under future MSIICP.

**Local County Requirements:**

<sup>10</sup> Designated habitat for this federally-listed species also occurs within the Covered Area.

<sup>11</sup> Not a federally-listed species.

<sup>12</sup> Not a federally-listed species.

The purpose of Title 12 of the Lincoln County Code (1983 Code 15.08.(10)) is to promote the public general welfare to minimize public and private losses to 1100d conditions in floodplains. It includes methods such as levees, dikes, and others, control the alteration of natural floodplains, stream channels, and protective barriers that help accommodate or control grading, dredging, and other development that may increase 1100d and regulate construction of flood barriers.

### 3.11 Safety of Impoundment Structures (33 CFR 320.4(k))

Storage water retention/detention structures will be constructed to established safety criteria by a qualified licensed engineering company.

### 3.12 Floodplain Management (33 CFR 320.4(1))

Flood 1100dplain values are above in Sections 3.1.8 and 3.1.9, respectively.

### 3.13 Water Supply and Conservation (33 CFR 320.4(m))

Water supply and conservation discussed in Section 3.1.14.

### 3.14 Energy Conservation and Development (33 CFR 320.4(n))

All buildings (residential and commercial) will be constructed to all prevailing energy conservation requirements. Energy conservation and development are discussed in Section 3.1.16.

### 3.15 Navigation (33 CFR 320.4(o))

As noted in Section 3.1.11, there are no navigational issues on site.

### 3.16 Environmental Benefits (33 CFR 320.4(p))

CSI is avoiding 27.5 acres of existing WOIS within Project which are also used as migration routes by the desert tortoise and other species residing in the area.

To comply with Lincoln County 1100d regulations, washes will be protected during the mitigation process to meet 1100d conditions in accordance with techniques outlined in this document. Without relocation into new County-regulated channels, current WOIS would be reduced to convey potential 1100d flows due to increased velocities and sedimentation issues in the channels. The result will be at least a 2:1 expansion of habitat, possible 0.1524 miles of channel downcutting, or constructed habitat to store 1100d water.

In the event of an infrequent storm running through the channel, a very large portion of the stormwater system emptying into the River will be captured by the Project. This provides an opportunity through stormwater management to eliminate sedimentation and erosion within the channel. Problems within the Pahranagat River, an ephemeral down-gradient utilizing collection facilities, are being addressed through construction of the Project with storm water treatment outlined in this document. This provides an opportunity to alleviate

some of the current erosion and sedimentation control problems that may occur today in the washes' undisturbed state, potentially providing further water quality protection down-gradient for the Muddy River and its inhabitant species.

The proposed Project provides permanent protective measures for habitat within the Pahrnagat Wash ephemeral channel and existing waters of the United States to the east of the channel. CSI will implement a 100-foot setback from the centerline of the Pahrnagat Wash ephemeral channel in order to avoid impacts to the channel. CSI will protect storm flows that may contain harmful pollutants off developed areas from entering the Pahrnagat Wash ephemeral channel by the construction of stormwater detention facilities and other methods (outlined in the Application) to control pollutants from entering the Pahrnagat Wash.

The compensatory measures outlined in this application provide 1) approximately 52.5 acres or restored WOUS, 2) over 27.5 acres or avoided impacts to existing WOUS, and 3) approximately 336.8 acres of additional lands within the 100' setback zone to protect the Pahrnagat Wash ephemeral channel and 30 foot upland buffer habitat on each side of other preserved WOUS within the Development Area as compensation for the proposed fill of WOUS described above.

At present, there is no riparian vegetation within the Development Area. The Project will result in positive riparian habitat as a result constructed washes and wetland ponds and other improvements within the stormwater retention zone.

As each phase of development occurs, CSI will implement flood control facilities in accordance with the recommendations provided in the drainage study, which must be submitted for each phase of development in accordance with the Lincoln County requirements.

Although not required, CSI is and will continue to conduct tortoise surveys and translocate all desert tortoises found prior to starting surface disturbing activity on each parcel scheduled for development. The survey and translocation will be performed under the approved CSI is cooperating with USFWS and the University of Nevada in scientific studies of the desert tortoise designed to identify appropriate practices and procedures for implementation in connection with desert tortoise recovery efforts.

CSI has committed funding and water resources for the protection, restoration and recovery of the Moapa dace and its habitat in and along the Muddy River.

### **3.17 Economics (33 CFR 320.4(q))**

Economics is discussed in Section 3.1.2.

### **3.18 Mitigation (33 CFR 320.4(r))**

Mitigation is discussed in Section 3.1.22(d).

#### 4.0 CONCLUSION

Based on considerations outlined in this document, CSI its Project represents the least damaging practicable alternative within the meaning of EPA's Guidelines and the regulations, including the public interest test outlined at 33 CFR § 320.4.

CSI believes that those portions of the Project within federal jurisdictional by this application will not have a significant impact on the quality of the environment, and that the provided in this document, a upon the Corps can its permit decision under

## 5.0 CITATIONS

ENTRIX, Inc., Resource Concepts, Inc., and Hultman-Broadway Group, Inc. 2007. Coyote Springs Investment Multi-Species Conservation Plan, Agency Review July 16.

ENTRIX, Inc., Resource Concepts, Inc., and Hultman-Broadway Group, Inc. 2007. Coyote Springs Investment Development Project, Draft Environmental Impact Statement, Agency Review Draft. July 16.

Hultman-Broadway Group, Inc., 2007. Mitigation Plan, The Coyote Springs Development Project, Lincoln County, Nevada. June 28,

Hultman-Broadway Group, Inc., and Resource Concepts, Inc., 2007. Investigation of the Presence of Wetlands and Other Waters of the United States within the Coyote Springs Area, Lincoln County, Nevada. June update.

Tschanz, C.M, and E.H. Lampeyan, 1970. Geology and Mineral Deposits of Lincoln County, Nevada. Nevada Bureau of Mines and Geology, **Bull.** 73.

U.S. Geological Survey. 1993. Geologic Map of the Nevada Valley Mountains, Lincoln and Counties, Nevada. Misc. Investigations Series, Map 1-2173.

Exhibit 1. Preliminary Draft Environmental Impact Statement  
for Coyote Springs Investment Planned Development Project.  
June 2007. *(Provided under separate cover)*



Exhibit 2. Agency Review Draft. Coyote Springs Investment  
Multi-Species Habitat Conservation Plan. **July 2007.**

*(Provided under separate cover)*



### Exhibit 3. Adjacent Property Owners:

Springs Investment, LLC  
6600 North Springs  
Sparks, NY 89436

Department of Interior  
**Bureau Of Land Management**  
Ely  
702 North  
IIC 33 [lox 33500  
Ely, I

Department  
1263 South Street  
Carson City,

Elite, Inc  
PO Box 11412  
Alamo, NY 89001-0412.



### Exhibit 4. Pending Authorizations

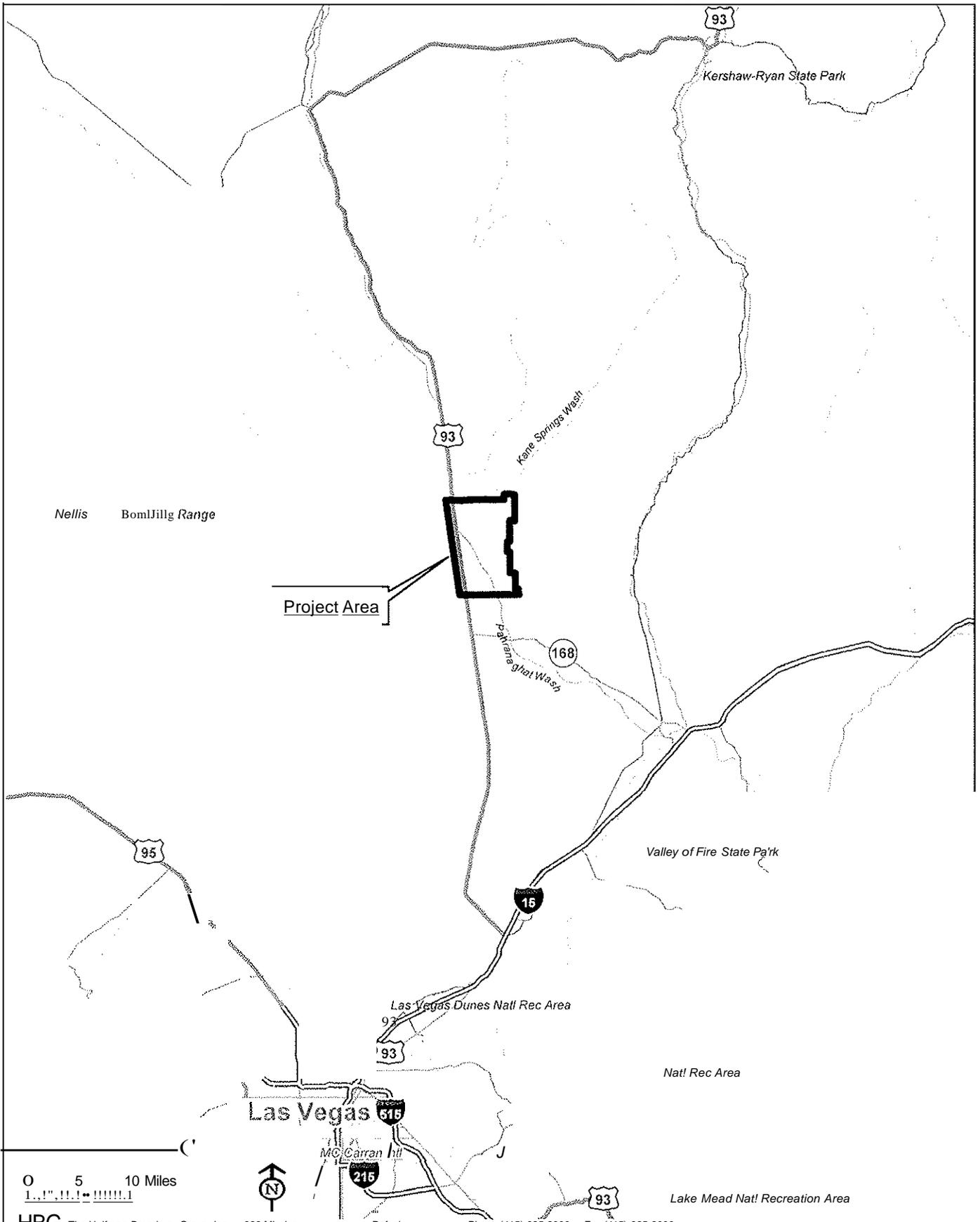
AGENCY	TYPE APPROVAL'	10#	DATE APPLIED	DATE APPROVED	DATE DENIED
USFWS	Endangered Species Act Section 10a Incidental Take Authorization within 21,454 Acre Lincoln County Covered Project Development Area		2006; Approval! MSHCI' finalization of EIS		
13LM	Use for Construction of Utility Infrastructure Within 3,331 BLM Utility ROW		of		
Department of Environmental Protection	State 401 Water Quality Certification		SUI)11ital of Application Pending		



## FIGURES

Figure 1	General Location of the Proposed Project
Figure 2	Detailed Location of Proposed Project
Figure 3	Plan View, New Town Development Features Associated With the Proposed Project
Figure 4	Plan View, Proposed Project Impacted and Preserved WOVS and Buffer Areas
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Figure 6	Plan View, Project Development Alternative 1 Impacted and Preserved WOVS and Buffer Areas
Figure 7	Typical Sections, Restored Desert Dry Wash Habitat
Figure 8	Plan View, Typical Trail Design Within Preserve Area
Figure 9	Typical Plan and Section Views, U.S. 93 Culvert Crossings
Figure 10	Location Map of Project Alternative Sites Reviewed within Clark, Lincoln, and Nye Counties, Nevada
Figure 11	Map Showing Location of Potential WOVS Parcel 1
Figure 12	Map Showing Location of Potential WOVS Parcel 2
	Map Showing Location of Potential WOVS Parcel 3
Figure 14	Map of Potential WOVS Parcel 4
Figure 15	Map Showing Location of Potential WOVS Parcel 5
Figure 16	Map Showing Location of Potential WOVS Parcel 6
Figure 17	Map Showing Location of Potential WOVS Parcel 7
Figure 18	Map Showing Location of Potential WOVS Parcel 8
Figure 19	Map Showing Location of Potential WOVS Parcel 9
Figure 20	Map Showing Location of Potential WOVS LCLA Lands
Figure 21	Map Showing Location of Potential WOVS BLM Pahump Disposal Lands North
Figure 22	Map Showing Location of Potential WOVS BLM Pahump Disposal Lands South
Figure 23	Map Showing Location of Potential WOVS Proposed Project Alternative





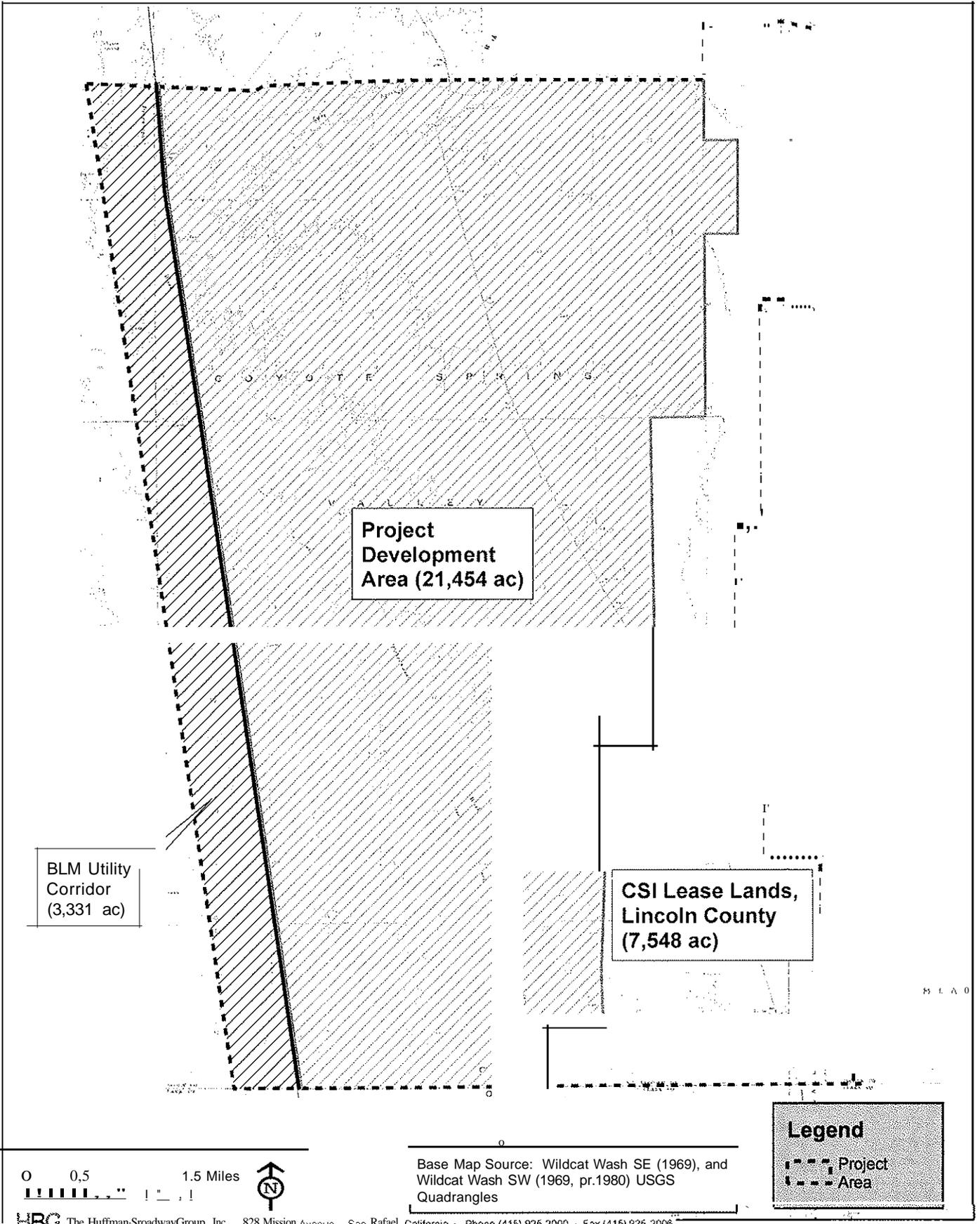
HBG The Hullman-Broadway Group, Inc. 828 Mission Rafael Phone (415) 925-2000 Fax (415) 925-2006

PURPOSE: Construct a new town within Lincoln County, approximately 1 hours drive from the Las Vegas area  
 DATUM: MSL  
 ADJACENT PROPERTY OWNERS: 1. BLM; 2. USFWS; 3. NV. Dept. of Transportation

Figure 1. General Location of the Proposed Project, Coyote Springs, Lincoln County, Nevada  
 APPLICATION BY: Coyote Springs Investment LLC  
 6600 North Wingfield Springs Parkway, Sparks, Nevada 89436

Proposed fill for new town construction  
 IN: waters of the United States (dry wash drainages)  
 AT: Coyote Spring  
 COUNTY Lincoln STATE: Nevada  
 Date: 08-20-07





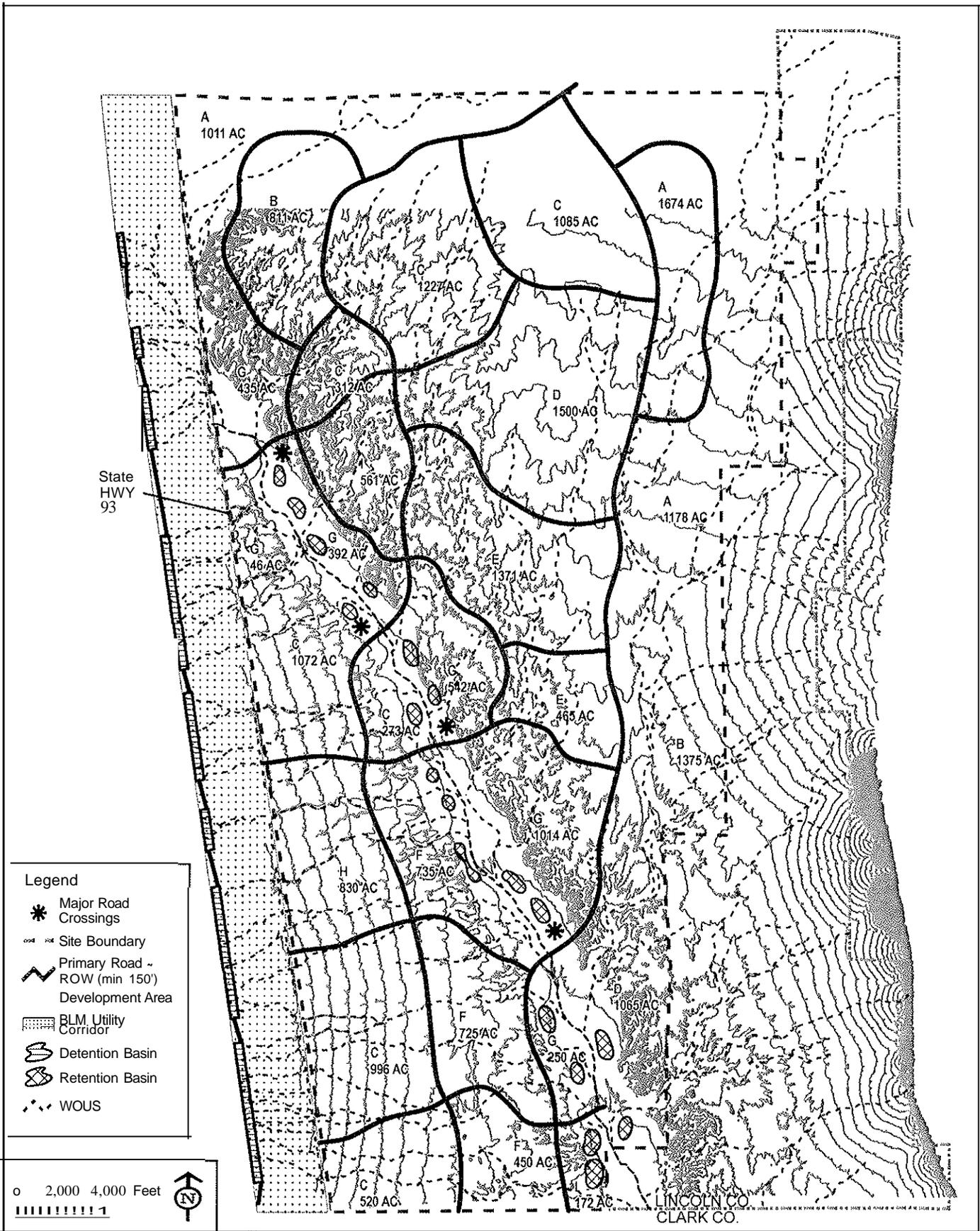
**HBC** The Huffman-SroadwayGroup, Inc. 828 Mission Avenue San Rafael, California · Phone (415) 925-2000 · Fax (415) 925-2006

PURPOSE: Construct a new town within Lincoln County, approximately 1 hours drive from the Las Vegas area  
 DATUM: MSL  
 ADJACENT PROPERTY OWNERS: 1. BLM; 2. USFWS; 3. NY. Dept. of Transportation

Figure 2. Detailed Location of Proposed Project, Coyote Springs, Lincoln County, Nevada  
 APPLICATION BY: Coyote Springs Investment LIC 6600 North Wingfield Springs Parkway, Sparks, Nevada 89436

Proposed fill for new town construction  
 IN: waters of the United States (dry wash drainages)  
 AT: Coyote Spring Valley  
 COUNTY OF: Lincoln STATE: Nevada  
 Date: 08-20-07



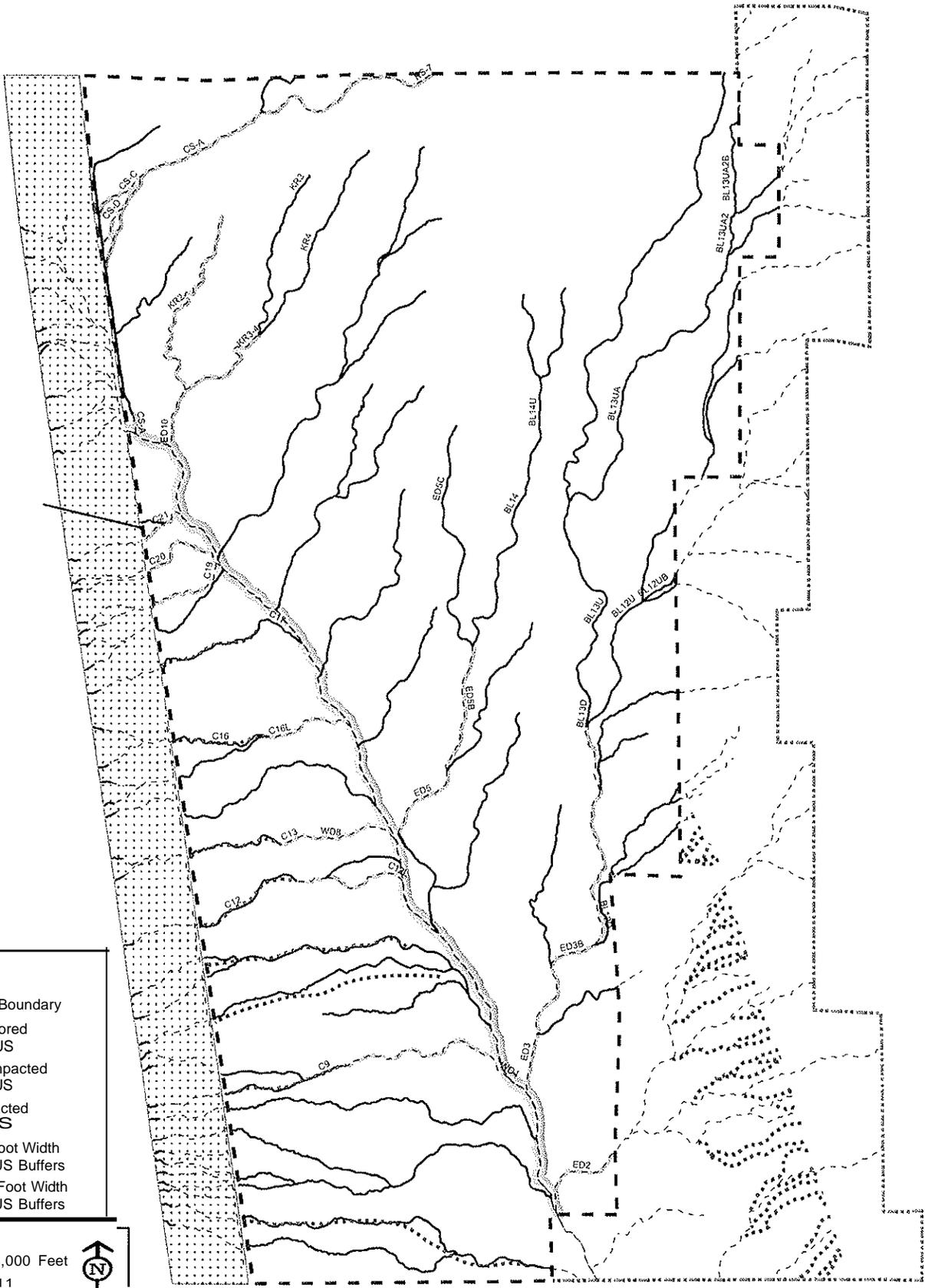


PURPOSE: Construct a new town within Lincoln County, approximately 1 hours drive from the Las Vegas area  
 DATUM: MSL  
 ADJACENT PROPERTY OWNERS: 1. BLM; 2. USFWS; 3. NV. Dept. of Transportation

Figure 3. Plan View, New Town Development Features Associated With the Proposed Project, Coyote Springs, Lincoln County, Nevada  
 APPLICATION Coyote Springs Investment LLC  
 6600 North Wingfield Springs Parkway, Sparks, Nevada 89436

Proposed for new town construction  
 IN: waters of the United States  
 (dry wash drainages)  
 AT: Coyote Spring Valley  
 COUNTY OF: Lincoln STATE: Nevada  
 Date: 08-20-07





**Legend**

- Boundary
- Restored WOUS
- Unimpacted WOUS
- Impacted -WOUS
- 30 Foot Width WOUS Buffers
- 100 Foot Width WOUS Buffers

0 2,000 4,000 Feet

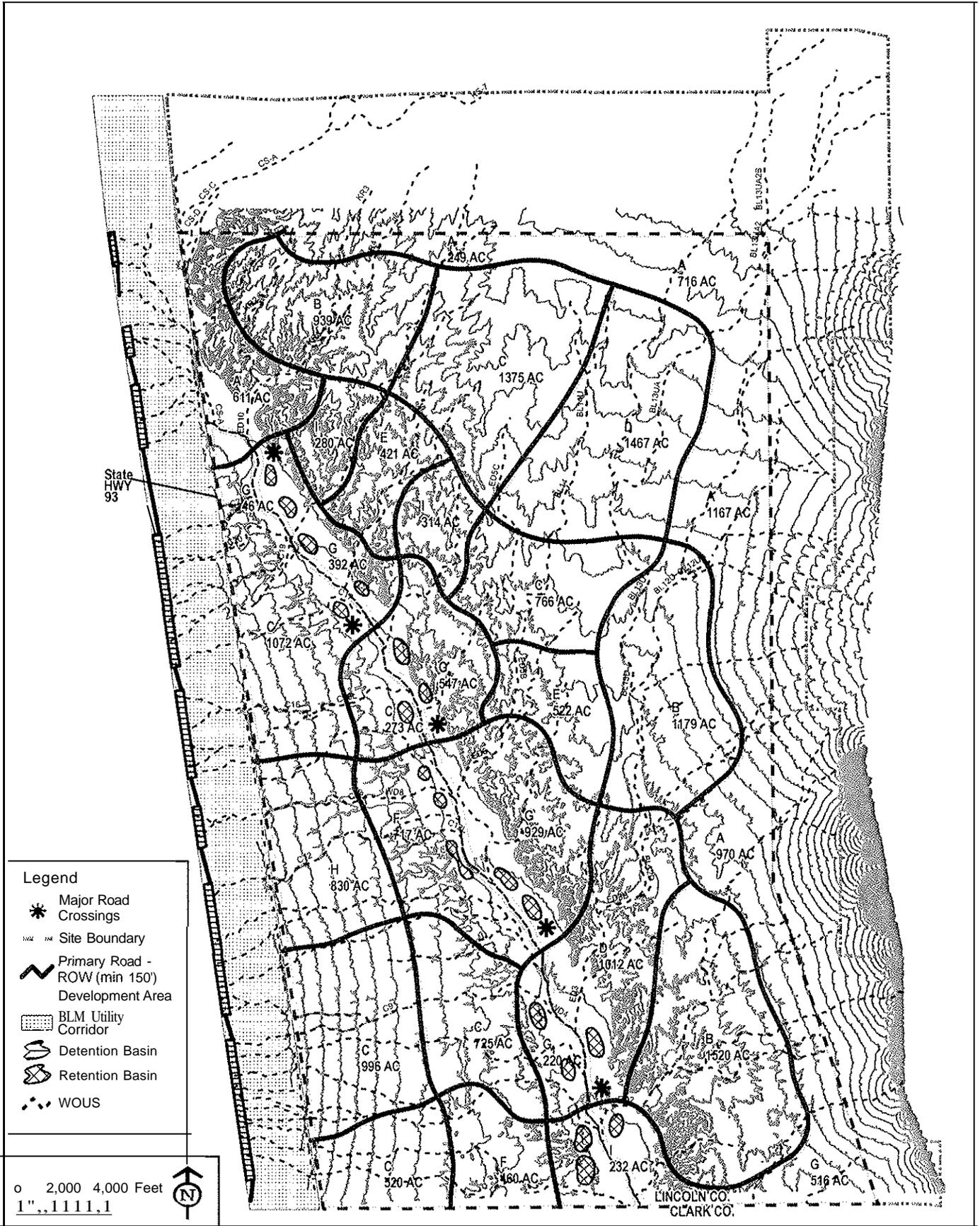
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PURPOSE: Construct a new town within Lincoln County, approximately 1 hours drive from the Las Vegas area  
 DATUM: MSL  
 ADJACENT PROPERTY 1. 2. USFWS;  
 3. NV. Dept. of Transportation

Figure 4. Plan View, Proposed Project Impacted and Preserved WOUS and Buffer Areas, Coyote Springs, Lincoln County, Nevada  
 APPLICATION BY: Coyote Springs Investment LLC  
 6600 North Springs Parkway, Sparks, Nevada 89436

Proposed fill for new town construction  
 IN: waters of the United States (dry wash drainages)  
 AT: Coyote Spring Valley  
 COUNTY OF: Lincoln STATE: Nevada  
 08-20-07



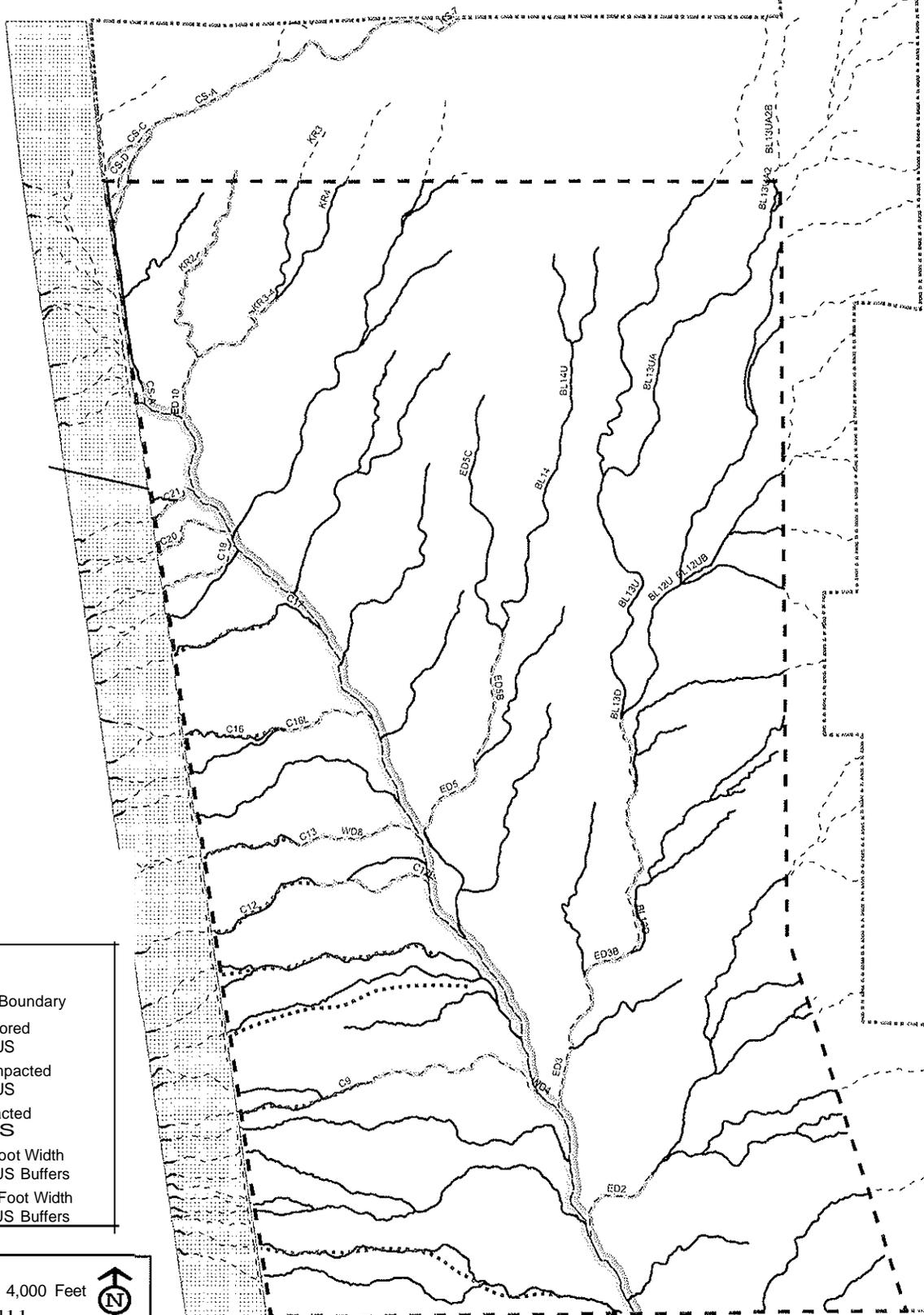


PURPOSE: Construct a new town within Lincoln County, approximately 1 hours drive from the Las Vegas area  
 DATUM: MSL  
 ADJACENT PROPERTY OWNERS: 1. BLM; 2. USFWS; 3. NV. Dept. of Transportation

Figure 5. Plan View, New Town Development Features Associated With the Project Development Alternative 1, Coyote Springs, Unclon County, Nevada  
 APPLICATION BY: Coyote Springs Investment LLC  
 6600 North Wingfield Springs Parkway, Sparks, Nevada 89436

Proposed fill for new town construction  
 IN: waters of the United States (dry wash drainages)  
 AT: Coyote Spring Valley  
 COUNTY OF: Lincoln STATE: Nevada  
 Date: 08-20-07





**Legend**

- - - - - Site Boundary
- Restored WOUS
- Unimpacted WOUS
- Impacted -WOUS
- 30 Foot Width WOUS Buffers
- 100 Foot Width WOUS Buffers

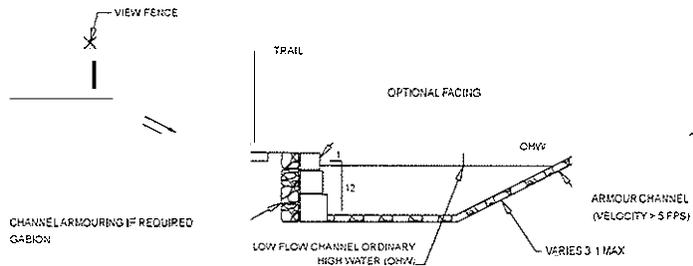
0 2,000 4,000 Feet

PURPOSE: Construct a new town within Lincoln County, approximately 1 hour drive from the Las Vegas area  
 DATUM: MSL  
 ADJACENT PROPERTY OWNERS; 1. BLM. 2. USFWS: 3. NY. Dept. of Transportation

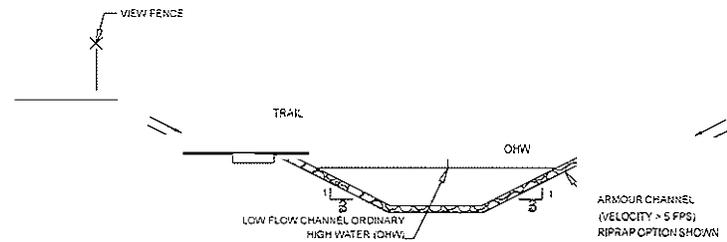
Figure 6. Plan View, Project Development Alternative 1 Impacted and Preserved WOUS and Buffer Areas, Coyote Springs, Lincoln County, Nevada  
 APPLICATION BY: Coyote Springs Investment LLC  
 6600 North Wingfield Springs Parkway, Sparks, Nevada 89436

Proposed fill for new town construction  
 IN: waters of the United States (dry wash drainages)  
 AT: Coyote Spring Valley  
 COUNTY OF: Lincoln STATE: Nevada  
 Date: 08-20-07

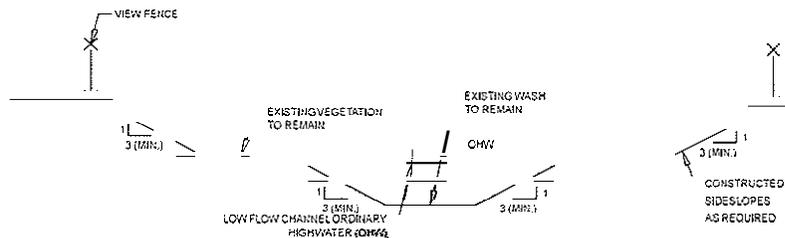




TYPICAL RESTORED WASH WITH VERTICAL WALL  
NOT TO SCALE



TYPICAL RESTORED WASH 3:1 SIDESLOPES  
NOT TO SCALE



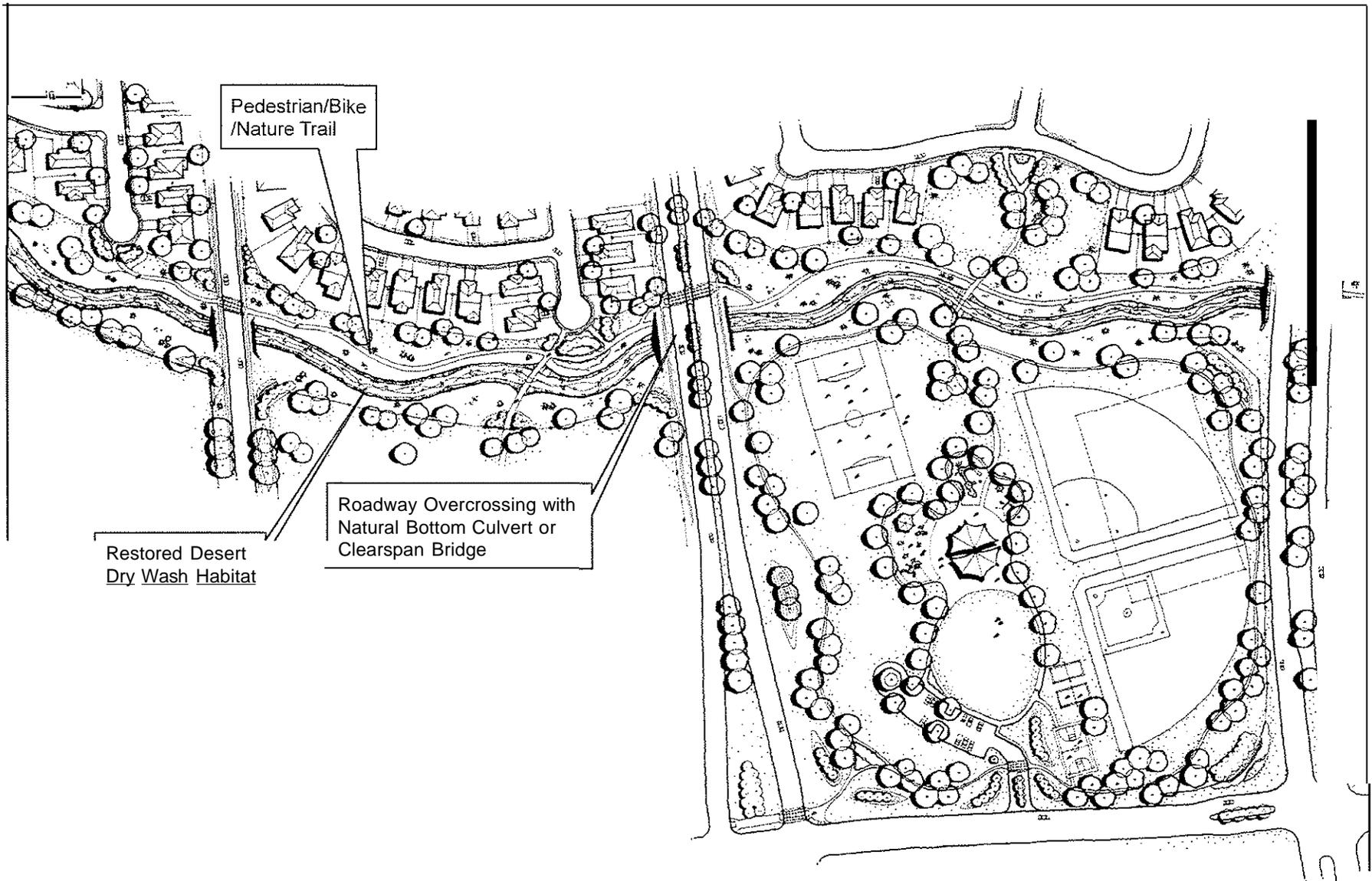
TYPICAL EXISTING WASH WITH RESTORED SIDESLOPES  
NOT TO SCALE

PURPOSE: Construct a new town within Lincoln County, approximately 11 hours drive from the Las Vegas area  
 DATUM: MSL  
 ADJACENT PROPERTY OWNERS: 1. BLM; 2. USFWS;  
 3. NV. Dept. of Transportation

Figure 7. Typical Sections, Restored Desert Dry Wash Habitat, Coyote Springs Project, Lincoln County, Nevada  
 APPLICATION BY: Coyote Springs Investment LLC  
 6600 North Wingfield Springs Parkway, Sparks, Nevada 89436

Proposed fill for new town construction  
 IN: waters of the United States (dry wash drainages)  
 AT: Coyote Spring Valley  
 COUNTY OF: Lincoln STATE: Nevada  
 Date: 08-20-07





PURPOSE: Construct a new town, within Lincoln County, approximately 1  
 hours from the Las Vegas area  
 DATUM: MSL  
 ADJACENT PROPERTY OWNERS; 1. BLM; 2. USFWS;  
 3. NV. Dept. of Transportation

Figure B. Plan View, Typical Trail Design Within Preserve Area,  
 Coyote Springs Project, Lincoln County, Nevada  
 APPLICATION BY: Coyote Springs Investment LLC  
 6600 North Wingfield Springs Parkway, Sparks,  
 Nevada 89436

Proposed fill for new town construction  
 IN: waters of the United States (dry wash drainages)  
 AT: Coyote Spring Valley  
 COUNTY OF: Uncon STATE: Nevada  
 Date: 08-20-07







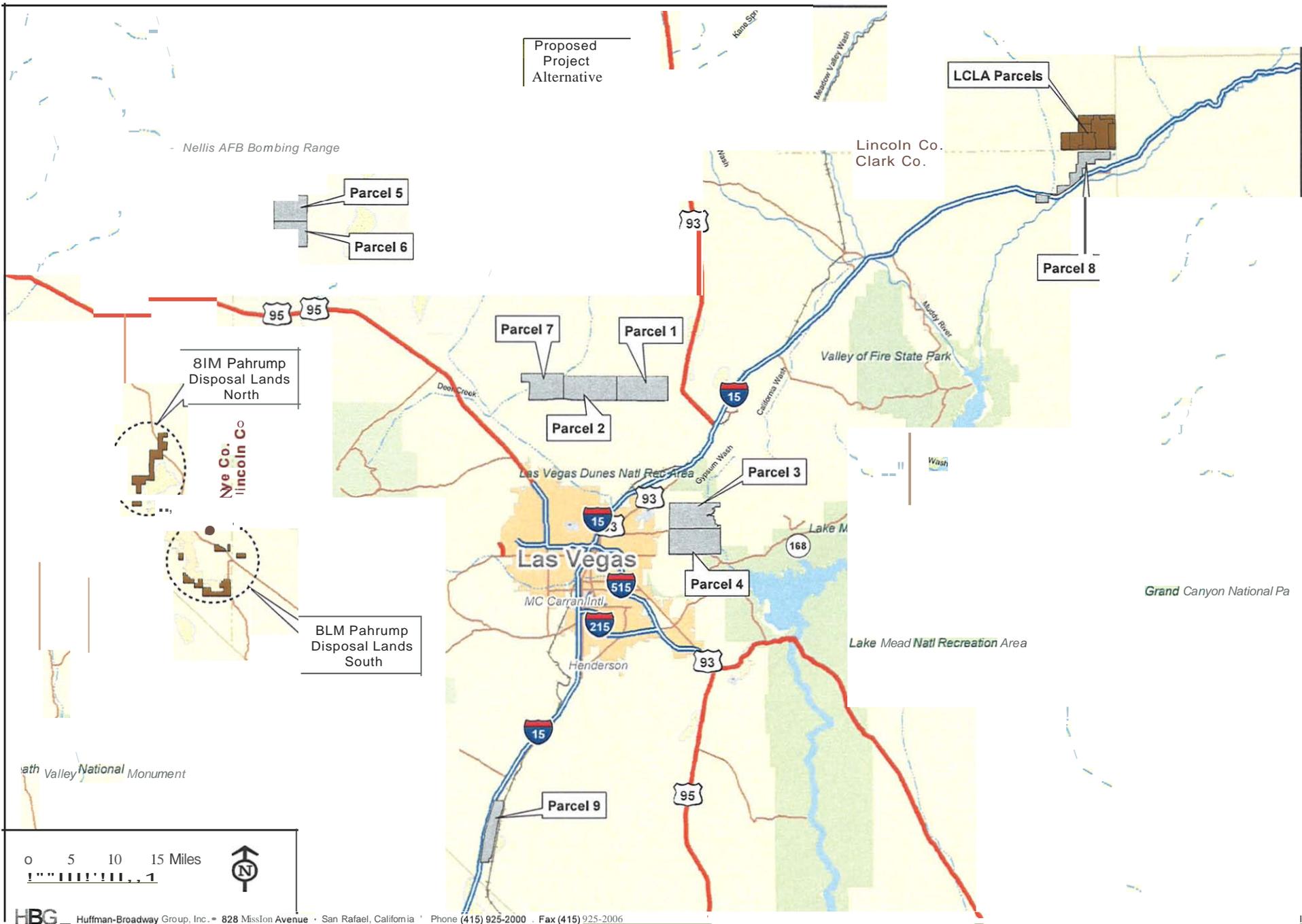


Figure 10. Location Map of Project Alternative Sties Reviewed within Clark, Lincoln and Nye Counties



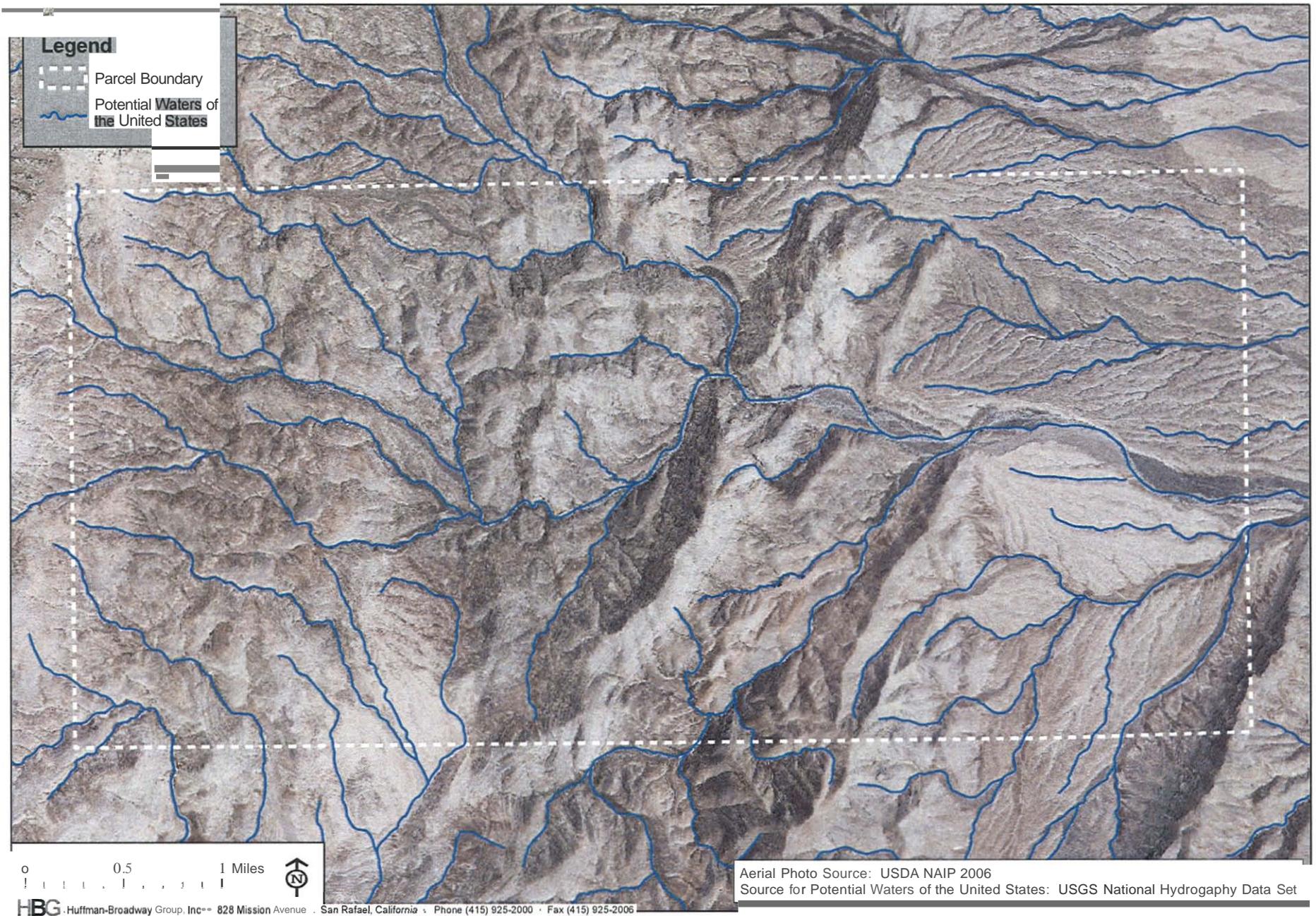


Figure 11. Map Showing Location of Potential WOUS, Parcel 1



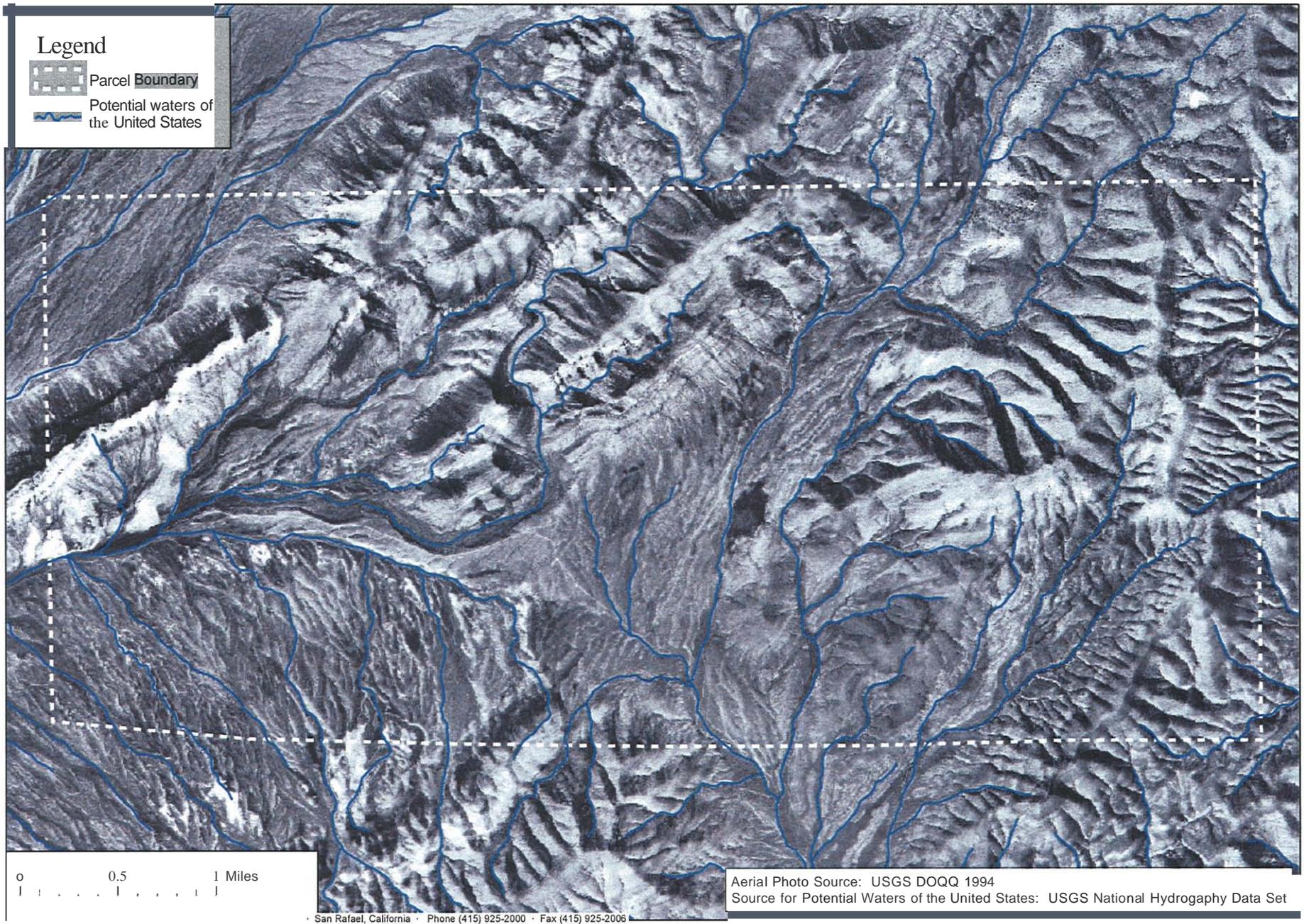


Figure 12. Map Showing Location of Potential WOUS, Parcel 2



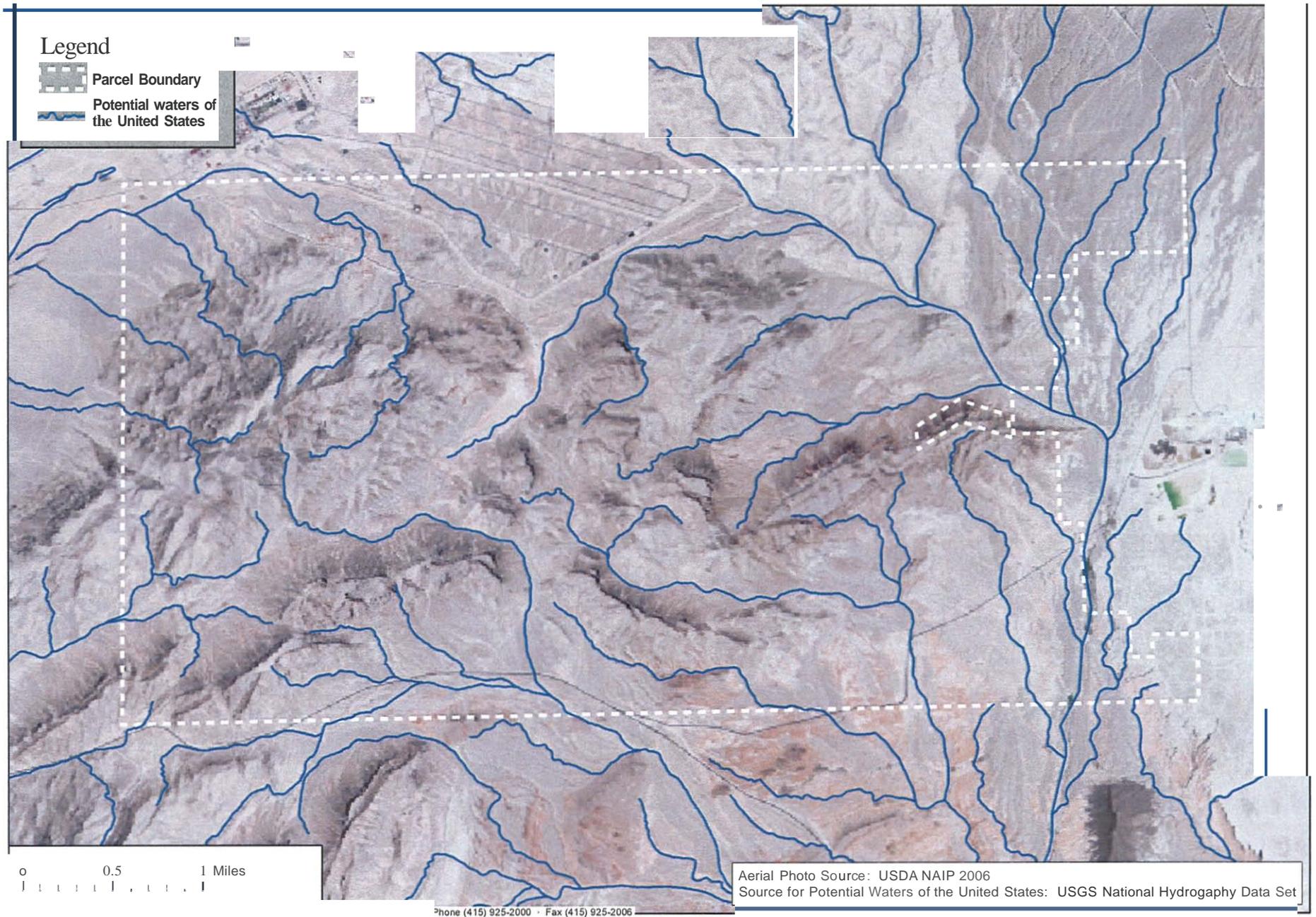


Figure 13. Map Showing Location of Potential WOUS, Parcel 3



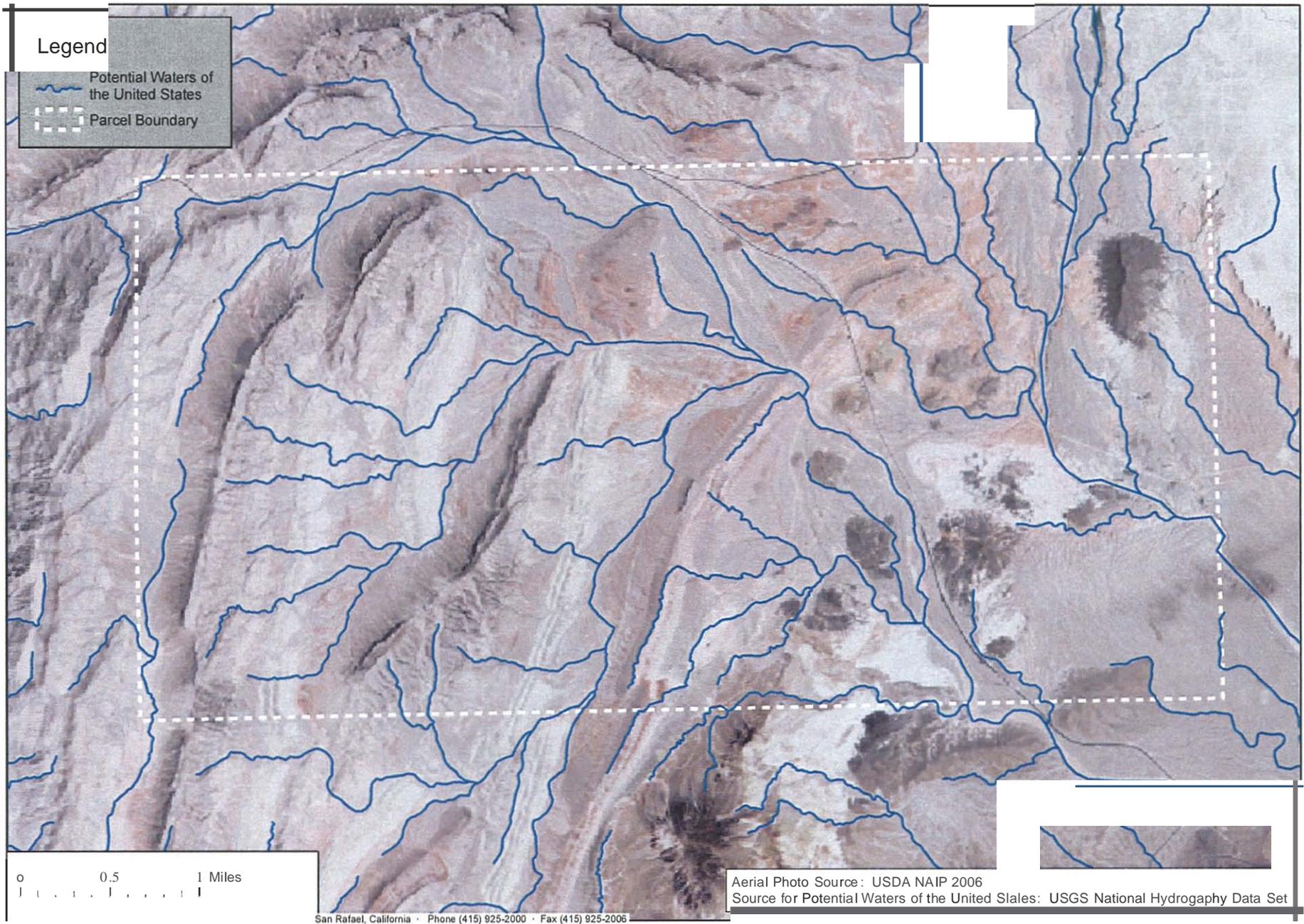


Figure 14. Map Showing Location of Potential WOUS, Parcel 4



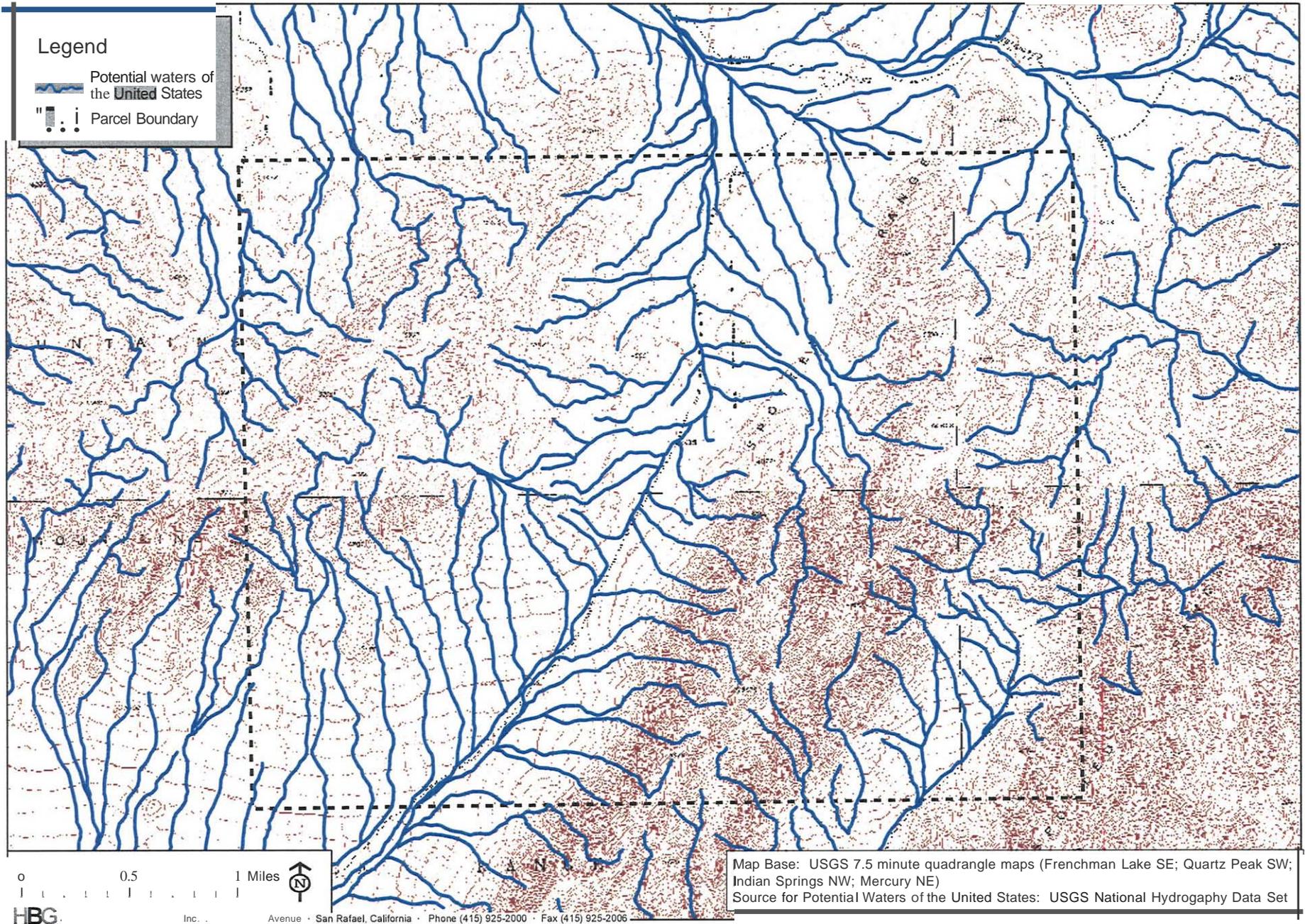


Figure 15. Map Showing Location of Potential WOUS, Parcel 5



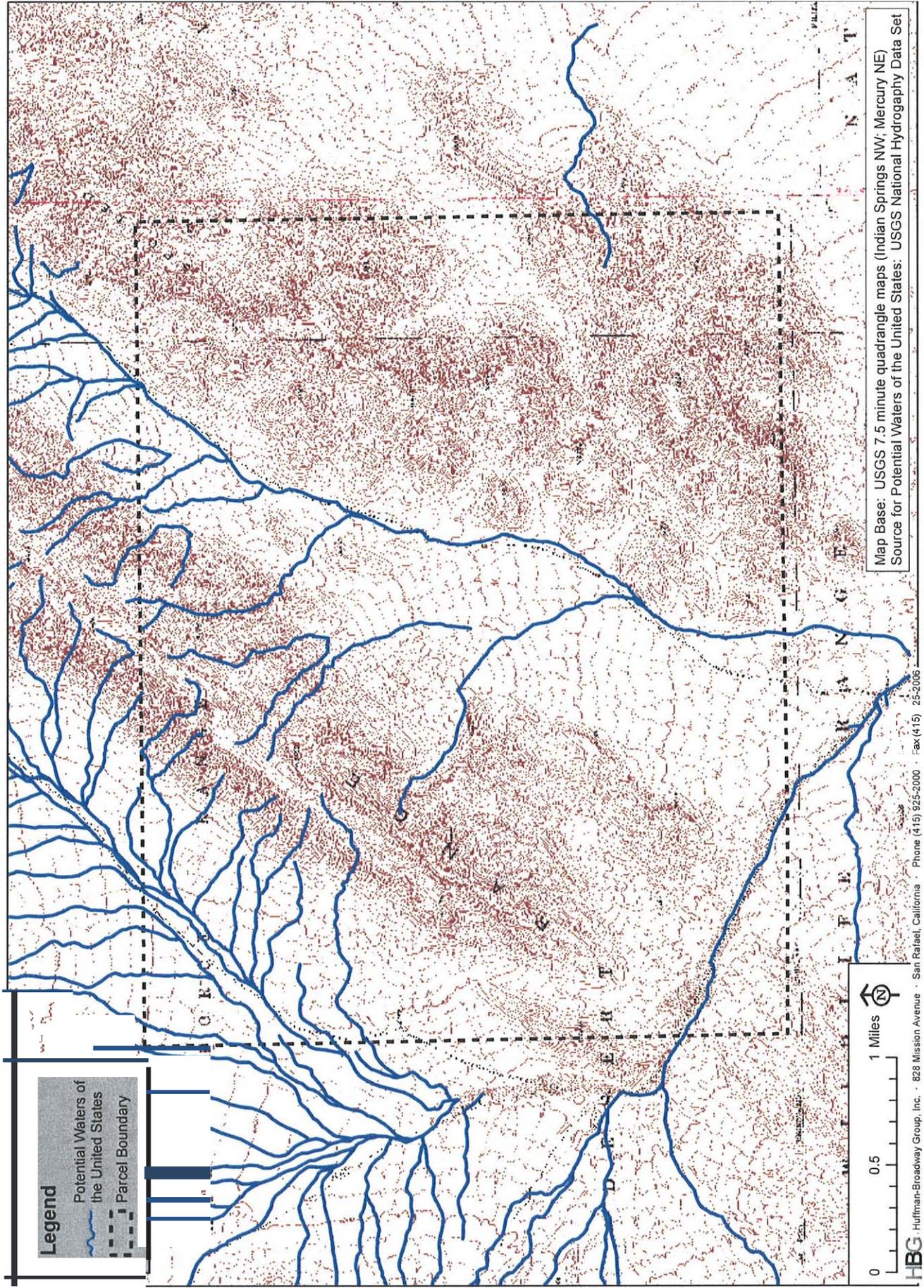


Figure 16 Map Showing Location of Potentia WOUS, Parcel 6



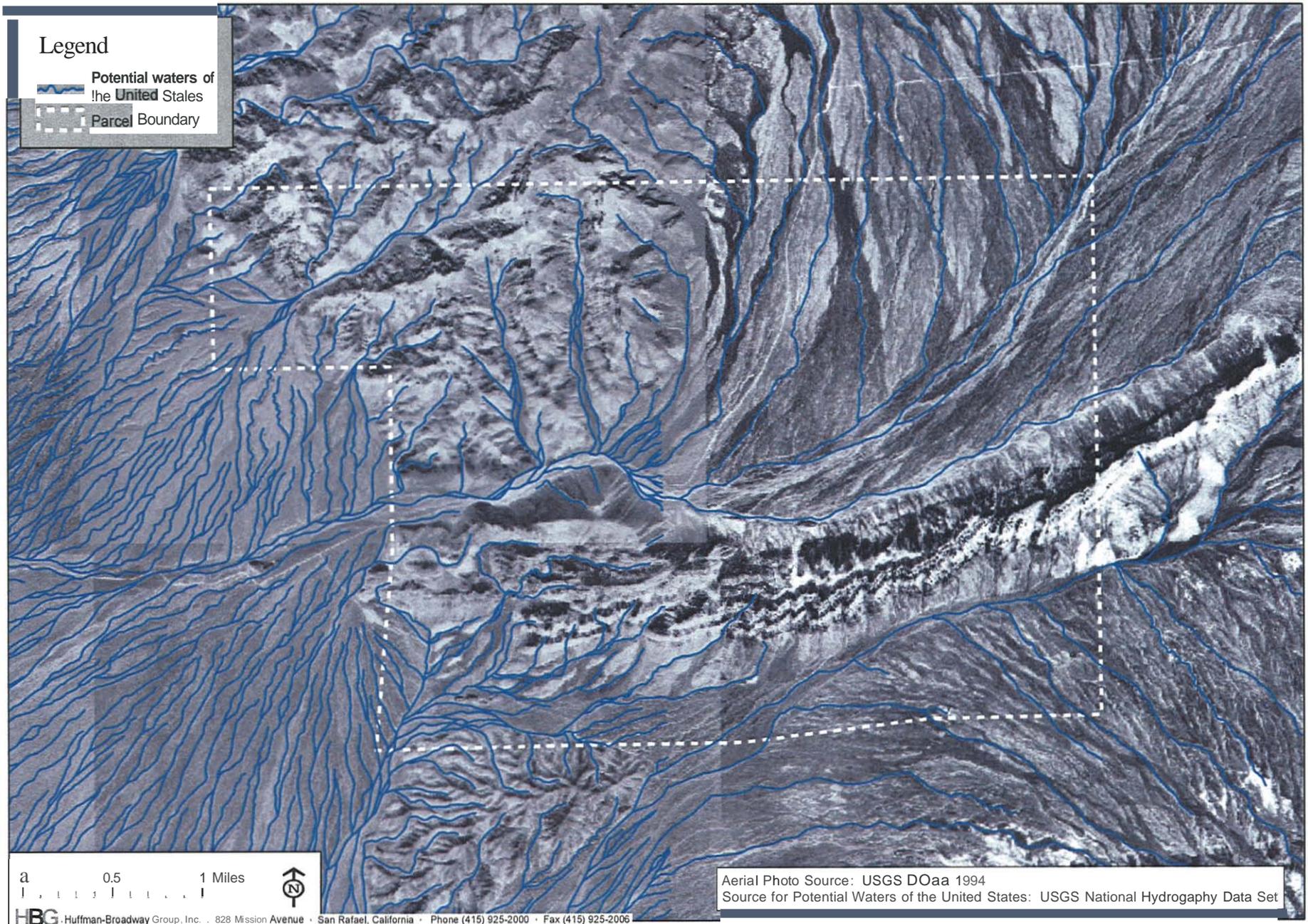


Figure 17. Map Showing Location of Potential WOUS, Parcel 7



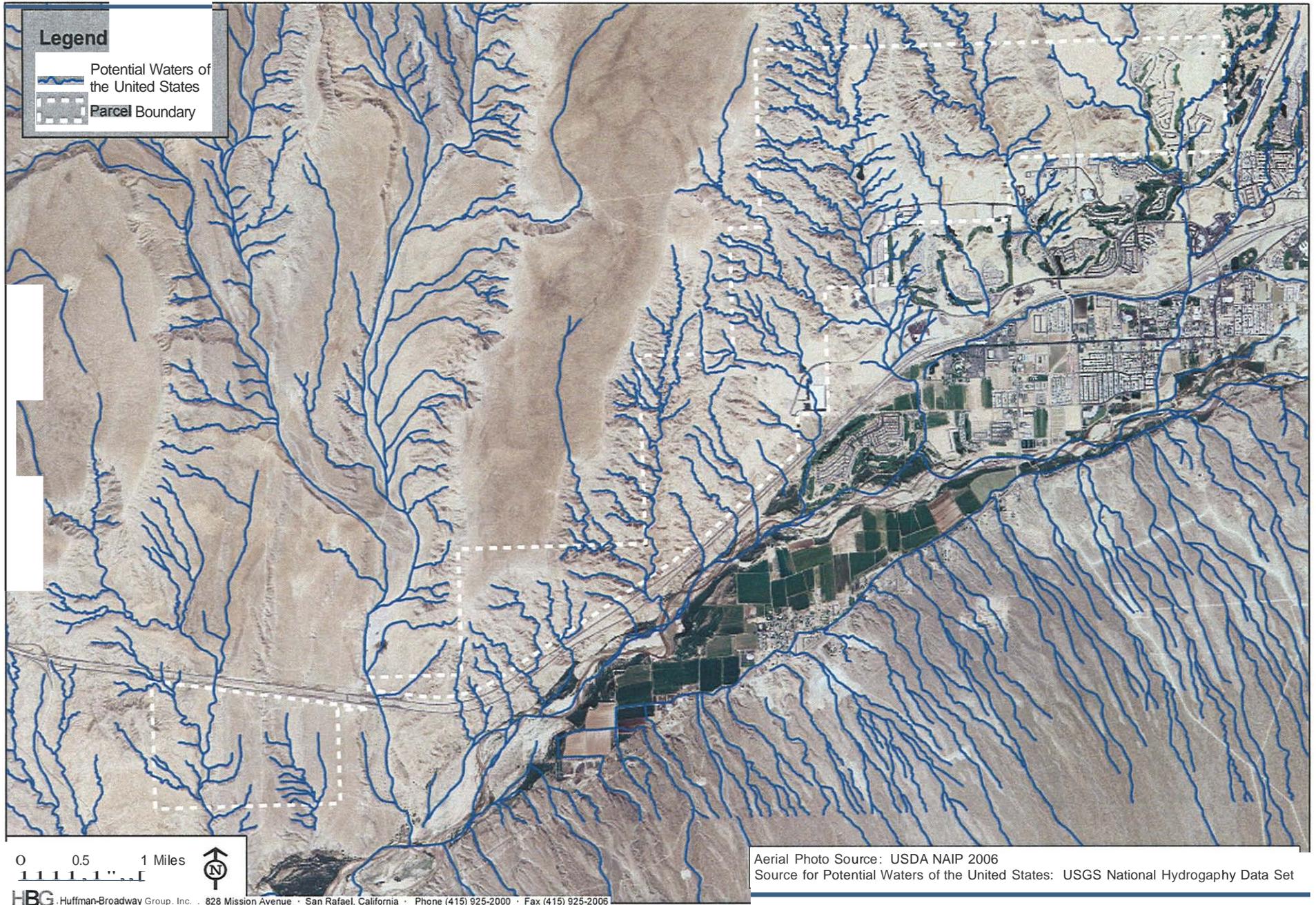


Figure 18. Map Showing Location of Potential WOUS, Parcel 8



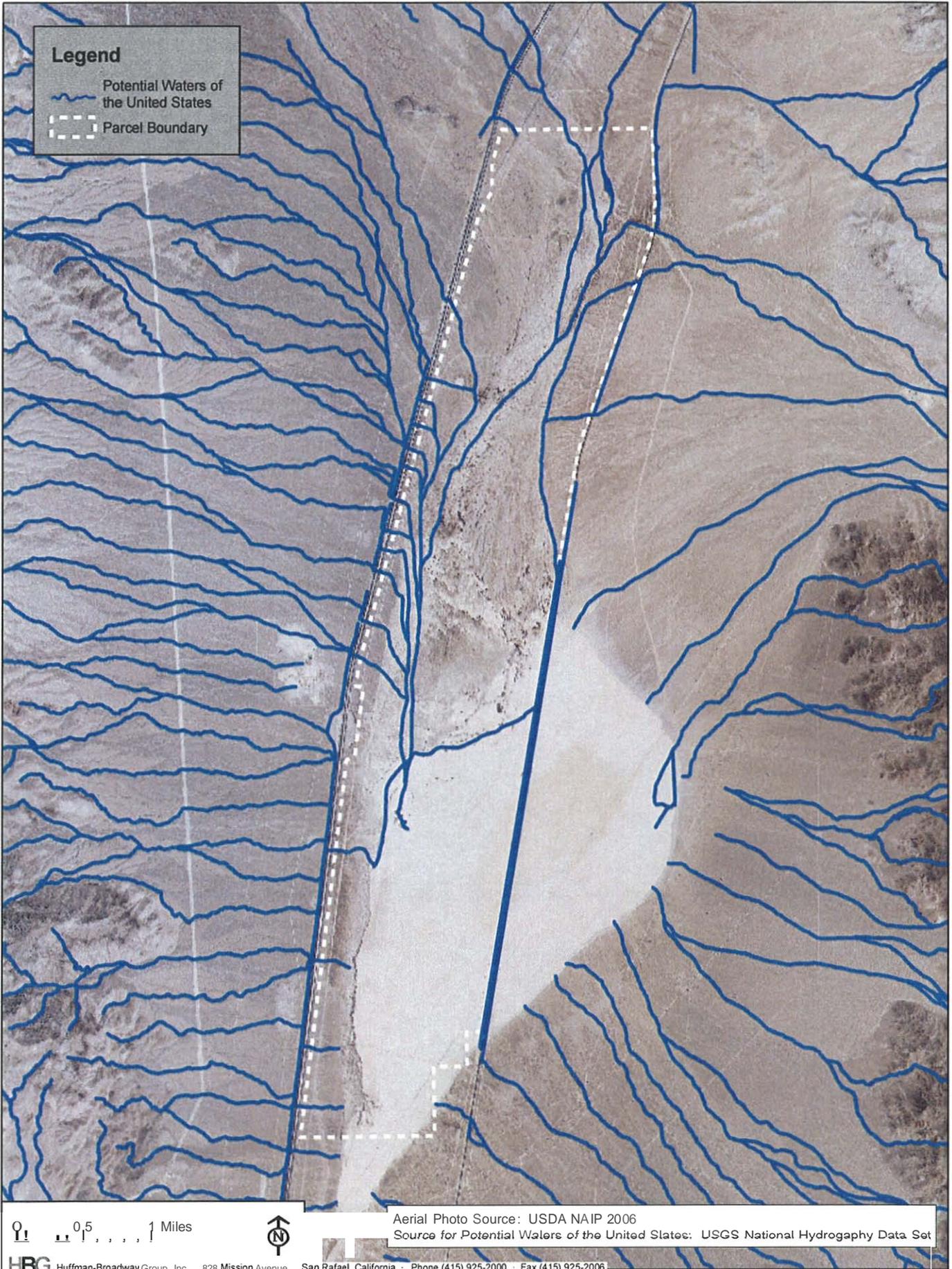


Figure 19. Map Showing Location of Potential WOUS, Parcel 9



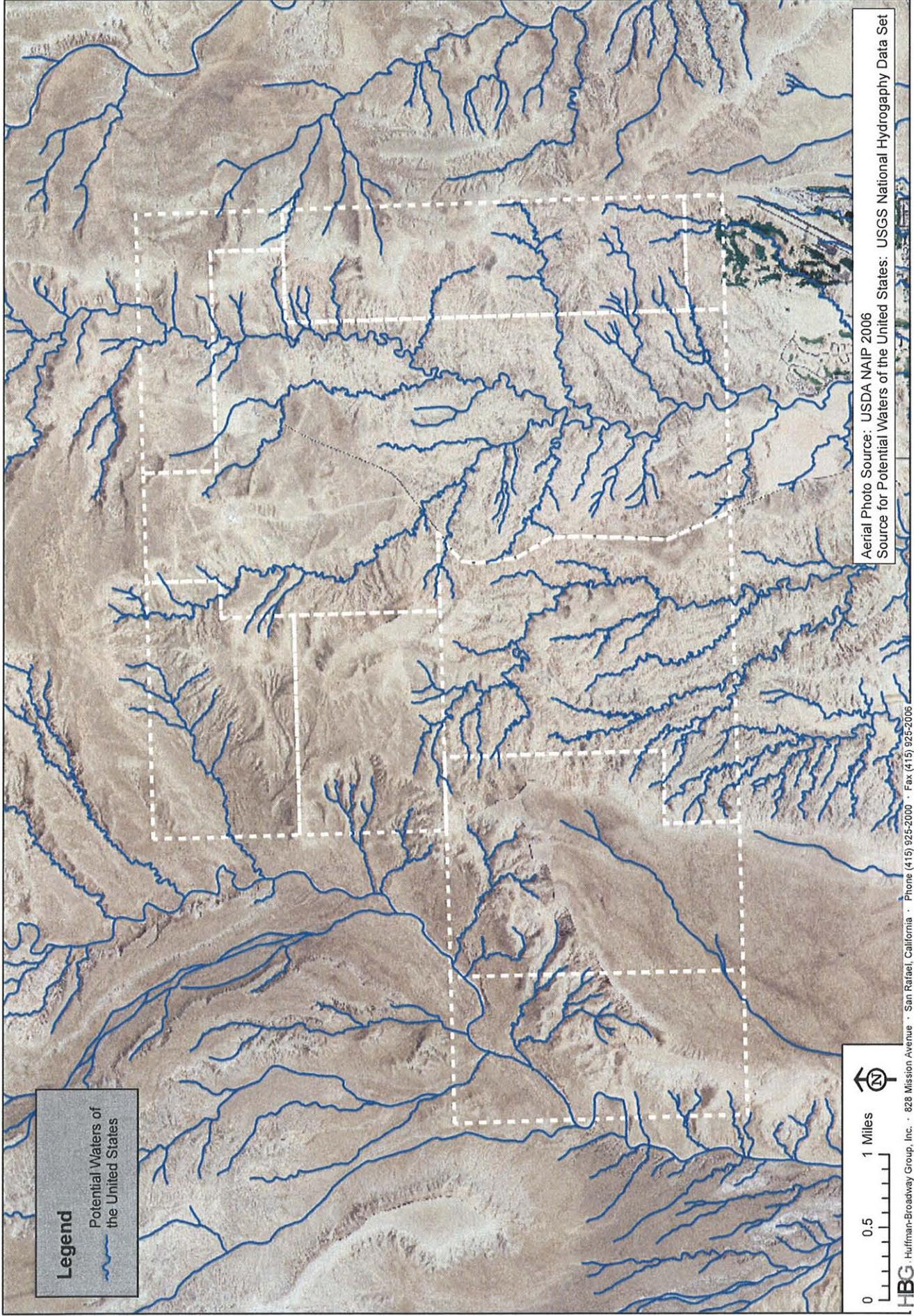


Figure 20 Map Showing Location of Potentia WOUS, LCLA Lands



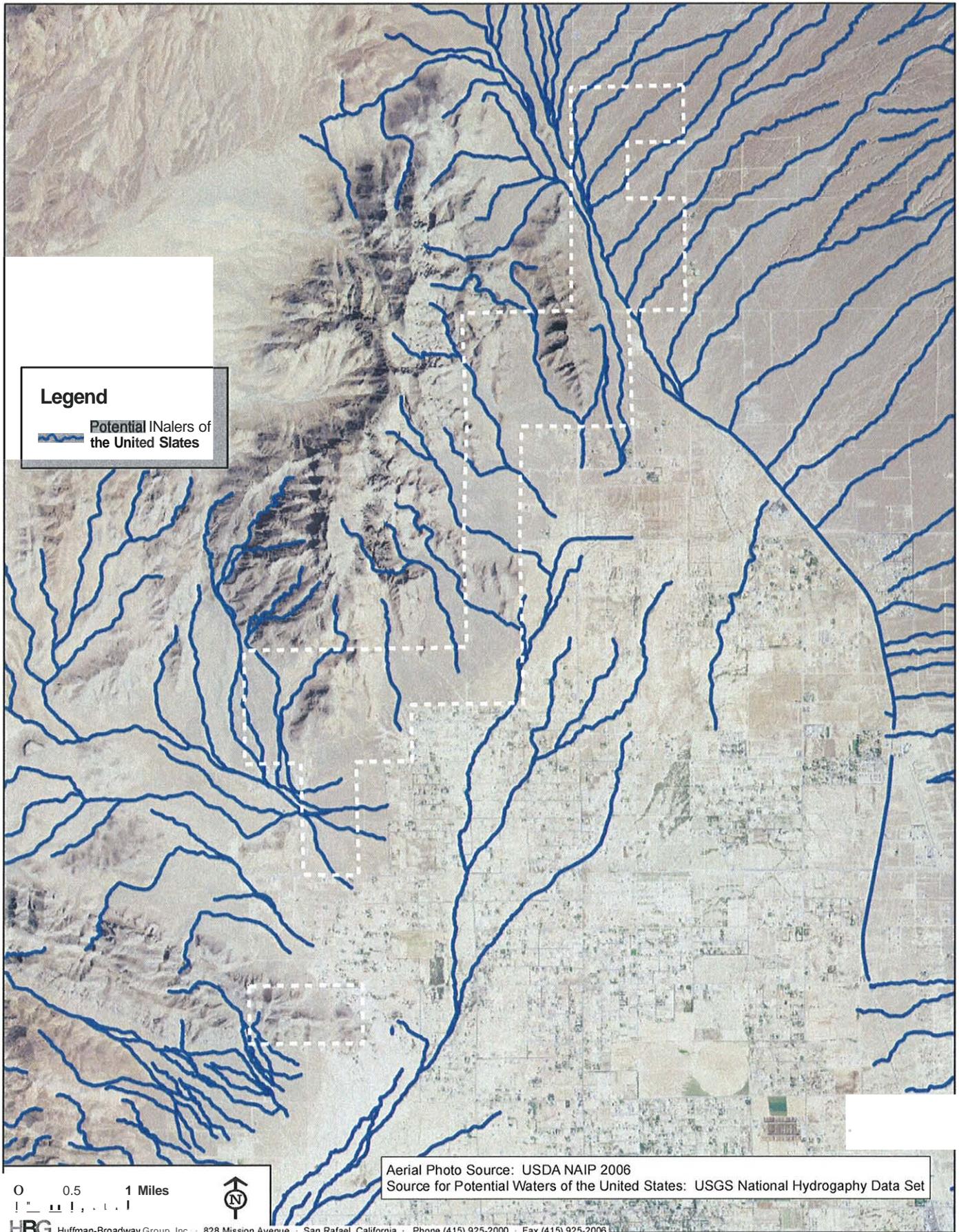


Figure 21 . Map Showing Location of Potential WOUS, BLM Pahrump Disposal Lands North



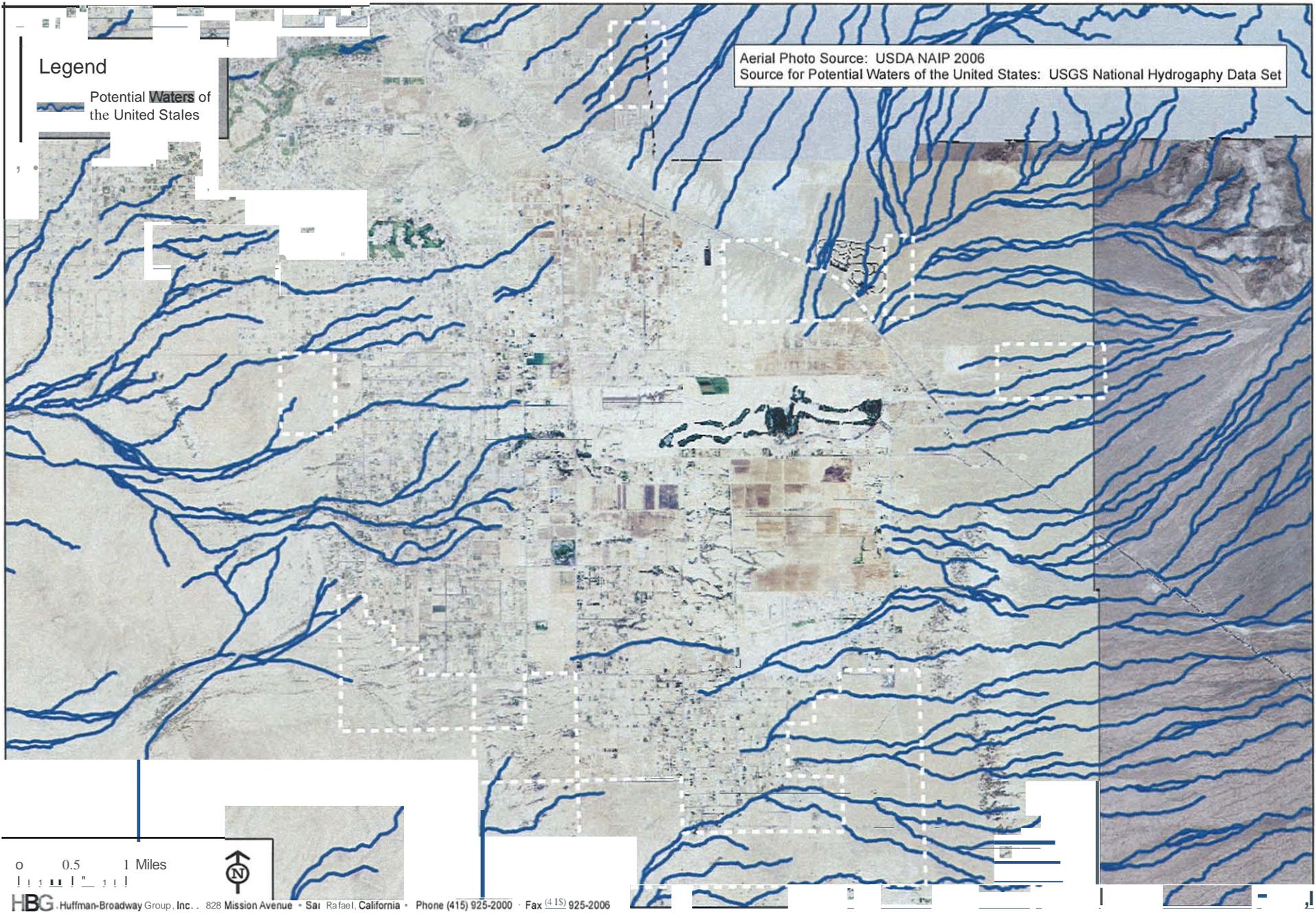


Figure 22, Map Showing Location of Potential WOUS, BLM Pahrump Disposal Lands South



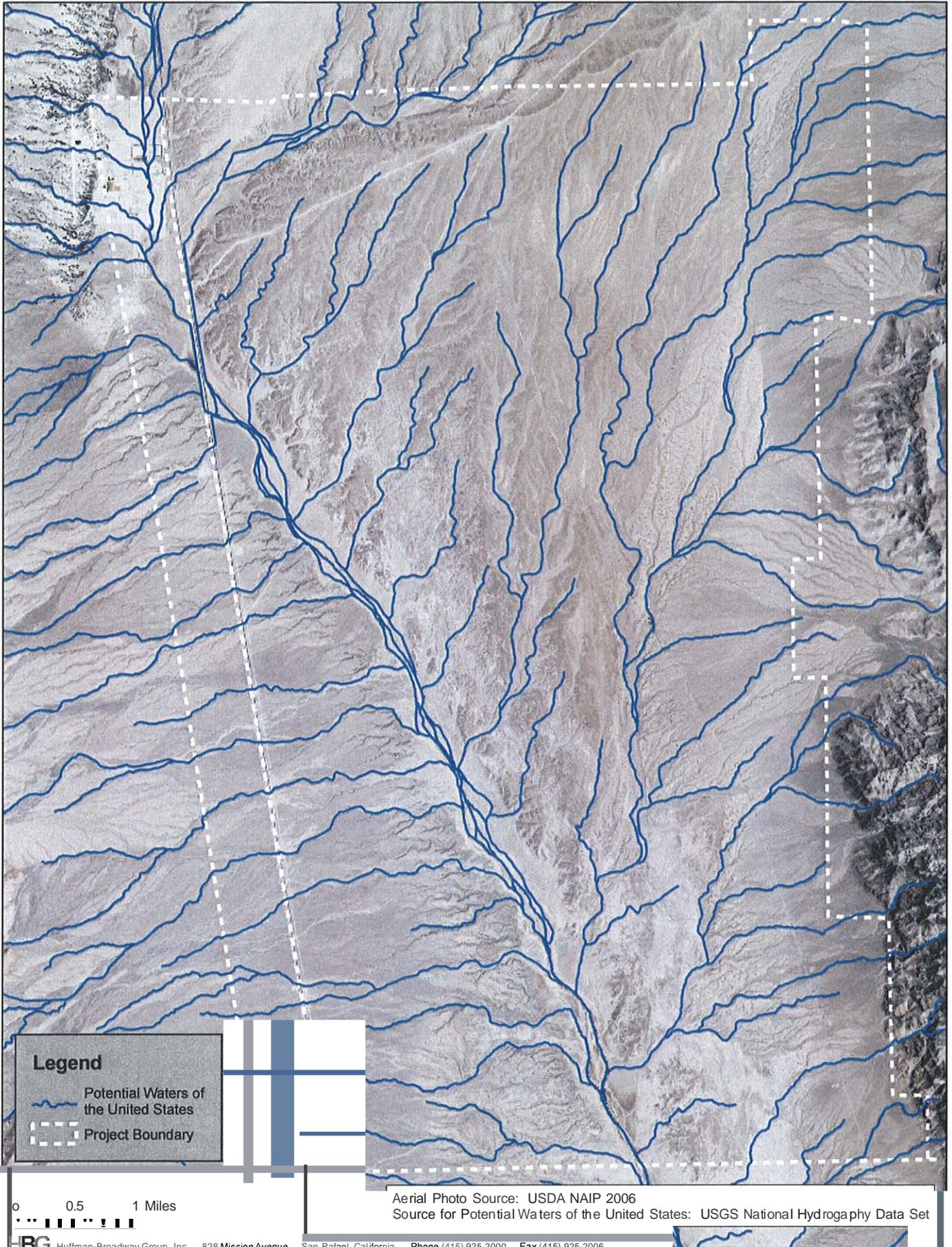


Figure 23. Map Showing Location of Potential WOUS, Proposed Project Alternative

