

F I N A L

Appendix J to S  
Volume 3, Book 2

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

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

# Coyote Springs Investment Planned Development Project

## Appendix J to S July 2008

*Prepared EIS for:*

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U.S. Fish and Wildlife Service  
Reno, NV

**COOPERATING AGENCIES**

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St. George, UT

U.S. Bureau of Land Management  
Ely, NV

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COYOTE SPRINGS INVESTMENT PLANNED DEVELOPMENT PROJECT

# Appendix J to S

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This appendix includes a summary of consolidated responses to comments received on the Draft EIS. Technical comments received were addressed in the revised EIS and are not included here. The commenters are listed in Section 6: Consultation and Coordination. Their comment letters can be obtained upon request from the Nevada Fish and Wildlife Office, along with individual responses to each comment.

Responses to comments have been organized below by federal agency, state, agency, and non-agency comments.

## Q.1 FEDERAL AGENCY COMMENTS

### Q.1.1 U.S. Air Force – Nellis Air Force Base

Comment	Comment Response
<p><i>General Comment: The Coyote Springs location is in the transition corridor for Nellis AFB aircraft to enter and exit the Nevada Test and Training Range (NTTR). Additionally, military exercise missions will fly over the proposed development. One example is North/South Wars where aircraft will fly east/west tracks in the southern portion of the NTTR. The aircraft flying in these missions will be flying at high speeds, and potentially as low as 100 feet above ground level. Supersonic flight is authorized and conducted approximately five statute miles north of Coyote Springs, which will likely be evident in the proposed development. The residents need to be aware of the potential military aircraft traffic which may fly over the development (~200+ military overflights per day during peak exercise periods), the noise associated with these activities, and the flying window for these exercises (approximately 21 hours—0500 to 0200). Military aircraft training in and around Nevada Test and Training Range is not expected to decline in the future.</i></p>	<p>CSI has been informed of the exercises and associated noise and will notify potential residents as appropriate during the development of the properties.</p>
<p><i>These sentences imply that noise from military operations would change and that aircraft carrying live ordnance are noisier than aircraft without ordnance, which is incorrect. The presence of live ordnance is a safety issue, not a noise issue, is irrelevant to this section and also implies that changes might occur in these procedures as well. The U. S. Air Force (USAF) has maintained that flights, including military exercises, will continue over the project area. We also realize that this may be an annoyance to some residents below the airspace.</i></p> <p><i>This discussion is misleading as it implies that aircraft operations would decrease as a result of development. The USAF has maintained that potential homebuyers should be advised that Coyote Springs development is located under a high traffic Military Operations Area (~200+ military overflights per day during peak exercise periods), and homebuyers will likely experience noise levels associated with these overflights. In addition AICUZ studies are conducted in association with potential growth in the immediate vicinity of a base, not in military operations areas. AICUZ studies are not conducted "to keep noise sensitive uses from being impacted by increased noise levels", but are accomplished to provide land use compatibility recommendations for future development in areas in and surrounding the base community. Nellis AFB released a new AICUZ report in 2003.</i></p>	<p>Text has been modified. CSI has a homeowner's purchase disclosure regarding this that was sent to Nellis AFB and approved by them.</p>

**Q.1.2 Environmental Protection Agency, Region 9**

Comment	Comment Response
<p><i>Based on our review, we have rated this DEIS as EO-2, Environmental Objections - Insufficient Information (see attached "Summary of the EPA Rating System"). EPA objects to the substantial amount of impacts to WOUS and the insufficient analysis of reasonable project alternatives that would further avoid impacts to WOUS and comply with the CWA Section 404(b)(1) Guidelines that require the identification of the Least Damaging Practicable Alternative. EPA believes that significant environmental degradation could be avoided through project modification or other alternatives.</i></p>	<p>In response to comments received on the Draft EIS, the Preferred Alternative has been adjusted to include expanded buffer widths on washes, resulting in a decrease of disturbed acres within the Development Area. This would further minimize and mitigate effects to WOUS, as described in the final EIS and the Mitigation Plan (Appendix J). The U.S. Army Corps Engineers (Corps) is currently reviewing the section 404 permit application for the proposed development. The Corps may determine that additional analysis under NEPA would be required.</p>
<p><i>While we recognize efforts to prepare a mitigation plan and functional analysis for WOUS as suggested in our August 6, 2007, comments on the Administrative DEIS, we are concerned with aspects of the analysis of direct and indirect impacts to WOUS and the adequacy of the functional analysis and proposed mitigation plan.</i></p>	<p>The Corps is currently reviewing the mitigation plan and functional analysis provided in the section 404 permit application provided by CSI. As mentioned above, in response to concerns regarding impacts to WOUS, the Preferred Alternative has been adjusted to expand buffer widths on selected washes within the Development Area.</p>
<p><i>Due to the regional significance of water supply in the arid region of southern Nevada, EPA remains concerned with the insufficiency of the cumulative effects analysis on groundwater basins that would service the project. We also find the DEIS provides insufficient information to determine whether supply is adequate for the life of the project without having significant impacts on groundwater basins.</i></p>	<p>The proposed development is anticipated to occur over a 40-year period. The development schedule and the extent of building will be limited by the water supply that is available to the general improvement district for serving the customers within its service territory (the development area). Development will occur over time and the water supply will be obtained in phases during the course of development. This is the normal process for developing a community and its associated water right entitlement. At present, the only groundwater supply approved by the State Engineer (Ruling #5712) and designated for use within the Project is 1,000 acre-feet appropriated within the Kane Spring Valley. Potential sources for the future water supply were identified in the CSI MSHCP and the EIS. Nevada Water Law establishes a specific process for the approval of applications for new appropriations and changes in the point of diversion, manner or place of use of existing appropriations. This process is detailed in Appendix M. CSI and its affiliates would be required to comply with all legal requirements under Nevada Water Law and regulations as specific projects are identified. While an affiliate of CSI has change applications pending before the State Engineer that seek to change the manner and place of use of approximately 20,000 acre-feet of certificated groundwater rights it is unknown to what extent the requested transfer will be allowed by the State Engineer. Cumulative impacts associated with using 1,000 af appropriated within Kane Spring Valley and up to 20,000 af of certificated alluvial groundwater appropriated within the Lake Valley Basin are addressed in the CSI MSHCP and EIS. Any further discussion at this time would be speculative. Because the land owned by CSI's affiliate in Lincoln County and the Development all abut and are surrounded by federal land, no water can be brought into the Development from outside the Development without obtaining one or more right-of-way grants from the Bureau of Land Management. All water that is ultimately delivered to the Project will be subject to full NEPA compliance and Section 7 consultation under ESA.</p>
<p><i>The DEIS also lacks sufficient analysis of increased vehicle traffic and resulting air quality impacts due to increased vehicle trips to and from the Las Vegas and North Las Vegas areas, and does not provide sufficient information regarding the expected level of fugitive dust emissions associated with increased off-highway vehicle use.</i></p>	<p>Analysis of increased vehicle traffic and resulting air quality impacts due to increased vehicle trips to and from the Las Vegas and North Las Vegas areas and information regarding the expected level of increased off-highway vehicle use has been added to the final EIS.</p>

Comment	Comment Response
<p><i>We recognize the level of effort that has gone into the development of this MSHCP; however we remain concerned with some aspects of the analysis of direct and indirect impacts to covered species and habitat, adequacy of conservation and mitigation measures for covered species, and potential impacts to movement corridors for bighorn sheep.</i></p>	<p>The Fish and Wildlife Service (Service) has worked with the applicant over several years to develop measures to avoid, minimize, and mitigate direct and indirect impacts to Covered Species and their habitat to the maximum extent practicable. We have included in this dialogue resource agencies and non-government organizations through Technical Advisory Meetings from 2001-2003. In response to public comments, we have included additional analysis regarding impacts to biological resources in the final EIS. We will continue to work with the Nevada Department of Wildlife on issues concerning desert bighorn sheep and the banded Gila monster related to the proposed CSI development.</p>
<p><i>We recommend the EIS expand the alternatives analysis to include designs that reduce the project footprint, further avoid and minimize impacts to WOUS, and comply with CWA Section 404(b)(1) Guidelines. We also recommend improved analysis of groundwater impacts and commitments to additional water conservation measures, expanded air quality analysis, and expanded impact analysis and mitigation for biological resources.</i></p>	<p>As mentioned above, the Preferred Alternative has been adjusted to include expanded buffer widths on washes, resulting in a decrease of disturbed acres within the Development Area. This would further minimize and mitigate effects to WOUS, as described in the final EIS and the Mitigation Plan (Appendix J). The Corps is currently reviewing the section 404 permit application for the proposed development. The responses to this general comment are included alongside the more specific EPA comments below.</p>
<p><i>Expand the purpose and need statements. The Draft Environmental Impact Statement (DEIS) describes the need for federal actions of the US Fish and Wildlife Service (Service), US Army Corps of Engineers (Corps), and Bureau of Land Management (BLM), associated with the proposal to build a green-designed planned town in Lincoln County (p. 2-1). There is no information describing the need or purpose of the proposed project itself. The purpose and need section of the DEIS must explain the "underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 CFR 1502.13). Chapter 1 of the Draft Multi-Species Habitat Conservation Plan (MSHCP) describes the need for increased economic opportunities and housing as the purpose and need of the CSI Development and links this need to population growth in the Las Vegas area, but does not demonstrate why a new town the size and composition of the CSI development is needed in Lincoln County. This information is crucial in the EIS as it sets the parameters for a reasonable range of alternatives, discussed below under Waters of the U.S. Recommendation: The purpose and need section of the EIS should be expanded to include the purpose and need of a green-designed planned town. The EIS should provide information on expected population growth and housing demands for the Las Vegas area over the life of the Draft MSHCP and why the CSI Development in Lincoln County is necessary to meet those demands.</i></p>	<p>Additional text has been added as Section 2.1: Background Information regarding expected population growth and housing demands.</p>
<p><i>Aquatic Resources A jurisdictional delineation was conducted within the 21,454 acres of CSI land, 13,767 acres of CSI lease land in Lincoln and Clark counties, as well as the BLM Utility Corridor located west of U.S. Hwy 93 (3,331 acres) (p. 4-31). EPA assisted with this delineation but acknowledges that it has not yet been approved by the US Army Corps of Engineers (Corps). Based on this delineation, 63.8 acres of waters of the U.S. (WOUS), consisting of ephemeral drainages, occur on the proposed Lincoln County site (p. 3-27, Table 3-7). The applicant proposes to discharge fill into 33.3 acres of waters; 52 percent of the waters on the project site. EPA is concerned with the potential loss of aquatic resources due to the proposed project. In addition to providing the following comments, we are available to coordinate with the project proponent and the Corps to further develop avoidance, mitigation, and monitoring measures for the proposed project. EPA is particularly concerned about potential impacts to ephemeral and intermittent streams from the proposed</i></p>	<p>The Corps is currently reviewing the section 404 application submitted by the applicant for the proposed development within 21,454 acres of private land and up to 244 acres of the BLM utility corridor in Lincoln County. The Corps, the Service, and the applicant have worked to disclose impacts to WOUS and proposed avoidance, minimization, and mitigation measures for impacts to WOUS as appropriate in the EIS. As part of the Section 404 application review, we will continue to work with EPA to address their concerns regarding impacts to WOUS.</p>

Comment	Comment Response
<p><i>project because these impacts directly affect the functional condition of higher order waters downstream and the environmental services performed by these aquatic resources. Ephemeral and intermittent tributaries serve as the filtering headwaters for primary sources of drinking water and their coarse beds allow water infiltration to recharge groundwater aquifers. Healthy ephemeral waters with characteristic plant communities also control rates of sediment deposition and dissipate the energy associated with flood flows. The loss of these waters results in increased costs associated with flood control facilities, as well as the increased need for drinking water and wastewater treatment infrastructure. Likewise, degraded water quality resulting from development in and around these waters may adversely affect fisheries and recreational uses throughout the watershed and downstream.</i></p>	
<p><i>Expand the functional analysis of WOUS to differentiate functions and values of waters. EPA appreciates the attempt to conduct a functional analysis of WOUS as suggested in our Administrative DEIS comments; however we recommend a comprehensive analysis be conducted and reported beyond the list of generalized functions and values in Table 3 (p. 4-35). Based on the information provided, all ephemeral drainages are considered to have the same level of functions and values and were not assessed for individual conditions. The EIS and Mitigation Plan should describe the results of a comprehensive assessment and how this information will be used to identify where impacts to highly functioning WOUS will be avoided. Recommendation: The EIS and the Mitigation Plan should expand the functional analysis to define the functions and values of individual desert dry wash ephemeral drainages on the site, categorize them based on their functions and values, and use this information to develop or modify project alternatives that avoid impacts to higher quality drainages and their associated habitats (discussed below).</i></p>	<p>The Corps is currently reviewing the section 404 application submitted by the applicant for the proposed development and associated detention basins. According to the Investigation of the Presence of Wetlands and Other Waters of the United States within the Coyote Springs Area, Lincoln County, Nevada, as detailed in the section 404 application, there are no intermittent drainages within the project area. The closest year-round drainage is over 17 miles from the site. All of the desert dry washes on the project site are similarly situated with respect to their landscape position, slope and aspect, and exhibit similar patterns of vegetation distribution and abundance. All experience ephemeral flows, which are of a relatively unpredictable nature. Low flows typically do not reach the Pahrnagat Wash. Higher flows are the result of extreme events occurring within the 25 to 100+ year flood event range. A more detailed functional analysis was performed as part of the jurisdictional analysis performed to determine if the drainage had a significant effect on the first downstream Traditionally Navigable Water, the Muddy River (See Attachments 1, 2 and 3). This analysis was also used to assist in the identification of desert dry wash habitats to preserve and restore and to situate sustainable project design schemes incorporating low impact designs, which not only minimize building footprints, but also captures runoff from hard surfaces onsite and provides for greater environmental open space. Final selection was based on their contribution to the watershed and habitat requirements through coordination with the Corps and the Service. This typically resulted in the larger more well developed drainages being restored. In addition adjacent upland buffers are being provided, although not required, for all preserved and restored desert dry wash habitats (WOUS). In the Preferred Alternative in the final EIS, we have expanded the buffer width from 30 feet to 40 to 80 feet for restored desert dry wash habitats within the Development Area.</p>
<p><i>The EIS should assess a reasonable range of alternatives to comply with 404(6)(1) Guidelines and avoid direct impacts to WOUS. The goal of the Clean Water Act (CWA) is to restore and maintain the chemical, physical and biological integrity of WOUS. This goal is achieved, in part, by controlling discharges of dredged or fill material to WOUS. Any permitted discharge into waters must be the Least Environmentally Damaging Practicable Alternative (LEDPA) available to achieve the project purpose. See Section 404(b)(1) Guidelines (40 CFR 230). Based on this provision, the applicant is required in every case (regardless of whether the discharge site is a special aquatic site) to evaluate opportunities for use of non-aquatic areas and other aquatic sites that would result in less adverse impact on the aquatic ecosystem. A CWA Section 404 permit cannot be issued, therefore, in circumstances where a less environmentally damaging practicable alternative for the proposed discharge exists.' The project proponent bears the burden of clearly demonstrating that the preferred alternative is the LEDPA that</i></p>	<p>The alternatives presented in the DEIS represent the culmination of a comprehensive, cooperative planning effort that has, to date, spanned 7 years, and involved several interested agencies/parties and the evaluation of a number of on-site alternatives. The Service, CSI, and the BLM signed a Memorandum of Agreement (MOA) on March 31, 2001 to establish an HCP under Section 10(a)(1)(B) of the ESA. The MOA also directed CSI to establish an Executive Committee, a Technical Steering Committee (TSC), and a Biological Advisory subcommittee (BAS). The Executive Committee was comprised of one representative from the Service, BLM, and CSI. The Executive Committee has met several times throughout the development of the MSHCP. It should also be noted that the USEPA, although not a signatory on the above MOA or a member of three committees was briefed on an on-going basis regarding the MOA process and committee meetings. In addition, the USEPA attended various interagency site meetings. The TSC convened for its first meeting in October 2001. The TSC included representatives from the Service, the Nevada Department of Wildlife (NDOW), the BLM, the Lincoln County Commission, the Clark County Department of Comprehensive Planning,</p>

Comment	Comment Response
<p><i>achieves the overall project purpose, while not causing or contributing to significant degradation of the aquatic ecosystem, including fill. The DEIS has evaluated three alternatives: 1) the No Action Alternative; 2) the Preferred Alternative; and 3) Alternative One. The preferred Alternative is similar to Alternative One and only varies through implementation of a phased construction approach and some additional conservation measures. No alternatives have been considered that would meet the project purpose and reduce impacts to WOUS by reconfiguring or reducing the footprint of the current alternatives through modifications to acreage of residential, commercial, transportation or recreation components. Based on our review of the DEIS, "the current alternatives analysis does not demonstrate compliance with the 404(b)(1) Guidelines. Recommendation: The EIS should consider a broader range of project alternatives that would reduce direct impacts to WOUS and comply with 404(b)(1) Guidelines. The LEDPA could be developed by implementing several impact avoidance measures including, but not limited to the following: Low Impact Development (LID) alternatives with reduced project footprint - LID is a "sustainable landscaping approach that can be used to replicate or restore natural watershed functions and/or address targeted watershed goals and objective." More information is available at the EPA website. The EIS should consider a range of alternatives that meet the project purpose and need while reducing impacts through a variety of footprint reconfigurations and implementation of LID practices. Currently the impacts of only one footprint configuration are considered in the DEIS. While EPA recognizes the current efforts to reduce impacts through adoption of green building standards (xeric landscaping, water recycling, solar, etc.), and implementation of a Storm Water Management Plan (SWMP), the proposed project could further implement LID planning and building practices to further avoid impacts to WOUS and associated habitat by reconfiguring the development to avoid critical habitat areas. Recommendation: The EIS should consider a broader range of project alternatives that would reduce direct impacts to WOUS and comply with 404(b)(1) Guidelines. The LEDPA could be developed by implementing several impact avoidance measures including, but not limited to the following: Low Impact Development (LID) alternatives with reduced project footprint - LID is a "sustainable landscaping approach that can be used to replicate or restore natural watershed functions and/or address targeted watershed goals and objective." More information is available at the EPA website. The EIS should consider a range of alternatives that meet the project purpose and need while reducing impacts through a variety of footprint reconfigurations and implementation of LID practices. Currently the impacts of only one footprint configuration are considered in the DEIS. While EPA recognizes the current efforts to reduce impacts through adoption of green building standards (xeric landscaping, water recycling, solar, etc.), and implementation of a Storm Water Management Plan (SWMP), the proposed project could further implement LID planning and building practices to further avoid impacts to WOUS and associated habitat by reconfiguring the development to avoid critical habitat areas. Recommendation (cont'): Increasing the buffer widths along avoided waters - To ensure the long-term integrity of WOUS on the CSI property, appropriate buffers should be established. Waterway buffers are essential in protecting the functions of stream systems including desert washes. Land use changes that expand the cover of impervious surfaces tend to increase: (1) the frequency, rates, and volumes of stormwater run-off; (2) the annual pollutant loads to receiving waters; and (3) the</i></p>	<p>the Southern Nevada Water Authority, the USGS Water and Biological Resources Divisions, the Moapa Town Advisory Board, and the Sierra Club. This comprehensive planning effort resulted in the consideration of several on-site development alternatives. The full range of alternatives considered and then dismissed have been added to Section 3: Alternatives of the EIS. Comments received on the Draft EIS resulted in expansion of buffer habitats in the Development Area. In the Preferred Alternative, in the final EIS, buffers would be 100 feet around all existing WOUS and a minimum width range of 40 to 80 feet around all restored WOUS.</p>

Comment	Comment Response
<p><i>modification of physical and biological processes of the receiving waters. To minimize the adverse effect of the proposed project on ephemeral waters, the buffer widths should be increased to capture more of their floodplain and help maintain ecosystem processes. We recommend from top of bank, a minimum 300-foot buffer on Pahranaagat Wash and 100-foot on the avoided and restored tributary washes. Because the Pahranaagat Wash is ecologically and hydrologically significant to the site and region, and because it drains directly to the Muddy River, it should be protected from the proposed development that would surround it at the project site. Unlike the Clark County development where the east side of the Pahranaagat Wash is preserved open space within the RCMA, the Lincoln County portion would be surrounded by a variety of development types. Increasing buffers on preserved and restored tributaries to the Pahranaagat Wash to 100 feet would be consistent with the U.S. Army Corps of Engineers Section 404 Permit No. 200125042 for the Clark County CSI Development Special Condition 2(b)(3) that authorized buffers of up to 100 feet for preserved drainages and up to 80 feet for restored drainages. EPA believes that greater buffers will significantly increase the protection of these valuable resources, as well as provide increased flood protection for the proposed community.</i></p>	
<p><i>Off-site alternatives should be further assessed. The DEIS lacks a sufficient analysis of all reasonable off-site alternatives that meet the project purpose (Council on Environmental Quality's (CEQ) Forty Questions 2a and 2b). In addition to on-site alternatives that reduce impacts through changes to the project footprint, the EIS should include a more detailed evaluation of the parcels described in Appendix N. Based on Figure N-4, several parcels that were considered to be too small individually are adjacent to other parcels that combined would result in much larger potential project areas. For example, parcels 1,2 and 7 would equal approximately 30,000 acres combined, parcels 3 and 4 would equal nearly 22,000 acres, and parcels 5 and 6 would equal 14,703 acres. The EIS should further describe why these combined parcels would not be adequate locations for further analysis.</i></p> <p><i>Recommendation: The EIS alternatives analysis of the off-site parcels described in Appendix N should include analysis of combined parcels or clarification as to why combined parcels are infeasible.</i></p>	<p>EPA's 404(b)(1) Guidelines state that "If it is otherwise a practicable alternative, an area not presently owned by the applicant, which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered." None of the potential alternatives could "reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity." Therefore, combining two or more separate and distinct (not adjacent) alternative parcels identified during the analysis would add another layer of difficulty (obtaining two or more unavailable parcels) compared to trying to fit the project on a single parcel. The applicant believes the legitimacy of such an impediment is at least as valid where federal lands are concerned as the lack of willing sellers is where private lands are considered as potential alternatives. We are unaware of instances in which the "reasonably available" standard in the 404(b)(1) Guidelines has been interpreted to mean that project applicants are required to pursue parcels that are demonstrably not on the market, whether the current owner is a private or a government entity. Moreover, the alternatives examined in Appendix N in the draft EIS (currently Appendix L in the final EIS) were eliminated for a number of reasons, as outlined below: The applicant selected the Project Development Area principally because of size, accessibility, the potential economic development and delivery of sufficient water supply to support development.</p>

Comment	Comment Response
<p><i>The DEIS should provide sufficient information to describe indirect effects to WOUS. The DEIS states that, "indirect effects to WOUS would not occur under the preferred alternative. All aquatic habitat values are expected to be restored as a result of implementing the mitigation plan." (p. 5-27). EPA does not agree with the DEIS assessment that indirect effects to WOUS would not occur under the Preferred Alternative or that implementing the Mitigation Plan will adequately avoid all indirect effects. WOUS and aquatic habitat values will be altered by permanently changing physical and hydrological conditions, including changing the timing, velocity and volume of stormwater flows, changing sediment transport conditions, and discharging pollutants from nuisance flows from the development into receiving waters. EPA is concerned with the level of indirect changes to the physical and hydrologic conditions of the functioning network of WOUS and aquatic habitat values on the site, and with the lack of sufficient detail in the DEIS to understand these changes. Recommendations: The EIS should include a detailed analysis demonstrating how indirect effects to WOUS would not occur and how aquatic habitat values would be restored through implementation of the mitigation plan. The EIS should include sufficient information to understand how flow and sediment transport in restored and preserved channels will change and what effects these changes could have on physical channel conditions. A discussion of potential long-term channel maintenance activities, maintenance frequency and resulting impacts should be included.</i></p>	<p>The Corps is currently reviewing the section 404 application. The assessment of indirect effects includes an analysis of the following alternative components: storm waters and irrigation waters would be retained and treated on site in accordance with the Storm Water Management Plan (SWMP), the Storm Water Pollution Prevention Plan (SWPPP), the Chemical Application Management Plan (CHAMP), and the implementation of other Best Management Practices (BMPs). While these measures may alter the timing of storm water releases, it is not expected to result in negative indirect effects to WOUS. Any effects on permanent surface waters can reasonably be expected to be insignificant, because: (1) such surface waters are 17 miles away; and (2) in order for these surface waters to be connected by surface flows from the project area, the flows must clear two dam structures which capture sediments. Because of the expansion of buffer habitats in the final EIS for the Preferred Alternative, long-term indirect effects on WOUS from the project would be further minimized.</p>
<p><i>The EIS should disclose complete information about the adverse direct effects of the proposed project on Hydrology and Water Quality. While the DEIS does disclose direct effects to hydrology and water quality, it does not accurately assess all of these impacts that would occur as a result of the proposed project. The DEIS states that "the Preferred Alternative would result in slight positive direct effects to hydrology of the WOUS within the Development Area by controlling flooding in the human environment." (p. 5-32). EPA does not agree with the use of post-project conditions as the National Environmental Policy Act (NEPA) baseline to which impacts should be assessed nor do we agree that achieving flood control through channel modification to functioning natural drainages results in a positive direct effect on the current baseline conditions of the site. In addition, the DEIS states that "implementation of the SWMP and BMP (Best Management Practices) would produce slight positive [direct] effects on the hydrology in the Development Area by controlling pollutants." (p. 5-33). While we commend the development of a SWMP and BMPs, EPA does not agree with the use of post-project conditions to evaluate impacts on baseline water quality nor do we believe that implementation of the SWMP and BMPs will have a positive effect on pollutants when compared to current conditions. Recommendations: The EIS should assess direct effects to hydrology based on the appropriate baseline conditions that presently occur at the site, and not post-development conditions.</i></p>	<p>An expansion of the analysis of effects from the project without mitigation has been included in the analysis of the Preferred Alternative and Alternative 1. These adverse effects are expected to be mitigated through measures that would then result in a positive impact on flood avoidance and potential short-term negative impacts to water quality. Implementation of SWMP, SWPPP, CHAMP, and the other BMPs would help to avoid and minimize potential impacts to water quality. Because of the expansion of buffer habitats in the final EIS for the Preferred Alternative, long-term indirect effects on WOUS from the project would be further minimized.</p>

Comment	Comment Response
<p><i>Mitigation for impacts to WOUS should be further developed to adequately compensate for impacts. Compensatory mitigation is intended only for unavoidable impacts to waters after the LEDPA has been determined. Therefore, it would be premature to provide detailed comments on the mitigation proposal before compliance with 40 CFR 230.10(a) is established. However, EPA does have concerns with the current mitigation approach described in the Mitigation Plan, Appendix L of the DEIS, which proposes to avoid 30.5 acres of waters on the project site and restore 66.6 acres of desert dry wash habitat to compensate for fill of 33.3 acres within the project area. Based on Figure 3 in Appendix L, fill of ephemeral drainages would result in a significant reduction in the length and distribution of ecological and hydrologic features across the project site. In addition, based on Figure 3, the majority of the restored channel length would be attributed to the more highly concentrated historic washes in the RCMA that were filled with alluvium through normal geologic processes. It is unclear at this time whether this area would be suitable for restoration given the dynamic nature of the area. If these channels filled in naturally, it may be that they are unsuitable and inappropriate for restoration purposes. The DEIS also proposes to restore adjacent washes that were cut off when U.S. 93 was constructed in the 1960's. It is unclear whether these washes would be restored to serve as flood control for the development. Recommendation: The EIS should include additional mitigation measures to compensate for unavoidable impacts to WOUS due to the loss of length and distribution of channels as well as total acreage. Restoration of naturally filled channels in the RCMA should be further evaluated for appropriateness and likelihood of success, and it should be clarified whether channels that were formerly cutoff by Hwy 93 would be restored to serve as flood control for the development. Recommendation: The EIS should include additional mitigation measures to compensate for unavoidable impacts to WOUS due to the loss of length and distribution of channels as well as total acreage. Restoration of naturally filled channels in the RCMA should be further evaluated for appropriateness and likelihood of success, and it should be clarified whether channels that were formerly cutoff by Hwy 93 would be restored to serve as flood control for the development.</i></p>	<p>The Corps is in the processing of reviewing the section 404 application for this project. In this project, the protocols of restoration of desert dry wash habitat (WOUS) set forth during the approval process for the Coyote Springs New Town Development project in Clark County which is located just south of the proposed project have been followed. These protocols as described in the mitigation plan for the Lincoln County New Town Development project are the same that were approved by the Corps, the Service and EPA for the Clark County New Town Development project. The material being used to restore desert dry wash habitat is the same alluvial fan materials found throughout the development area and much of the Coyote Springs Valley. It is the same material the existing desert dry washes (WOUS) have formed in and continue to form in. Restored washes like the natural washes will provide flood control and environmental pollution control functions. The proposed mitigation plan which is attached to the Draft EIS and is part of the Corps permit application materials has been prepared in accordance with the U.S. Army Corps of Engineers (Corps) December 2002 Regulatory Guidance Letter No. 02-2, Guidance on Compensatory Mitigation Projects for Aquatic Resource Impacts Under the Corps Regulatory Program Pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 (December 24, 2002) and the San Francisco and Sacramento Districts Corps' Mitigation and Monitoring Proposal Guidelines (December 30, 2004). This Mitigation Plan includes the following plans: • Mitigation Implementation Plan for preserving and restoring desert dry wash habitat and habitat for preserved desert dry wash habitat. Topics covered include habitat mitigation construction, construction monitoring by a qualified monitor under the direction of a wetland scientist and construction worker training by the wetland scientist to ensure that the Mitigation Plan is followed and adjacent sensitive habitats and species are protected. • A 5-year Management Plan that includes periodic management inspections and, if necessary, maintenance actions to ensure Mitigation Plan success. • A 5-year Mitigation Monitoring Plan for collecting and analyzing data to determine if success criteria have been met. • Contingency plans in the event that remediation is necessary to attain mitigation success performance criteria. • Long-Term Protection Plan, which includes a Perpetual Conservation Easement Grant to ensure that the onsite mitigation areas function as preserved desert dry wash habitat in perpetuity. • Long-Term Protection Plan, which includes a Drainage and Maintenance Easement to ensure that onsite mitigation areas function as restored desert dry wash habitat in perpetuity.</p> <p>Mitigation was further developed from the Draft EIS, resulting in expansion of buffer habitats in the Development Area. In the Preferred Alternative, in the final EIS, buffers would be 100 feet around all existing WOUS and a minimum width range of 40 to 80 feet around all restored WOUS.</p>

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<p><i>Flood conveyance channels should be further described. It is unclear as to the extent of hardscape necessary to maintain the integrity of the flood control channels. These channels would be subject to 14 major crossings and 32 minor arterial crossings, which would contribute to permanent habitat impacts and excessive channel erosion or deposition if designed improperly. In addition they are subject to the Drainage and Maintenance Easement. This easement language allows for maintenance and repair. It also allows for the use of non-invasive, non-native plantings within the buffer and includes uses such as open space landscaping and golf courses. In addition, it prescribes for the potential use of pesticides, herbicides and rodenticides as described in the CHAMP for golf course facilities. Based on the information provided to date, EPA does not believe the restored washes provide compensatory mitigation for project impacts. Recommendation: We recommend the EIS include more detailed information regarding the design of the flood conveyance channels in order to determine whether they would provide appropriate mitigation for impacts to WOUS. The extent of hardscape that could be used in restored channels, as well as the changes in channel cross-section, length and slope should be provided and illustrated in representative drawings. The design of bridges, opportunities to reduce crossings, and designs that prevent placement of structures in the active channel should be included. We also recommend the EIS include easement language that would reduce potentially degrading activities that are currently proposed for inclusion in the channel buffer areas.</i></p>	<p>Lincoln County has no flood control standards. A design approach has been adopted that the drainage channels through the project will be hydrologically engineered in accordance with the Las Vegas Valley Flood Control Standards, until Lincoln County adopts their own flood control standards. Las Vegas Valley Flood Control Standards for pre-treatment for hard surface runoff is also being followed, whereby all hard surfaces runoff will be pretreated prior to being discharged off-site. These standards are approved by the Nevada Department of Environmental protection. The amount of hardscape is being minimized in the channels to allow for natural bottoms and side slopes except at high energy points subject to erosion. This is being done in accordance with the Service's recommendations in order to maintain natural bottom as habitat and provide for downstream sediment transport. Where possible, high energy flow points will be hardened using natural materials. Roadways will all be overcrossings constructed using a box culvert system or overcrossing deck set on bridge abutments above ordinary high water.</p>
<p><i>Mitigation monitoring length and criteria should be expanded. According to Section 5 of the Mitigation Plan, monitoring for preserved desert dry wash and restored desert dry wash habitats will be conducted for a minimum of 5 years. EPA is concerned that this may be too short a minimum monitoring period for these channels given the periodicity of the hydrologic regime in desert dry wash systems. As described in the DEIS, "the drainages crossing Hwy 93 generally do not flow every year. Rather they flow periodically during large localized regional rain events. . ." (p. 4-37). Restored channels will only be stable if they are designed to adequately convey contributions of sediment and flow and if human land use and infrastructure do not interfere with these functions. Because the proposal under the Preferred Project to restore many desert dry washes would enlarge channel cross-sections to convey the 100 year storm, and because several bridges are proposed in addition to modifications to runoff characteristics, there is potential for the washes to function far differently than before. As a result, the periodicity of flows in these channels could mean that a minimum of 5 years is insufficient to determine whether the channels have been designed properly. Proposed changes to the project site could also lead to indirect effects to preserved desert washes which may not be evident in only 5 years. Recommendation: To sufficiently monitor channel performance, the Mitigation Plan for the proposed project should increase the minimum monitoring period of preserved desert dry wash to 10 years following the completion of development within an individual drainage area. Monitoring for restored desert dry washes should also be increased to 10 years following construction. Monitoring should include physical parameters that would indicate whether the channels are adequately conveying flow and sediment and maintaining a relatively stable geometry under post-development conditions.</i></p>	<p>Normal mitigation requirements as part of Corps permit conditions include a provision requiring that mitigation success criteria as specified in the mitigation plan be achieved or follow an agency approved contingency plan until mitigation success has been achieved. CSI is willing to agree to such a condition and the proposed mitigation plan, which is part of the Corps permit application materials, provides for such a contingency plan. Monitoring the type of physical parameters suggested by EPA is specified in the proposed mitigation plan as part of the monitoring requirements used to determine mitigation success. It should also be pointed out that the project will be conducted in phases over a 40-year period. Mitigation will be conducted as impacts to WOUS occur within each phase, so the life of the success monitoring will likely span for two or more decades. The applicant is also willing to accept a Corps permit condition as was done with the Coyote Springs New Town Development in Clark County that the mitigation be maintained in perpetuity through an agency approved conservation easement and endowed third party non profit land management organization.</p>

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<p><i>The proposed Project would significantly increase water supply demands in Lincoln County, resulting in the need to draw groundwater from local hydrographic basins. EPA is concerned with the lack of information to accurately describe impacts to groundwater and dependant surface water habitats in the southern Nevada arid region that could be diminished as a result of long-term water demands.</i></p>	<p>The proposed development is anticipated to occur over a 40-year period. The development schedule and the extent of building will be limited by the water supply that is available to the general improvement district for serving the customers within its service territory (the development area). Development will occur over time and the water supply will be obtained in phases during the course of development. This is the normal process for developing a community and its associated water right entitlement. At present, the only groundwater supply approved by the State Engineer (Ruling #5712) and designated for use within the Project is 1,000 acre-feet appropriated within the Kane Spring Valley. Potential sources for the future water supply were identified in the MSHCP and the EIS. Nevada Water Law establishes a specific process for the approval of applications for new appropriations and changes in the point of diversion, manner or place of use of existing appropriations. This process is detailed in Appendix M. CSI and its affiliates would be required to comply with all legal requirements under Nevada Water Law and regulations as specific projects are identified. While an affiliate of CSI has change applications pending before the State Engineer that seek to change the manner and place of use of approximately 20,000 acre-feet of certificated groundwater rights it is unknown to what extent the requested transfer will be allowed by the State Engineer. Cumulative impacts associated with using 1,000 af appropriated within Kane Spring Valley and up to 20,000 af of certificated alluvial groundwater appropriated within the Lake Valley Basin are addressed in the MSHCP and EIS. Any further discussion at this time would be speculative. Because the land owned by CSI's affiliate in Lincoln County and the Development all abut and are surrounded by federal land, no water can be brought into the Development from outside the Development without obtaining one or more right-of-way grants from the Bureau of Land Management. All water that is ultimately delivered to the Project will be subject to full NEPA compliance and Section 7 consultation under ESA..</p>
<p><i>Include a study of the cumulative effects of regional groundwater development projects. The DEIS does not provide sufficient information to assess cumulative impacts of groundwater development on groundwater quantity, quality and surface water contributions. The DEIS states that future groundwater development projects in the study area could significantly affect the alluvial and carbonate aquifers under CSI lands in Lincoln County and reduce surface water flows such as the Muddy River (p. 5-104). The document also cites studies from the Southern Nevada Water Agency (SNWA) and Las Vegas Valley Water District (LVVWD) that indicate water in the carbonate aquifer would decline and flows in springs and the Muddy River would be reduced after several decades of groundwater pumping. However, as stated in the DEIS, "a study on the effects of groundwater development combining the water rights and pending applications in Table 5-27 has not been completed." (p. 5-104). EPA continues to be concerned that the level of impacts to groundwater and surface water in the area remains unclear without further study.</i></p> <p><i>Recommendations: The EIS should include a cumulative impacts analysis of the effects of existing and reasonably foreseeable groundwater development projects on groundwater quality, quantity and contribution to surface waters in the study area. The EIS should include such a study or, at a minimum, explain why this study has not been conducted as part of the proposed project analysis. If the intent is to utilize information from ongoing groundwater development studies, the EIS should identify these studies, provide a schedule for their expected completion, and provide a schedule for completing an analysis of the effects of groundwater development combining the water rights and pending applications. in Table 5-27 (40 CFR 1502.22). We also</i></p>	<p>The development is anticipated to occur over a 40-year period. The Project development schedule and the extent of building will be limited by the water supply that is available to the general improvement district for serving the customers within its service territory. Development will occur over time and the water supply will be obtained in phases during the course of development. This is the normal process for developing a community and its associated water right entitlement. At present, the only groundwater supply approved by the State Engineer (Ruling #5712) and designated for use within the Project is 1,000 acre-feet appropriated within the Kane Spring Valley. Potential sources for the future water supply were identified in the MSHCP and the EIS. Nevada Water Law establishes a specific process for the approval of applications for new appropriations and changes in the point of diversion, manner or place of use of existing appropriations. CSI and its affiliates would be required to comply with all legal requirements under Nevada Water Law and regulations as specific projects are identified. While an affiliate of CSI has change applications pending before the State Engineer that seek to change the manner and place of use of approximately 20,000 acre-feet of certificated groundwater rights it is unknown to what extent the requested transfer will be allowed by the State Engineer. Cumulative impacts associated with using 1,000 af appropriated within Kane Spring Valley and up to 20,000 af of certificated alluvial groundwater appropriated within the Lake Valley Basin are addressed in the MSHCP and EIS. Any further discussion at this time would be speculative. Because the land owned by CSI's affiliate in Lincoln County and the Development all abut and are surrounded by federal land, no water can be brought into the Development from outside the Development without obtaining one or more right-of-way grants from the Bureau of Land Management. All water that is ultimately delivered to the Project will be subject to full NEPA compliance and Section 7 consultations.</p>

Comment	Comment Response
<p><i>recommend the EIS address what measures would be taken, and by whom, should groundwater resources in the basin become overextended due to additional growth, continued drought, and the utilization of existing or pending water rights in the basin(s). Include a comparison of estimated net pumpage and estimated outflow. The DEIS cites a recent USGS draft study that includes several of the hydrologic basins included in the proposed Clark, Lincoln and White Pine Counties Groundwater Development Study. The DEIS notes that the draft study determined that current groundwater pumpage (127,000 acre feet annually (afa) in 2005)) has not significantly altered evapotranspiration rates, distribution of native vegetation, or regional spring flow in the study area. The DEIS does not mention that the draft study also states "reductions in outflow would be more likely in sub-basins or hydrographic areas where net pumpage is nearly equal or greater than the estimated outflow. ." The EIS should include an analysis of the net flow of groundwater in the hydrographic basins compared to the estimated net pumpage that would provide water to the proposed project.</i></p> <p><i>Recommendation: We recommend the EIS include a comparison of the anticipated net pumpage and the estimated outflow of groundwater basins that could be used to supply water to the proposed project.</i></p>	
<p><i>Expand the evaluation criteria discussion regarding a lack of surface and groundwater interaction. The DEIS, states that "Depth to groundwater beneath the Development Area is over 400 feet and there are no data that suggest surface water and groundwater interact beneath the Development Area" (p. 5-29). Thus, there is no further analysis of potential direct or indirect impacts on groundwater at the project site from the proposed project alternatives. It is unclear why groundwater could not be affected by pumping or hazardous materials associated with the proposed project.</i></p>	<p>Effects from the only groundwater pumping to occur within the project area has already been addressed in a separate EA, referenced in the EIS text. Disclosure of potential effects where spills of hydrocarbons or hazardous materials to occur has been added.</p>
<p><i>Recommendation: EPA recommends the EIS describe how this evaluation criterion was determined and why an apparent lack of interaction between surface and groundwater at the project site precludes potential impacts to groundwater or surface water resources. A detailed analysis of conditions that protect the groundwater aquifer from impacts from the proposed project should be provided.</i></p>	<p>Effects from the only groundwater pumping to occur within the project area has already been addressed in a separate EA, referenced in the EIS text. Disclosure of potential effects were spills of hydrocarbons or hazardous materials to occur has been added.</p>
<p><i>Describe apparent discrepancies in Table 5-27. We note that permitted and pending water rights applications greatly exceed the perennial yield of the individual hydrographic basins as reported in Table 5-27 of the DEIS (p. 5-105). For example, CSI, which has a permitted water right of 16,304 afa, and LVVWD pending application for 135,000 afa in the Coyote Spring Valley Basin would result in a total of 151,304 afa, well over the estimated perennial yield of 18,000 afa. As explained in Table 5-27, perennial yield is defined by the Nevada Division of Water Resources as "the amount of usable water from a ground-water aquifer that can be economically withdrawn and consumed each year for an indefinite period of time. It can not exceed the natural recharge to that aquifer and ultimately is limited to maximum amount of discharge that can be utilized for beneficial use."</i></p> <p><i>Recommendation: The EIS should clearly describe the reason for the discrepancies between the amounts of perennial yield, permitted water rights, and pending water rights applications described in Table 5-27.</i></p>	<p>These are the most recent publicly available figures of perennial yield, permitted water rights, and pending water rights applications. As the State Engineer issues rulings, perennial yields may be updated. Until perennial yields are updated, these are the most recent information. Citing of sources has been improved within the table to be clear regarding the sources of information.</p>
<p><i>Provide information on the development of a regional groundwater framework. EPA provided comments, dated August</i></p>	<p>The Service and the applicant (CSI) will continue to coordinate with other public and local entities when making resource decisions regarding the</p>

Comment	Comment Response
<p><i>20,2007, on the DEIS for the Kane Springs Valley Groundwater Development Project of which the CSI Development would be the primary beneficiary of groundwater yield. These comments recommended the formation of a regional groundwater framework and are also relevant for this project. Our Kane Springs comment is included below. Recommendation: EPA commends the collaboration between the water right applicants and U.S. Fish and Wildlife to address potential impacts to Muddy River Springs sensitive species (Appendix A) from use of the carbonate-rock aquifer. We recommend the BLM, Cooperating Agencies, Lincoln County Water District (LCWD), Vidler Water Company (VWC), Coyote Springs Investments (CSI), and other water right applicants continue this collaboration in the form of a regional groundwater framework to ensure efficient long-term sustainable use of the deep carbonate rock aquifer and avoidance of adverse impacts to third parties and surface and groundwater quality and quantity. Opportunities for such collaboration should be discussed in the EIS.</i></p>	<p>CSI Planned Development Project in Lincoln County, Nevada.</p>
<p><i>Clearly demonstrate water reliability for the project. The DEIS states that the proposed project will require up to 70,000 afa of water at full build-out and that upwards of 50 percent would be provided by reclaimed water once sufficient reclaimed water is available (p. 1-18). EPA commends the proposed use of reclaimed water to reduce demands on surface and groundwater resources. However, the DEIS is still unclear as to how much groundwater will be needed each year as the project develops vs. the amount that is available and whether there is a proven source of water for the lifetime of this project. EPA believes water supply commitments should be tailored to reflect long-term sustainable supplies reasonably expected to be available under varying conditions (e.g., wet versus dry years). We advocate an approach which is focused on efficient use and management of these water supplies. The quantity of allocated water supply should be based on the availability of long-term sustainable supplies and not on estimated needs, demands, or potential additional supplies. We recommend avoiding water supply commitments that exceed reasonably foreseeable sustainable supplies.</i></p> <p><i>Recommendation: EPA recommends the EIS clearly demonstrate whether there is sufficient groundwater for the lifetime of this project. The EIS should include a commitment to phase development based on secured water rights that will not negatively affect groundwater supply and spring flows. The commitment should describe triggers for the continuation or discontinuation of future phases of development, including all relevant State or local permits and regulations.</i></p>	<p>The proposed development is anticipated to occur over a 40-year period. The development schedule and the extent of building will be limited by the water supply that is available to the general improvement district for serving the customers within its service territory (the development area). Development will occur over time and the water supply will be obtained in phases during the course of development. This is the normal process for developing a community and its associated water right entitlement. At present, the only groundwater supply approved by the State Engineer (Ruling #5712) and designated for use within the Project is 1,000 acre-feet appropriated within the Kane Spring Valley. Potential sources for the future water supply were identified in the MSHCP and the EIS. Nevada Water Law establishes a specific process for the approval of applications for new appropriations and changes in the point of diversion, manner or place of use of existing appropriations. This process is detailed in Appendix M. CSI and its affiliates would be required to comply with all legal requirements under Nevada Water Law and regulations as specific projects are identified. While an affiliate of CSI has change applications pending before the State Engineer that seek to change the manner and place of use of approximately 20,000 acre-feet of certificated groundwater rights it is unknown to what extent the requested transfer will be allowed by the State Engineer. Cumulative impacts associated with using 1,000 af appropriated within Kane Spring Valley and up to 20,000 af of certificated alluvial groundwater appropriated within the Lake Valley Basin are addressed in the MSHCP and EIS. Any further discussion at this time would be speculative. Because the land owned by CSI's affiliate in Lincoln County and the Development all abut and are surrounded by federal land, no water can be brought into the Development from outside the Development without obtaining one or more right-of-way grants from the Bureau of Land Management. All water that is ultimately delivered to the Project will be subject to full NEPA compliance and Section 7 consultation under ESA..</p>
<p><i>Implement additional water conservation measures. The DEIS mentions water conservation measures such as water reclamation, xeric landscaping, and green building design.</i></p> <p><i>Recommendation: EPA strongly encourages the EIS include a description of all water conservation measures that will be implemented to reduce water demands for the proposed project and that the project proponent maximize smart growth strategies during design and construction. Water saving strategies can be found in the EPA publication Protecting Water Resources with Smart Growth.</i></p>	<p>An overview of all water conservation measures has been included in the EIS - details are available in Appendices E and F. The xeric landscaping mentioned in the EPA publication Protecting Water Resources with Smart Growth is already addressed through the Development Agreement with Lincoln County and the SNHBA Green Building guidelines which are described in the EIS.</p>

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<p><i>Include information on water pricing as a water conservation measure. Variable pricing of water can significantly influence water demand and supply. Pricing which accurately reflects the economic and environmental costs of water increases the ability to ensure scarce supplies are used efficiently. Effective and sustainable management of water supplies depends on an accurate knowledge of water supply availability and water use. This knowledge can only be obtained through monitoring and accounting of water supply and demand. For additional information, we recommend referring to the USEPA Water Conservation Guidelines, Appendix A, Water Conservation Measures.</i></p> <p><i>Recommendation: The EIS should include an in-depth discussion of pricing and how it will be utilized by the Coyote Springs Water Resources District (CSWRD) to balance water demands and water supply. We also recommend inclusion of water measurement devices and reporting to accurately balance water supply and demand. We strongly suggest the EIS include a firm commitment by the CSWRD to timely and accurate monitoring and accounting. This commitment should include dedicated funding for this effort.</i></p>	<p>The water district is in the process of developing service rules and it is anticipated that a tiered rate structure will be incorporated into the rules. CSI has discussed this with Lincoln County. Because this structure has not been finalized, no change has been made to the EIS.</p>
<p><i>Describe potential effects of climate change on water availability. A number of studies specific to the Colorado River Basin, which includes the project area, indicate the potential for significant environmental impacts as a result of changing temperatures and precipitation. A more extensive discussion of climate change and its potential effects on water supply and reliability for the proposed project would better serve decision-making on this project, as well as long-term, regional water management planning and planned development.</i></p> <p><i>Recommendation: We recommend the EIS include a qualitative discussion on climate change and the potential effects on groundwater supply for the proposed development. We recommend this discussion provide a short summary of climate change studies specific to the project area and Colorado River Basin, including their findings on potential environmental and water supply effects and their recommendations for addressing these effects. For example, if there is a projected 10-20 percent reduction in precipitation for the Colorado River Basin, we recommend the EIS describe the potential effect on groundwater supply for the proposed project and potential impacts on groundwater resources, including other existing water rights, water quantity and quality, and surface water contribution.</i></p>	<p>A paragraph was added regarding the potential impact of climate change on groundwater supply.</p>
<p><i>Air quality impacts should be expanded to include increased traffic and OHV use. The DEIS mentions that an increased population base would result in increased vehicle emissions but that because current air quality is high, air quality would not be expected to exceed state and federal standards (p. 5-53). However, the traffic analysis and the air quality analysis in the DEIS do not sufficiently address the increased vehicle traffic and air quality effects at the proposed development nor from commuters traveling between the development or the employment and entertainment centers in the Las Vegas and North Las Vegas areas. The Las Vegas area of Clark County is designated as serious non-attainment for carbon monoxide, Subpart 1 non-attainment for 8-hour ozone, and serious non-attainment for PM10 (particulate matter with a diameter of 10 microns or less). The EIS should describe cumulative effects on air quality from increased traffic between the proposed project in Lincoln County and the Las Vegas and North Las Vegas areas.</i></p>	<p>Air quality impacts from increased local vehicle traffic emissions at the proposed development and commuters traveling between the development and employment centers in the region have been added.</p>

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<p><i>The DEIS also states that off-highway vehicle (OHV) use would likely increase resulting in localized, infrequent emissions and increased fugitive dust (p. 5-54) but defers to BLM Regional Management Plans to address air quality issues associated with OHV use. The DEIS lacks sufficient information on the expected level of emissions and fugitive dust from increased OHV use associated with an increased population base at the proposed development. This analysis should be provided in the EIS.</i></p>	<p>Expected levels of OHV emissions and fugitive dust have been added based on population increases from the proposed development.</p>
<p><i>Recommendations: The EIS air quality impact analysis should provide sufficient detail to assess the impacts from traffic increases as people relocate to Lincoln County as a result of the development, as documented in Appendix R of the DEIS. The EIS should include an analysis of what percentage of the traffic associated with the development would be traveling between the development and the Las Vegas and North Las Vegas areas and what impacts to existing non-attainment areas would be expected.</i></p>	<p>Expected levels of commuter traffic emissions have been added based on population increases from the proposed development.</p>
<p><i>The EIS should clarify to what degree OHV use is expected to increase in the study area and should include an analysis of expected effects to air quality.</i></p>	<p>Expected levels of OHV emissions and fugitive dust have been added based on population increases from the proposed development.</p>
<p><i>Clarify why PSD requirements do not apply to the proposed project. The DEIS describes the CSI Development area as having insufficient air quality data to determine attainment status resulting in a listing of unclassified (p. 5-46). As described, unclassified areas are treated as attainment areas for regulatory purposes. The DEIS goes on to explain that Prevention of Significant Deterioration (PSD) is a Clean Air Act regulation that limits increases of pollutants in attainment areas to certain increments even though ambient air quality standards are being met. EPA agrees with this description but questions the DEIS assertion that PSD would not apply to the project area since it is unclassified. This is a contradiction that should be clarified.</i></p> <p><i>Recommendation: The EIS should clarify that PSD does apply to the proposed project area and provide justification used to determine that PSD requirements do not apply to emissions from the proposed project.</i></p>	<p>The contradiction has been clarified. The statement “the project area has no sources subject to PSD requirements; therefore, the PSD increments would not be applicable” was deleted. The following statements were added: “The project area has no PSD sources nor any planned new major sources. Therefore, there are no new major sources subject to PSD regulations and PSD increment analysis is not required. Also, the full PSD increments are available since there are no other PSD sources in the area.”</p>
<p><i>Missing and erroneous air quality information should be updated in the EIS. Table 4-9, Clark County and Nevada Air Quality Standards, should include the National Ambient Air Quality Standards (NAAQS) to demonstrate comparability of monitoring data from nearby stations with local, state and federal air quality standards.</i></p>	<p>This information has been updated.</p>
<p><i>Table 5-5, Ambient Air Quality Standards, includes NAAQS but contains several errors. For 8-hour ozone, the table incorrectly lists the standard as 9.0 parts per million (ppm) and 10,000 micrograms per cubic meter (ug/m3), however the standard is 0.08 ppm. The 1-hour ozone standard has been revoked for all areas except fourteen 8-hour ozone non-attainment areas, none of which are in Nevada. The annual standard for PM10 has also been revoked. The PM2.5 twenty-four hour standard is now 35 ug/m3 (previously 65 ug/m3) and has not been included in the table. Lead is listed at 1.5 g/m3, and should be 1.5 ug/m3.</i></p>	<p>The table on NAAQS (Table 5-5) prepared in 2006 has been updated to reflect current standards.</p>

Comment	Comment Response
<p><i>Table 5-10, Modeled Estimated Air Quality Impacts, PM10 and PM 2.5 standards should be corrected. The PM10 annual standard has been revoked and the PM2.5 standard is now 35 ug/m3. As a result, the DEIS only mentions PM10 as being significantly effected and disregards impacts to 24-hour PM2.5 since the incorrect standard is used. Based on modeled estimates, both PM10 and PM2.5 24-hour standards could be exceeded by construction of the proposed project every year for the life of the project. The EIS should revise these standards, the assessment of impacts, and describe adequate mitigation measures to control PM10 and PM2.5. This will become increasingly important as residents begin to relocate to the proposed development and are subjected to air quality impacts from on-going construction.</i></p> <p><i>Recommendation: The EIS Tables 4-9,5-5, and 5-10 should be updated so they all include proper NAAQS and properly assess effects of the proposed project construction on 24-hour PM10 and PM2.5 air quality standards. Appropriate mitigation measures to address significant impacts to PM 10 and PM2.5 air quality standards should be described and committed to.</i></p>	<p>The table on NAAQS (Table 5.5) prepared in 2006 has been updated to reflect current standards. The PM10 and PM2.5 standards have been updated in Table 5-10. Modeling was reported for both PM10 and PM2.5 in Table 5-10 but only PM10 was discussed in the text. The discussion was corrected to include PM2.5 concurrently with the PM10 discussions.</p>
<p><i>Construction related emissions should be adequately controlled. As a result of the project phasing approach, the proposed project could cause ongoing air quality impacts from construction activities for several years. EPA acknowledges that the project area is unclassified for air pollutants but we remain concerned that construction related emissions could affect Coyote Springs residents and the local work force. Impacts could be especially significant to initial residents subjected to emissions for several years during construction.</i></p> <p><i>Recommendation: EPA recommends the EIS include the following air pollutant controls to reduce air quality impacts in the area and prevent negative effects to residents and visitors of the development: Fugitive Dust Source Controls: Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions. Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions. When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph. Mobile and Stationary Source Controls: Reduce use, trips, and unnecessary idling from heavy equipment. Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. Prohibit any tampering with engines and require continuing adherence to manufacturers recommendations. If practicable, lease newer and cleaner equipment meeting the most stringent of applicable Federal or State Standards. Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.</i></p> <p><i>Administrative controls: Identify where implementation of mitigation measures is rejected based on economic infeasibility. Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece</i></p>	<p>These suggested air pollutant controls are similar to those already included in the document. Clark County, Nevada has strict air quality regulations in place. It is anticipated that the development activities in Lincoln County would adhere to these regulations, in addition to the measures currently included in the EIS.</p>

Comment	Comment Response
<p><i>of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Utilize cleanest available fuel engines in construction equipment and identify opportunities for electrification. Use low sulfur fuel (diesel with 15 parts per million or less) in engines where alternative fuels such as biodiesel and natural gas are not possible. Develop a construction traffic and parking management plan that minimizes traffic interference and maintain traffic flow. Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors away from fresh air intakes to buildings and air conditioners.</i></p>	
<p><i>Desert tortoise habitat fragmentation impacts should be assessed and mitigated. The construction of a 2 1,454 acre development and all the appurtenant activities that will accompany it will result in significant fragmentation of desert tortoise habitat. The proposed project is located within designated critical habitat for the federally threatened and state of Nevada protected desert tortoise. Section 5.2.2.2.3 of the DEIS discloses several direct and indirect impacts to desert tortoise and desert tortoise critical habitat including habitat fragmentation. While EPA recognizes the many efforts of the project proponent and the Service to implement avoidance and conservation measures for desert tortoise, the DEIS does not appear to link the impacts of habitat fragmentation to conservation measures in the MSHCP. The DEIS states that "habitat fragmentation is a major contributor to population declines of the desert tortoise." (p. 5-14). The configuration of lands to form the RCMA are intended to aid in maintaining contiguous habitat along the eastern side of the proposed development but as described, the project would significantly impede movement of desert tortoise through the development area. EPA remains concerned with the impact of habitat fragmentation on this species and the lack of avoidance.</i></p> <p><i>Recommendation: The EIS should assess the degree of impacts on the population and recovery of desert tortoise from habitat fragmentation and identify project alternatives that further reduce impacts, and increase mitigation and conservation measures that directly address unavoidable impacts of habitat fragmentation. Recommendations to develop alternatives that reduce impacts, including impacts to desert tortoise, can be found under the Clean Water Act Section 404(b)(1) Alternatives Analysis section of this letter.</i></p>	<p>Habitat fragmentation would be minimized through the land reconfiguration process, as the ACECs established for desert tortoise conservation would remain adjacent to undeveloped lands (the CSICL). The development area as it is proposed to be located in both the preferred alternative and Alternative 1 is along the only two roads in the Coyote Spring Valley: U.S. Highway 93 and State Route 168, which already fragment desert tortoise habitat. By locating the development area adjacent to the existing sources of habitat fragmentation, instead of being surrounded by undeveloped lands on all sides, both of the action alternatives would minimize the overall effect of habitat fragmentation from the project.</p>
<p><i>Bighorn sheep movement corridors should be protected. While big horn sheep are not included as covered species in the Draft MSHCP, or listed as federally or state protected species, it is worth noting that the proposed project borders the Service Desert National Wildlife Refuge which was established to protect and conserve big horn sheep populations in Nevada. The DEIS describes the existence of intermountain movement corridors in the project area but does not describe potential impacts to this species that could occur from interrupting these corridors.</i></p> <p><i>Recommendation: The project proponent should consult with the Service and Nevada Department of Wildlife on measures to protect movement corridors for bighorn sheep. Results of this consultation should be provided in the EIS.</i></p>	<p>This information has been added, along with appropriate wildlife measures specific to bighorn sheep. Those measures are as follows:</p> <ul style="list-style-type: none"> <li>▪ Fencing in the Covered Area should be designed as not to include barb wire or wire that would tangle and trap sheep.</li> <li>▪ During the cooler months of the year when bighorn sheep are not so tied to water, an increase in bighorn sheep movement occurs. If residents are informed to be careful and watch for sheep movement across main road ways, this may help. (i.e., public awareness).</li> <li>▪ USFWS and the applicant have consulted with NDOW on measures to protect movement corridors for bighorn sheep, which have been included in the EIS. Consultation history has been included in Chapter 6: Consultation and Coordination.</li> </ul>

Comment	Comment Response
<p><i>Restoration of 66.6 acres of ephemeral drainage should not be counted as Moapa dace and Virgin River Chub mitigation. Mitigation measures for federally endangered Moapa dace and Virgin River chub include restoration of 66.6 acres of WOUS at the project site. EPA commends the creation of an MOA to protect Moapa dace and Virgin River chub through monitoring and maintenance of flows from springs. We also agree with the avoidance and minimization measures and most of the mitigation measures described in Section 6.1 of the MSHCP. However, we do not agree that the proposed 66.6 acres of restored ephemeral drainage channel is appropriate mitigation for these species. Filling of existing functioning channels, creation of larger channels to convey flood flows, and restoration of naturally filled channels would not be expected to compensate for impacts to Moapa dace or Virgin River chub that occur 17 miles downstream of the project site.</i></p> <p><i>Recommendation: The EIS and Mitigation Plan should not count 66.6 acres of ephemeral drainage restoration as a mitigation measure and should identify more appropriate measures with a higher probability of long-term success and sustainability, such as increased avoidance of impacts to WOUS or restoration of currently degraded habitat. Otherwise, inclusion of this mitigation measure should be clearly justified.</i></p>	<p>These measures have been identified as minimization measures in the MSHCP and EIS. Due to the distance of the Covered Area from the Muddy River (14 miles) and construction BMPs and other avoidance and minimization measures, downstream effects would be minimal, if detectable at all.</p>
<p><i>Western burrowing owl and banded Gila monster population surveys should be conducted. The DEIS states that no known surveys have been conducted for banded Gila monster and that Western burrowing owl may potentially occur at the site, suggesting a lack of population data for both covered species (p. 4-23). Without proper species population data, it is difficult to estimate the level of take and appropriate mitigation and conservation measures for the species.</i></p>	<p>The MSHCP would not authorize the take of banded Gila monsters and western burrowing owl individuals. Since 2001, we have been working with resource agencies and the local scientific community to identify appropriate mitigation for habitat and conservation measures for the Gila monster and burrowing owl. In response to public comments, we have added and/or revised mitigation and conservation measures for these two species.</p>
<p><i>Recommendation: EPA suggests conducting population surveys for these species and developing avoidance, mitigation and conservation measures based on these estimates. For Western burrowing owl, survey protocols such as those developed by the California Burrowing Owl Consortium may be appropriate. Absent any population data, the Service should consider assuming a total loss of the local populations of these species and development of concomitant mitigation and conservation measures.</i></p>	<p>There is no accepted protocol to survey for the banded Gila monster. We would not be able to get a meaningful estimate. The MSHCP would require the applicant to follow NDOW's Gila monster guidance. The Service and the applicant will work closely with NDOW to relocate any Gila monsters if any are found in the project area. Surveys for the western burrowing owl prior to clearance tortoise surveys would be conducted.</p>
<p><i>Demonstrate adequate conservation measures for indirect impacts to desert tortoise, western burrowing owl and banded Gila monster. Several indirect effects to desert tortoise, western burrowing owl, and banded Gila monster are described (pps. 5-14 to 18). EPA is concerned that conservation measures for indirect negative impacts to these species do not adequately offset the impacts described. Indirect effects that do not appear to be adequately mitigated include on- and off-road vehicle collisions, illegal collection, predation and harassment from domesticated and introduced animals, toxic effects, noise, habitat fragmentation, and vandalism. EPA recognizes the inclusion of weed management and fire prevention measures, and fencing to reduce indirect effects to these species. EPA also commends the commitment to address the effectiveness of conservation measures through adaptive management. However, EPA suggests development of additional mitigation measures to reduce indirect impacts.</i></p>	<p>Additional information regarding CCRs enforcement has been added to the MSHCP and EIS to clarify how illegal collection, domesticated and introduced animals, and vandalism would be addressed. Additional description on habitat fragmentation has been added. On-road collisions would be minimized through tortoise fencing of highway areas within the action area and speed limits during construction activities. OHV collisions would be unlikely to occur within the action area, as no OHV use would be occur within the Coyote Springs Investment Conservation Lands (CSICL; formerly the CSRMA in the Draft EIS), except for necessary access by local, state, and federal agencies, and OHV use, if any, would be limited to designated areas within the Development Area, which would be cleared of desert tortoise. Additional information regarding toxic effects and noise has also been added to the MSHCP and EIS.</p>

Comment	Comment Response
<p><i>Recommendation: EPA recommends further coordination with Service, Nevada Department of Wildlife and conservation groups to develop comprehensive indirect impact avoidance measures and mitigation measures that are directly linked to indirect impacts described in the DEIS. This information should be included in the EIS.</i></p>	<p>The Service has coordinated with NDOW and has incorporated comments from conservation groups into the EIS.</p>
<p><i>Demonstrate consistency with other conservation efforts. Section 1.3.2 of the DEIS describes relevant planning efforts occurring within Lincoln and Clark Counties but lacks a clear description of how the proposed activity will maintain or promote consistency with several of these efforts. EPA is specifically interested in an assessment of how the CSI MSHCP would coincide with the Desert Tortoise Recovery Plan (U.S. Fish and Wildlife Service 1994), the February 8, 1994 Designation of Critical Habitat for Mojave Population of Desert Tortoise, the Clark County MSHCP, and the Approved Caliente Management Framework Plan Amendment and Final EIS for the Management of Desert Tortoise Habitat (BLM 2000). Recommendation: The EIS should demonstrate consistency with relevant conservation efforts.</i></p>	<p>Text was added to Section 1.3.2 to clarify the CSI MSHCP's relationship with the Clark County MSHCP and the Ely RMP (and its predecessor the Caliente Management Framework Plan Amendment). Text was added to Section 3.1.1 to elaborate that the recovery plan was reviewed when developing conservation measures. The Adaptive Management Plan will also allow for consistency with future conservation efforts.</p>
<p><i>Native vegetation impacts should be avoided. The Preferred Alternative would result in the removal of approximately 21,340 acres of native vegetation, and the habitat it provides, due to construction of residential, commercial, recreational and flood control facilities and the BLM Utility Corridor (p. 5-5). Measures to reduce impacts include salvage of native plants, revegetation of buffer areas along created flood channels and preserved ephemeral channels, control of invasive plants, and landscaping with native vegetation. The DEIS does not describe measures to adequately mitigate for permanent and temporal impacts to native vegetation.</i></p> <p><i>Recommendation: The EIS should include measures to further reduce impacts to native vegetation and to compensate for unavoidable impacts. Measures described under the CWA Section 404(b)(1) Alternatives analysis section of this letter could apply. Alternatives that reduce impacts through LID practices and avoidance of existing WOUS could further reduce impacts to native vegetation. Local ordinances that prohibit invasive species and promote the use of native vegetation for public and private landscaped areas should be considered.</i></p>	<p>In Section 3.3.2.1.1, the following information is included regarding salvage of native plants "The CSI nursery would continue salvaging native cacti, yucca, and other plants and collecting seeds from native plants. Under the Preferred Alternative, CSI nursery operations would also contribute to conservation measures through providing opportunities for revegetation with native plants. CSI has entered into a native plant seed collection agreement and a native plant collection agreement with the Springs Preserve, a department of the LVVWD (CSI and Springs Reserve 2005b, 2005a, respectively). In addition, CSI has entered into a Native Plant Salvage agreement with Native Resources Nevada for the purpose of salvaging native plants that will otherwise be lost as a result of surface disturbing activity (CSI and Native Resources Nevada 2006)." With regards to revegetation of buffer areas, the following is included in section 3.2.2.3.1: "As part of the mitigation for fill impacts to the WOUS, CSI proposes to restore and/or expand the following types of desert dry washes: ▪ Adjacent historical washes that were cut off when U.S. Highway 93 was constructed in the 1960s and ▪ Washes that were filled with alluvium through normal geologic processes. These washes would be restored to a natural configuration providing desert dry washes of a size that results in stormwater conveyance that meets Lincoln County standards. These drainages would be reinforced with erosion control measures, utilizing native materials when feasible." Preserved ephemeral channels are described in Section 3.2.2.3.1 as the following: "▪ Implement a 100-foot setback from the top of the bank, Pahranaagat Wash incised ephemeral channel within the Development Area, consistent with the Section 404 permit. ▪ Any activity occurring adjacent to the Pahranaagat Wash incised ephemeral channel would be done in compliance with Corps regulations to minimize impacts to WOUS. ▪ Create protective upland buffer habitat on each side of a preserved desert dry wash, consistent with the Section 404 permit." Control of invasive plants is addressed in the weed management plan, an appendix to the Section 404 mitigation plan, which is an appendix to the EIS and described in section 3.2.2.3.3 as follows: "Conversion of undisturbed desert habitat to human uses has the potential to increase the incidence of non-native weed species into wildlife habitat. A Weed Management Plan (RCI 2006) would be implemented to reduce the spread of weed species to the CSICL and to land surrounding the Development Area. In addition to the noxious weed control measures included in the Weed Management Plan, invasive grasses (e.g., fountain grass), would be excluded from landscaping. Implementation of the Weed Management Plan would reduce the potential effects resulting from non-native plants. Refer to the Weed Management Plan in Appendix J for a detailed description of the policies and objectives that would be implemented as part of the plan."</p>

Comment	Comment Response
	Landscaping with native vegetation is described in Section 3.3.2: “• Areas with native plants, would be restored or landscaped, possibly using pre-construction salvaged plants in buffer areas, common areas of residential developments, or park and recreational areas.”
<p><i>Expand the cumulative impacts section to specifically address impacts to the existing landscape from population growth and increased urbanization. Both the MSHCP and the DEIS anticipate the likelihood of increased development demand and population growth in the project study area as a result of this project. However, the DEIS also states that indirect effects of the project on future population growth would be unlikely due to the lack of private land available within the vicinity of the proposed CSI Development (p. 5-68). The cumulative impacts section does not analyze landscape change from population growth and increased urbanization.</i></p>	<p>Increased population growth and urbanization due to the Preferred Alternative or Alternative 1 is expected to occur within the project area on CSI lands. However, as stated on page 5-68 of the DEIS, it is anticipated that neither the Preferred Alternative nor Alternative 1 would result in significant additional indirect population growth in outlying areas compared to the No Action Alternative since growth is constrained in Moapa, Alamo, and other areas of southern Lincoln County due to the limited amount of available developable private land. Such effects for the Coyote Spring Valley have been addressed in Indirect effects sections for natural resource topics.</p>
<p><i>EPA recognizes that significant portions of Nevada are public lands. However, federally owned public lands can and are made available for sale and exchange through the Southern Nevada Public Land Management Act of 1998, the Federal Land Policy Management Act of 1976, (FLPMA), and the Lincoln County Conservation, Recreation, and Development Act of 2004. Section 203 of the FLPMA, provides for the sale of public land for community expansion and economic development (43 U.S.C. 1713(a)). Federal lands could continue to be sold to private owners for development in the Las Vegas area as the region grows.</i></p> <p><i>Title 1, Federal Land Sales of the Lincoln County Conservation, Recreation, and Development Act of 2004, authorizes the sale of up to 87,005 acres of federal lands adjacent to existing private property in Lincoln County. With implementation of the CSI development approximately one hour north of Las Vegas, it is probable that pressure to develop lands near CSI and between CSI and Las Vegas could increase in the interest of expansion of communities and economic development. This is supported and anticipated by the MSHCP, which states that “it is anticipated that as developable land in Clark County becomes scarcer, the population will need to spread into adjacent Lincoln County.” (p. 1-5). The DEIS assessment of indirect visual effects appears to agree with the possibility of additional growth stating that “construction of the CSI Development could result in increased development demand in nearby areas.” (p. 5-44).</i></p> <p><i>Recommendation: EPA recommends the EIS analyze the cumulative effects of reasonably foreseeable population growth and urbanization on the landscape in the project area. This should include a discussion of potential growth in the nearby communities of Alamo and Moapa, which may grow to accommodate an increasing number of service providers to the proposed project. A review of existing or pending legislation that would facilitate the sale or exchange of federal lands in the region should be included in the cumulative impacts analysis.</i></p>	<p>The DEIS assessment on page 5-44 states “Because of the lack of limited available private land in the immediate vicinity, these effects would be unlikely to occur.” With the exception of the 13,500 acres of land near Mesquite and the approximately 870 acres of land near Alamo for community expansion in Southeastern Lincoln County mentioned in the cumulative effects section for the No Action Alternative, there is no existing or pending legislation to make available public lands for development. Due to the limited available developable land near the project area, it is not anticipated that nearby communities will experience significant additional growth due to the CSI development.</p>

Comment	Comment Response
<p><i>Green building standards should be expanded in the EIS. EPA acknowledges and supports the green building standards adopted by the Green Building Partnership between the Southern Nevada Home Builders Association and Green Building Initiative of Portland, Oregon. EPA also recognizes that implementation of green building techniques for developments of the scale of CSI can significantly reduce impacts to the environment. Based on the brief description in the DEIS, it appears that the adopted green building standards are limited to resource efficiency, energy and water efficiency, as well as indoor environmental quality. While these are commendable building practices, environmental impacts of the proposed development can be further minimized through modifications to the project footprint and configuration. For example, high density, transit oriented and bicycle and pedestrian-friendly villages reduce the need for residents to drive to services and amenities thus reducing the amount of greenhouse gasses such as carbon dioxide. Integrating solar power and other sources of renewable energy generation also reduce greenhouse gas emissions. Building materials selected from sustainable sources such as lumber from sustainably managed forests, lumber alternatives, and building products made from recycled materials reduce the impacts from natural resource demands. Several green building resources are available" and EPA encourages CSI to commit to maximizing the implementation of these practices at the proposed project in addition to the already adopted standards.</i></p> <p><i>Recommendation: EPA encourages CSI to commit to maximizing green building standards beyond resource, energy and water efficiency, and indoor environmental quality, and include green design and building materials into each alternative. Project specific environmental benefits of green building and design standards should be described in the EIS.</i></p>	<p>Green building standards adopted by the Southern Nevada Home Builders Association (SNHBA 2006) would be implemented in the CSI development area. An overview of these standards is provided in the EIS.</p>
<p><i>Increased density could reduce impacts of the proposed project footprint. Currently, multifamily homes make up only 5-10 percent of the project area, and inclusion of additional multifamily homes could lead to reduced habitat impacts and increased conservation areas. The EIS should provide a justification for the low percentage of multi-family housing, including any market rate information used to set this percentage.</i></p>	<p>Marketing studies conducted by the applicant (CSI) have shown that demand for a mix of housing, including multifamily housing, is present. As such, under the Preferred Alternative and Alternative 1, multifamily housing would occur. The range of housing types included under the action alternatives would include housing that is affordable compared to the Las Vegas market, as described in Section 2.1: Background of the EIS.</p>
<p><i>Recommendation: EPA recommends that the EIS analyze alternatives that include more multi-family housing, reduce project impacts by reducing the project footprint and increasing conservation areas.</i></p>	<p>Additional language has been added to the alternatives development and alternatives considered but dismissed regarding the project footprint and conservation areas. The configurations retained for the Preferred Alternative and Alternative 1 are the most preferable design from a reserve design standpoint, as they minimize habitat fragmentation for the species. Protected areas for WOUS, including upland buffers, already limit the project footprint. Expanded upland buffers for WOUS have been added based upon comments received on the Draft EIS. Further reduction of the project footprint has been determined by the applicant to be an economically unviable option. In the event that water was a limiting factor in the CSI Development, the applicant would implement alternative activities such as solar fields, which would result in disturbance of the same project footprint in order to maintain the economic viability of the project. Conservation areas total more than 14,000 acres within and adjacent to the Development Area (i.e., the CSICL and conservation easements on dry desert washes and associated buffers).</p>

Comment	Comment Response
<p><i>Include project alternatives that reduce visual impacts. The DEIS describes the project area as being in "nearly natural ecological conditions." (p. 4-6) and further describes the alteration of the area with residential and commercial development as "dramatically altering the visual landscape in a permanent fashion." (p. 5-44). EPA agrees with these statements. However, the DEIS also notes that public sensitivity to aesthetic resources is moderate due to the limited population in the area (p. 4-63). The DEIS does go on to suggest that people driving on Highway 93 and recreating in the area could view the change in visual resources. The EIS should describe measures to reduce visual impacts to the area beyond the already described Lincoln County Planned Unit Developments (PUD) requirements developed for the project. Alternatives that reduce the project footprint and mitigation measures that address impacts to visual resources should be included.</i></p>	<p>Measures to reduce visual impacts to the project area included within the CCRs and the Development Agreement are intended to reduce effects to visual resources within the Development Area under each of the action alternatives through creating a community that will match the color and tone of the landscape. Light pollution would be minimized through the implementation of the dark sky concept through the CCRs. The alternatives considered but dismissed section has included greater detail of the initial planning process, where other project footprints were considered before concluding that the two action alternatives analyzed were preferable footprints for covered species and WOUS.</p>
<p><i>Recommendation: EPA recommends the EIS include an evaluation of project alternatives that reduce impacts to visual resources beyond the Preferred Alternative and Alternative 1.</i></p>	<p>As described in Section 3.1: Alternatives Development, alternatives were developed that prioritized minimizing effects to covered species, WOUS, cost, and other human and environmental factors. To meet the project's requirements, a smaller number of housing units would not be economically feasible for the applicant and other footprints were not adequate for protecting covered species and WOUS, so the extent of the project footprints for the Preferred Alternative and Alternative 1 were retained for analysis.</p>

## Q.2 STATE AGENCY COMMENTS

### Q.2.1 Nevada Department of Wildlife

Comment	Comment Response
<i>One observation remaining unclear is the relationship of the 720 acres of The Conservation Fund's lands to the CSI Development MSHCP.</i>	There is no relationship. CSI has donated this land to The Conservation Fund.
<i>And, the use of the Southwest Inter-tie Project utility corridor (SWP) west of US-93 for flood control detention basins as described would seem to present additional engineering and proximity challenges.</i>	CSI has coordinated with all current and known prospective users that would occupy the SWIP corridor. The detention basins will not conflict with the other uses in the corridor.
<i>Further, what will be the source of raw material such as rock, gravel, and sand which are the foundation to any large-scale project? Is more such material from public lands elsewhere required, and if so, what is the plausible earthly burden to biological sources in the ESA and NEPA sense?</i>	Rock, gravel, and sand will be obtained from existing commercial quarries or on site locations, as permitted. As a note, sand, gravel, and rock quarries that occur on public lands are required to go through the NEPA process at a minimum because a lease or contract would be considered a federal action. If there are ESA issues, a section 7 consultation is required before BLM can issue a lease or contract for a new quarry.
<i>How might this have bearing on Nevada Department of Transportation activities relevant to Clark County's MSHCP?</i>	This will have no bearing on NDOT activities relevant to the Clark County MSHCP.
<i>It is also unclear whether the corridor is wide enough to accommodate detention basins, water pipeline(s), three or four transmission routes and other proposed projects involving utility and transportation rights-of-ways.</i>	Planning processes for these pipelines, detention basins, and other ROWs have occurred with the knowledge of the other potential activities, and these processes have not determined a conflict to exist.
<i>The disturbance and structures associated with each purpose raises concern about how meaningful mitigation for each will possibly offset overall area impacts especially in view that mitigation adequacy of this portion of the SWP or other projects is unknown at least to the Department.</i>	Under consultation for this MSHCP, these issues have been considered, and avoidance, minimization, and conservation measures have been proposed as appropriate in the MSHCP and EIS . Furthermore, before a Record of Decision is completed, the Service would issue a biological opinion that analyzes the impacts as a result of issuance of the section 10 incidental take and section 404 permits for the proposed development. The section 7 consultation would consider previous projects in developing an environmental baseline for future project impacts to consult on and determine appropriate conservation measures to be applied. We have also revised the baseline information on the desert tortoise and the Moapa dace in the EIS.
<i>The pivotal question might be whether adaptive management under the CSI Preferred Alternative will in concert with implementation of adaptive management for other regional plans and activities provide meaningful, timely, and adequately funded conservation benefiting desert tortoise on the federal lands upon which this species' recovery primarily depends. Would this not seem the grand monitoring experiment?</i>	Coordination is ongoing among the various plans and HCPs in the area. The CSI MSHCP's conservation measures for the desert tortoise should be consistent with the desert tortoise recovery plan's recovery actions.
<i>In a partial or full CSI build-out scenario, changes in the types of predominant land uses and their effects to adjacent and surrounding environments coincident to CSI Development activities will have effects on wildlife other than those considered within the present scope of the CSI MSHCPEIS. Is the Department correct in presuming these effects would go unaddressed and/or unmitigated with or without issuance of a Section 10(a)1(B) permit?</i>	We have added some measures for bighorn sheep in the EIS. These measures are: Fencing in the Covered Area should be designed as not to include barb wire or wire that would tangle and trap sheep.  During the cooler months of the year when bighorn sheep are not so tied to water, an increase in bighorn sheep movement occurs. If residents are informed to be careful and watch for sheep movement across main road ways, this may help. (i.e., public awareness).  Additional effects are addressed in the wildlife section in the EIS.
<i>The covenants, conditions and restrictions (CCR's) facilitated under an incidental take permit would not seem to necessarily apply to other wildlife consequential to a new town interface. The Department is unsure which arena, if any, these consequences of development will be addressed.</i>	Conservation measures anticipated to avoid effects to the covered species would be anticipated to minimize effects to other wildlife species. Additional wildlife-specific measures have been added to the EIS.

Comment	Comment Response
<p><i>For example, consideration of effects to BLM Sensitive Species (e.g., desert bighorn sheep, Loggerhead shrike) seems inadequate. Many of these are also State protected species. The CSI MSHCP/EIS relied heavily on NatureServe and Nevada Natural Heritage Program's species lists. These sources are summary in nature and administrative oversights are possible if information sources are not also checked. Hence, administrative and regulatory nuances for several species were missed. Chapter 5 03 of the Nevada Administrative Code provides the most updated classifications. Review of applicable Nevada Revised Statutes would provide additional insights. Identifying regulatory and administrative distinctions by definition between BLM Special Status Species and Sensitive Species are relevant as well. For example, the Yellow-billed Cuckoo is not addressed in the MSHCP or the Muddy River Memorandum of Agreement (MOA) for the Moapa Dace (page 1-22) and hence appears to fall through the cracks relative to consideration. Yet it does meet criteria for inclusion as a covered species including: 1) State classified as Sensitive, and 2) it is known to share habitat with another covered species, the Southwestern Willow Flycatcher. Whether or not this CSI MSHCP/EIS process is where these issues are raised and resolved, the Department is compelled to present some other examples of additional management challenges and concerns arising from the proposed new town.</i></p>	<p>An expansion of the discussion regarding desert bighorn sheep and loggerhead shrike has been added. The yellow-billed cuckoo is addressed in the MSHCP as a watch list species, as it is a candidate species with little likelihood for effects from the project.</p>
<p><i>Domestic Animals. On page 3-40 (PET MANAGEMENT), community regulations prohibiting free-roaming domestic animals (primarily cats and dogs) are proposed. With the close proximity of the CSI Development Area and CSRMA to occupied desert bighorn sheep habitat, domesticated goats, sheep and llamas present a significant disease transmission threat. Maintaining these domestic species is popular even in urban areas and owners abilities to restrict the animals to private property is variable. Unintentional incidents involving goat herds for weed control is another channel for disease introduction. Experts agree that separation of wild bighorn from domestic sheep, goats, and camelids is an absolute necessity. Fencing regulations and other well-intended actions are ineffective when a single mishap can have devastating consequences. Because the area is not intended for commercial, agricultural, the Department strongly urges that rules be established prohibiting possession of domestic sheep, goats or camelids.</i></p>	<p>The CCRs established for the CSI Development in Lincoln County prohibit domesticated animals and require leash laws. Domestic sheep, goats, and camelids would be prohibited in the CSI Development, as stated in the final EIS.</p>
<p><i>Urban Wildlife. Establishing an isolated community in a remote location causes many resource management issues and challenges. Among them will be wildlife interactions of various kinds spanning wildlife rescue and rehabilitation to nuisance wildlife and public safety. The proposed development has the potential to significantly add to the urban wildlife workload for the Department, Wildlife Services, and the U.S. Fish and Wildlife Service. Public education must be a priority. Golf courses will attract at least waterfowl, rodents like ground squirrels, lagomorphs, and perhaps desert bighorn sheep. Increasing numbers of these animals will result in the regular use of the area by predators, such as coyotes, bobcats, foxes, mountain lions and raptors. Residential, domestic animals - leaving smaller-sized animals outside (even caged) and/or feeding animals outside unattended can become attractive to predators like coyotes, bobcats, foxes, mountain lions and raptors. What are the detailed measures to address manifestation of urban wildlife issues? Additional to efforts described for the desert tortoise and covered species, will CSI fund or hire appropriate personnel and develop effective education and action programs to deal with the wide spectrum of displaced to depredating wildlife scenarios?</i></p>	<p>Additional text has been added regarding urban wildlife. Depredation permits under the Migratory Bird Treaty Act would not be sought by the applicant. Non-lethal means would be used to dissuade birds from golf courses as needed. We recognize that there may be displaced wildlife; however, conservation measures for covered species would also apply to other wildlife.</p>

Comment	Comment Response
<p><i>Wildlife Water Developments. The Department and the Bureau of Land Management cooperated in constructing and maintaining two large volume wildlife water developments in the Meadow Valley Mountains east of the CSI properties in Lincoln County. The Meadow Valley # 1 and Meadow Valley #2 projects were primarily intended to replace an aging water development built in 1973 and improve general conditions for desert bighornsheep. A great variety of species also use these wildlife developments. A third project's installation is planned for 2008 or 2009 for this general area just north of the Lincoln County line. Access to the existing wildlife developments has been along the old and abandoned "Warm Springs Highway" alignment. A "jeep trail" starting off the old highway 3.25 miles south of the Kane Springs Valley road (36° 56' 02.2 1 "N, 1 14054'55.15 "W, WGS 84 datum) is used to access Meadow Valley # 1 (4.6 miles from the old highway) and Meadow Valley #2 (5.1 miles from the old highway). The Department would like to see this access route remain available for its personnel and volunteers who inspect and maintain the projects, and perform surveys for other wildlife. Because of the rough, non-maintained roads, ATVs are often used as a quick, effective, and low impact method of accessing the area. ATV use for this purpose results in minimal, temporary disturbance to the jeep trails which terminate at wilderness boundaries. To continue this aspect of important conservation work, we request that ATV use for official business be authorized on a designated route through the CSRMA (page 3-41, OFF-HIGHWAY VEHICLE USE).</i></p>	<p>The text has been modified to indicate "Motorized vehicles will be prohibited from being used in the CSICL, except for specific access for state and federal agency needs."</p>
<p><i>Wildlife, as defined by the State of Nevada, and identified as proposed covered species in the CSI MSHCP/EIS are the desert tortoise, banded Gila monster, western burrowing owl, Moapa dace, and Virgin River chub. Encounter protocols for the Gila monster were updated in 2007 and should be used throughout the CSI MSHCP/EIS (see enclosed).</i></p>	<p>We will use updated banded Gila monster protocol. Text has been added to the EIS and MSHCP to indicate this.</p>
<p><i>An observation, proposed impact mitigation for the Gila monster applicable to the desert tortoise raises questions of adequacy. In consideration of all information provided describing the species and situation in the CSI MSHCP/EIS, one might conclude that while impact avoidance and minimization measures would be in place, the degree of effects to the Gila monster would remain unknown. In the Department's experience, active survey efforts for desert tortoises have rarely resulted in detection of Gila monsters. The Department does not interpret this as a direct indicator of relative abundance or population as much as a reflection of the secretive habits and localities it inhabits in Nevada. Nor does the Department imply it is much more numerous. In Clark County's MSHCP, the Gila monster is not a covered species because little is known about Nevada populations; hence, whether efforts benefiting the desert tortoise would also reflect a similar degree of benefit to the Gila monster remains unknown. Hence, inclusion of the Gila monster as a covered species would seem premature. Additional discussion with the Department on this aspect of the CSI MSHCP/EIS is warranted prior to conclusion of the CSI MSHCP/EIS process.</i></p>	<p>As discussed during our February 12, 2008, meeting between NDOW, Service, and CSI, Gila monster habitat was identified northeast of the Covered Area. Based on past input from NDOW and Service biologists, CSI private and leased lands in Lincoln County are proposed to be reconfigured to avoid possible impacts from the development to the banded Gila monster northeast of the Covered Area. The proposed reconfiguration would essentially result in the leased land acting as a buffer between the Development Area and the Gila monster habitat. Refer to Figure 3-1 in the MSHCP. In regards to NDOW's comments on inclusion of the Gila monster as a Covered Species would be premature, the Service agrees that baseline information on the Gila monster is difficult to obtain as no approved standard survey methods have been developed for this species. Furthermore, the effectiveness of minimization and conservation measures for the Gila monster would be challenging to assess. However, the Service believes that the Gila monster would benefit from the minimization and conservation measures proposed by the applicant. As recommended by NDOW, the Service revised the Gila monster research priorities, which would be funded from mitigation fees as stated in the MSHCP, and included the updated NDOW Gila monster protocol, which the applicant would be required to follow in the MSHCP and EIS. The Service and CSI will continue to consult with NDOW on Gila monster issues as it relates to the proposed development and implementation of the MSHCP.</p>
<p><i>Clearance surveys as described do not work well for Gila monsters as they're very difficult to detect.</i></p>	<p>We have changed the text in the MSHCP and EIS to reflect this. As desert tortoise clearance surveys are conducted, Gila monsters would be detected opportunistically. If a Gila monster is observed on the Development Area, NDOW would be contacted and the NDOW protocol followed.</p>

Comment	Comment Response
<p><i>Pertaining to the Preferred Alternative, the Coyote Springs Resource Management Area (CSRMA) is proposed to be permanently managed with the intent to conserve the desert tortoise and other covered species. On page 5-10, land uses including recreational trails and educational kiosks are suggested for the CSRMA. Development of trails throughout this area will generally have a negative affect on wildlife attributable to increased frequency and types of human activity. Eventually, littering, vandalism, mountain biking, fugitive or uncontrolled pets, and other human-related effects will diminish the value of the CSRMA area as mitigation for loss of other habitat. Consequently, more detailed information is needed regarding the CSRMA including allowable activities, education and effective law enforcement, as well as the level of management emphasis for protection of the CSRMA environment.</i></p>	<p>The CSICL will be managed according to a resource management plan, which will address and minimize these potential adverse effects. The CSICL management plan would be completed one year after permit issuance and would include detailed information on the conservation lands. Trails will be nonmotorized trails incorporated into existing roads. No OHV use would be permitted within the CSICL, except for local, state, and federal access as needed.</p>
<p><i>Add language to the effect, "where active nesting birds are observed and construction of the area is imminent and fiber-scopes are ineffective a 'complete removal by digging back to the end of the burrow and associated intricate system of burrows may be necessary'".</i></p>	<p>Text was added.</p>
<p><i>Page 3-39, Fire Conservation Measures: Need more detail relating how fire will be effectively managed to decrease its potential both within and adjacent to the CSRMA.</i></p>	<p>More detailed fire conservation measures have been included in the EIS.</p>
<p><i>Page 3-40, Trash Management: Need more detail addressing long term plans for management of trash and increase in fugitive and feral animals. Pet Management - Appreciate the mention of not allowing cats to roam free. The concern is how pet management will be proactively enforced.</i></p>	<p>Trash Management: As described in the MSHCP and EIS, trash will be hauled off-site and a trash management program exists on-site for managing construction waste and for requiring capped trash cans. Pet management will be proactively enforced through the use of CCRs regarding domestic pets. Section 11.3.d of the CCRs requires all animals to be within buildings or enclosures or on a leash or restraint at all times only within areas designated by the Board of Directors.</p>
<p><i>Page 3-41, OHV Use: The EIS indicates OHV use will be prohibited in the CSRMA and likely in the developed area, and that they will "encourage BLM to prohibit OHV use on adjacent lands." The wording 'encourage BLM to prohibit OHV use on adjacent lands' does not go far enough and is not realistic. With creation of a new town and associated increase in human population frequenting the Development Area and vicinity, the destructive effects of unregulated OHV use and other habitat damaging activities will inevitably become observably apparent in the surrounding areas of the Sheep Range, Meadow Valley and Delamar mountains, as well as Kane Springs Wash. How will the project proponent contribute to the protection of surrounding federal lands, given the understaffed and under funded nature of the management agencies? (see also page 5-14, lines 3-15). Will there be additional hires for proactive law enforcement staff for BLM, FWS-DNWR and the CSI Development to adequately influence anticipated uses resulting in conservation value? What education/interpretive programs (e.g., signage, PSA's, pamphlets, slogans, patrols, habitat restoration and physical deterrents) will be incorporated to encourage non-disruptive uses? Will an OHV park become a feature within the CSI Development as an attractive alternative use area?</i></p>	<p>CCRs are restrictive in terms of OHV use. The AMP would be used to address concerns regarding OHV use if they developed over the course of the project. CSI will work in cooperation with BLM, Lincoln County, and the Service to restrict and control unregulated OHV use. Reciprocal rights will be sought among the partners. Some of the Section 10 funds through the AMP could be used for additional law enforcement on lease or adjacent public lands if needed.</p> <p>The Master Association would also provide information on nearby OHV parks in Clark and Lincoln counties and other areas and trails authorized for OHV use to residents and visitors, as an encouragement to use these designated areas.</p>

Comment	Comment Response
<p><i>Page 3-45, Additional Fees: Mitigation funds for desert tortoise discussed herein seem to not contribute towards the necessary management implementation needs for the Gila monster. While \$5,000 is mentioned in Appendix M for temporary holding, processing and caring for Gila monsters; additional funds should be directed towards higher priority activities concerning the Gila monster. Frankly, the research priorities described in Appendix M are poorly developed in application to the conservation needs of the Gila monster (see below comments).</i></p>	<p>As discussed in our February 12, 2008, meeting between NDOW, Service, and CSI, the Service included Appendix M on proposed research for CSI lands in the draft EIS and MSHCP. These proposals have not been approved, and the Service welcomes NDOW's comments on all Gila monster proposals. If the Service does decide to issue an incidental permit to CSI for its development, the plan would be to invite NDOW on the Technical Advisory Committee (TAC). The TAC would review research proposals and provide recommendations on priority research projects to fund. We have not included Appendix M in the final EIS and MSHCP as it may be premature to include proposals at this time. As an alternative to including Appendix M, similar to what has been included for the desert tortoise, we have included text on research priorities for the Gila monster and the western burrowing owl.</p>
<p><i>Page 3-64, Section 3.3.3, line 27: It's not clear how known nest locations will be determined. Breeding bird surveys should be conducted to locate known nests, subsequent construction activities near these locations should occur outside of the breeding season. Same section, lines 25-26: few birds forage all night; therefore this mitigation would have little benefit. All litter and refuse must be disposed of in secure containers to prevent scattering to surrounding desert and attraction of opportunists like the raven.</i></p>	<p>Text was changed to indicate the following: All known nests and nesting colonies of migratory birds would be avoided. During the clearance survey processes for Western burrowing owl, and/or desert tortoise, if these occur during the breeding season, surveys for migratory birds would occur and these areas would be avoided in the future. Litter and refuse management is already identified under Trash Management in the action alternatives' conservation measures section.</p>
<p><i>Page 4- 10, Line 22: The EIS states that no bat surveys have been conducted in the project area. In 2003, Department biologist Cris Tomlinson conducted bat surveys in Lincoln County. The following is reported in the Survey of Bats at Spring and Water Development Sites in Lincoln County, Nevada (2005).</i></p>	<p>Information regarding NDOW's 2003 bat surveys in Lincoln County was added. Reference citing this comment was added to the references section.</p>
<p><i>Under any build-out scenario, development in Coyote Spring Valley may favor higher frequency of bat use and perhaps habitation by some species, especially over open water and irrigated turf, and in or about residential, commercial, and landscaping features. While this may be perceived as a conservation bonus, urban wildlife issues may arise and present conservation conflicts (e.g. roost sites vs. disease vector).</i></p>	<p>Text was added.</p>
<p><i>"The red-spotted toad is found along rocky streams and riverbeds." is an incomplete description. These toads also occupy drier habitats in the area, making use of moist crevices, temporary water pockets, and some bighorn sheep water developments.</i></p>	<p>The following text was added: "This species also occupies drier habitats in the area, making use of moist crevices, temporary water pockets, and some bighorn sheep water developments."</p>
<p><i>Page 4-12, lines 27-28 regarding the Peregrine Falcon: No known nesting occurs around the Muddy River as indicated. However in 2007, two previously unknown peregrine territories were discovered in close proximity to the project and the CSRMA, one of which is only approximately 100-300 meters east of the CSRMA boundary. Both territories were occupied and produced fledged young in 2007. They are most certainly using the project and Muddy River areas for foraging. The Peregrine Falcon is currently classified by the State of Nevada as Protected and Endangered WAC 503.050).</i></p>	<p>Text was changed to "The black tern (<i>Chlidonias niger</i>) do not nest within the river corridor but may opportunistically forage in the area. Peregrine falcon (<i>Falco peregrinus</i>) do not nest within the river corridor, but two previously unknown territories have been discovered in close proximity to the project and the CSICL, one of which is only approximately 100-300 meters east of the CSICL boundary. Both territories were occupied and produced fledged young in 2007. They use the project and Muddy River areas for foraging. "</p>
<p><i>Page 4-23, line 5-6: The Department is unaware of a formal, collaborative Gila monster monitoring effort with the Nevada Biodiversity Initiative or Clark County MSHCP relative to CSI. Perhaps mistaken interpretation was with the Department's 2005 Wildlife Action Plan referring to proposed strategies, and not necessarily ongoing actions?</i></p>	<p>Text was removed.</p>

Comment	Comment Response
<p><i>Page 4-27, beginning with line 42: Although the nearest Southwestern Willow Flycatcher critical habitat is some 73.8 miles away on the Virgin River, the description is deficient by failing to identify the nearer Pahrnagat National Wildlife Refuge and the Department's Key Pittman and Overton wildlife management areas. These contain habitat features essential to the Southwestern Willow Flycatcher and where breeding in recent years is documented. Critical habitat was not designated at these facilities because of their exclusion under Section 4(b)(3) of the ESA, i.e. the lands are currently protected and have developed management plans and programs that are being implemented for the protection of Southwestern Willow Flycatcher habitat. Mention of this would seem germane to the present effort. The Department also detected this flycatcher along the Muddy River at the Warm Springs Ranch in 2003, 2004 and 2005 (NDOW 2004-2006). The Muddy River is also frequented by the yellow-billed cuckoo. Surveys at this location by the Department and others have detected the yellow-billed cuckoo and nesting activities in past years.</i></p>	<p>This information has been added to this section.</p>
<p><i>Page 4-39, Figure 4-6: does not show the distance that the Pahrnagat Wash or Kane Springs Wash run within the Development Area. Also noted is that distances are listed in miles, as opposed to Figure 4-3.</i></p>	<p>Edits have been provided to GIS staff.</p>
<p><i>Page 4-61, line 29: The Mormon Mesa ACEC is east of the Kane Springs ACEC.</i></p>	<p>Comment has been addressed.</p>
<p><i>Page 5-3, line 22: How will access to the Kane Springs Valley road be re-established?</i></p>	<p>Kane Springs is a county road; therefore, access will remain open.</p>
<p><i>Page 5-10: Lines 20-21 describes recreational trails, educational kiosks and the like. New trails along with encouraged use throughout this area would generally have negative affects to wildlife because of the new patterns of increased human activity. The actual result is devaluation of this area as true mitigation for loss of other habitat.</i></p>	<p>Text was added to clarify that trails would be developed on existing roads.</p>
<p><i>Page 5-10: Acknowledgement is made that project development will result in significantly increased traffic on US-93 and SR- 168. While most conflicts with wildlife will occur off the project site, we do not agree that these effects are indirectly related to development. The proposed development is the destination and directly causal for increases in traffic volumes over and above pre-construction levels. Historic wildlife movement areas will certainly be affected more by increased traffic volumes and pattern changes over pre-construction conditions. Road design upgrades accommodating wildlife movements and resulting in offsetting increased risks to public and wildlife safety would seem reasonable as part of the regional design inherent to a new, green community. Overpasses, underpasses, and strategically placed barriers can be incorporated into highway and major road designs. The Department would like to see a commitment by CSI in this document to conceptually and materially support the incorporation of wildlife structures into designs for transportation improvements in and near (i.e. zone of influence) the proposed development.</i></p>	<p>As approved by state and federal transportation agencies, culverts and roads will be designed where possible to allow for wildlife corridors, through the development of soft-bottomed culverts and underpasses.</p>
<p><i>Page 5-11, lines 21-31: : Loss of habitat due to development and human encroachment on surrounding mountainous habitat will eventually lead to urban wildlife encounters or interactions involving conflicts with larger predators like coyote, bobcat and mountain lion. As described on line 27-29 'ordinances for trash disposal litter would reduce these food sources for predator to low levels'. An additional condition statement is needed, e.g. 'Where these ordinances are ineffective and the species becomes a human safety concern, more aggressive response will be initiated inclusive of removing the problematic wildlife.'</i></p>	<p>Text was added.</p>

Comment	Comment Response
<i>The \$800 per acre fee is primarily for desert tortoise mitigation; these funds are not necessarily tractable as benefiting Gila monster or the burrowing owl. More specific mitigation at least for the Gila monster is warranted.</i>	Since the public comment period ended, we have worked with NDOW to identify any additional mitigation measures or research priorities for the Gila monster and have include these priorities and measures in the final EIS and MSHCP.
<i>If CSI plans to prohibit pet desert tortoises, the related law enforcement needs should also be addressed here. And, what are the implications for exotic chelonians often kept as pets, such as the Russian tortoise?</i>	The CCRs for the CSI Development in Lincoln County prevent pet desert tortoises from being kept in the development. There are also provisions in the CCRs for exotic species that prevent them from being kept within the development. The CCRs will be enforced through violations and fines, as are typical with CCRs.
<i>Page 5-18, line 10: Measures have been identified to offset other indirect effects of community development. Please elucidate the law enforcement needs associated with illegal collection and vandalism of desert tortoises, Gila monsters, and other protected species.</i>	This is included in the "Enforcement of CCRs" subsection in Section 2: Alternatives. A sentence was added here that states: "The CCRs for the CSI Development in Lincoln County prevent pet desert tortoises from being kept in the development. There are also provisions in the CCRs for exotic species that prevent them from being kept within the development. The CCRs will be enforced through violations and fines, as are typical with CCRs."
<i>A CSRMA with recreational trails will negate its purpose of being managed for wildlife, A trail system will increase the likelihood of avoidance by wildlife, and will result in increased litter, uncontrolled pets, noise, habitat fragmentation, and disruption to nearby raptor nest territories on adjacent BLM lands.</i>	CSI is coordinating with BLM on their trail management planning process. The trails within the CSICL would be on existing roads and trails. Within a year of issuance of the permit, a CSICL management plan would be developed for the CSICL which would include coordination with the Service, CSI, BLM, and NDOW.
<i>Page 5-100, line 4-5, the EIS states, "Overall, the large tracts of land within and surrounding the Coyote Springs Valley would provide adequate refuge for terrestrial wildlife species." The Department disagrees with the assertion. Development of the CSI property and associated effects will be the primary influence for negative impacts to local wildlife. On a larger landscape, the demands placed on adjacent, surrounding areas will have lasting and long term effects, many disfavoring or influencing a "new" lower conservation paradigm. Demand for outdoor recreation on adjacent lands will drive development of, say, hiking, biking and horse trails into the wildlife "refuges."</i>	Text has been changed to read "Overall, the large tracts of land within and surrounding the Coyote Spring Valley would provide adequate refuge for terrestrial wildlife species; however, habitat values would be much lower near the development and would improve as the distance from town increases, as there would be an inverse relationship with the demand for outdoor recreation activities." Law enforcement will exist for areas outside of the development area used for recreation, including the CSICL, DNWR, wilderness areas, and ACECs on BLM lands. There are existing camping and hiking trails in the area, with additional sites being planned.
<i>Appendix F: the Department's comment letter dated December 4, 2004 welcomed the opportunity to provide proactive input to the development of this CSI MSHCP/EIS. The Department notes it was not contacted to that end prior to public release of the present document package.</i>	The Service and the applicant have worked with NDOW and other organizations and agencies during the TSC meetings in 2001 -2003. Since the TSC meetings, we have worked to incorporate comments and address concerns in the development of the documents. Opportunities for participation in the July 2006 scoping meetings existed; although the Service and applicant did not contact NDOW directly to obtain further input. The Service sent a Dear Interested Party Letter to NDOW on November 1, 2007, regarding the notice availability of the draft CSI MSHCP and EIS and the 60-day comment period for these documents. Since receiving NDOW's comments on the draft CSI MSHCP and EIS, we have worked and will continue to work with NDOW to address their concerns, especially issues pertaining to biological resources (i.e., Gila monster, bighorn sheep).
<i>State of Nevada Scientific Collection Permits and/or authorizations to remove animals out of harms way are required in advance for all research and clearance activities described in this appendix. Permit applications can be downloaded from <a href="http://www.ndow.oridlaws/licenses/">www.ndow.oridlaws/licenses/</a>.</i>	All required permits and authorizations will be obtained prior to research or clearance activities.

Comment	Comment Response
<p><i>Page 1, Section 1, A Holding, Captive Propagation, and Head-Starting Program for Desert Tortoises and Gila Monsters: The Department would have appreciated consultation prior to introduction of this proposed research / management action. Gila monsters observed will not be held for propagation or translocation efforts or used for public education opportunities without the advanced written consent of the Department. To this end, the Department anticipates a more proactive consultation for disposition of detected Gila monsters and scope of head-starting desert tortoises. The proposed research agenda clearly demands revision, especially in view of statements made under item 2) where the relevance of 100 mm carapace length to Gila monsters is elusive.</i></p> <p><i>Page 10, Lizard and Snake Sampling: Additional sampling methods will be necessary to detect reptile species that are not typically captured and/or detained in funnel trap arrays (Gila monsters, chuckwallas, collared lizards, blind snakes, ring-necked snakes, ground snakes, night snakes, etc..). Cover boards and pitfall traps should be added to the current array design. Nocturnal and diurnal walking transect surveys should be conducted in addition to the array sampling. Wherever possible, nocturnal road driving surveys should be conducted as well.</i></p> <p><i>Page 11, Small Mammal Sampling: This section mentions pitfall arrays. Previously, only, "aboveground funnel trap arrays" were mentioned. Clarify which trap type(s) are to be used. Utilizing both pitfall and funnel traps are recommended. Additionally, small mammal sampling would not be complete without pre-development surveys for bats.</i></p>	<p>As mentioned above, the Service included Appendix M on proposed research for CSI lands in the draft EIS and MSHCP. These proposals have not been approved, and the Service welcomes NDOW's comments on all Gila monster proposals. If the Service does decide to issue an incidental permit to CSI for its development, the plan would be to invite NDOW on the Technical Advisory Committee (TAC). The TAC would review research proposals and provide recommendations on priority research projects to fund. We have not included Appendix M in the final EIS and MSHCP as it may be premature to include proposals at this time. As an alternative to including Appendix M, similar to what has been included for the desert tortoise, we have included text on research priorities for the Gila monster and the western burrowing owl. Since the public comment period ended, we have worked with NDOW to identify any additional mitigation measures or research priorities for the Gila monster, and have include these priorities and measures in the final EIS and MSHCP.</p>

**Q.2.2 Nevada State Clearinghouse**

Comment	Comment Response
<p><i>The SHPO reviewed the subject document. The SHPO has no record of recent consultation with the U.S. Army Corps of Engineers concerning the effect of this undertaking on historic properties. The statement of Section 6-2 that the U.S. Army Corps of Engineers is in the process of consulting with the Nevada SHPO is not accurate. The SHPO awaits the submission of the cultural resources inventories mentioned in the document. If you have any questions this correspondence, please contact me by phone at (775) 684-3443 or by E-mail at rlpalmer@clan.lib.nv.us.</i></p>	<p>A conference call among SHPO, Patti Johnson, and Steve Roberts has occurred. The Section 106 responsibilities for this project have been transferred from Patti Johnson to Sandy Osborne, both cultural resource specialists at the Corps. A mitigation plan has been reviewed by Sandy Osborne (Corps) and she has drafted a letter to be sent to the SHPO to initiate Section 106 consultation. This letter is anticipated to be sent to the SHPO by June 1, 2008.</p>
<p><i>I spoke with our archaeologist Susanne Rowe about the MSHCP. It is important to understand that cultural resource laws will affect activities in the lands leased to CSI. Many do not affect activities on private lands. She wrote, "Any surface disturbing activities required to implement the plan will require a Class III cultural resource inventory and the subsequent mitigation of any affected historic properties before the BLM can grant a notice-to-proceed." ACOE did not require cultural resource surveys in the leased lands, but the plan does discuss potential for ground disturbance. It is important to understand that surface disturbance includes trail construction, restoration actions, fence construction, etc. The area of potential affect must be inventoried, so the canyon at the end of the trail would be included as well in the area of potential affect. This cultural resource survey requirement is an additional cost that CSI and FWS may not have considered for actions occurring on the leased lands. I recommend that this inventory be accomplished once the lease realignment issues are resolved in court, before actions are waiting to be implemented. This will reduce delays associated with consultation with the State Historic Preservation Office (SHPO) and mitigation of sites, if required.</i></p>	<p>We understand and are following Section 106 and other cultural resource regulations under NHPA and other acts.</p>

### Q.3 NON-AGENCY COMMENTS

Non-agency comments and their responses are included below. Comments and responses that duplicated agency comments are not included here.

#### Q.3.1 No Action Alternative

A comment was raised regarding the likelihood of the scenario of development presented if the No Action Alternative were implemented.

**Comment:** *No Action Alternative: This is not a no action alternative. It is another development alternative just at a lower level than the other two alternatives. A No Action alternative must be set at the baseline condition of the proposed project – in this case, very little development in the project area. This is the alternative against which the “action” alternatives must be compared. The dEIS has failed to include a No Action alternative. RECOMMENDATION: add a baseline condition, No Action alternative and treat this “No Action” alternative as a lower development alternative.*

**Response:** The No Action Alternative is what would occur if things continued as they currently are, which is without Section 10 and 404 permits for the CSI planned development and without a reconfiguration of the private and leased lands and a right-of-way grant by the BLM for detention basins. As a result of implementing the No Action Alternative, the environmental consequences for the No Action Alternative reports an analysis of no effect from the No Action Alternative for each resource. However, as a result of the No Action Alternative, CSI would most likely sell their private lands to individual owners and effects could occur if development occurred after the No Action Alternative was implemented.

#### Q.3.2 Adequacy of Conservation Measures

Several comments were made regarding the adequacy of conservation measures, including law enforcement.

**Example Comment:** *We are encouraged to read of proposed controls on pets at Coyote Springs. While a leash law for dogs is commendable, our experience in existing metropolitan areas of Nevada indicate that enforcement can be a problem. Stray dogs and cats are numerous.*

*We object to the now standard response for addressing the “take” of desert tortoises by requiring a fee of some \$550 per acre to allow the tortoises to be relocated to another area and for the monies to be used for research.*

**Response:** The MSHCP provides measures to avoid, minimize, and mitigate project impacts to desert tortoise and other covered species. An adequate analysis of alternatives has been conducted during preparation of the EIS. A phased approach to development during the first eight years and a plan to disturb the habitat with the highest density of desert tortoises last, in combination with an adaptive management plan, will allow for an assessment of the adequacy of the conservation measures through the AMP and provide for the opportunity to develop others if needed.

Text was added to the EIS to clarify the enforcement of the CCRs. Based on outcomes of the AMP, more funds will be allocated to law enforcement if CSI in consultation with the Service determines law enforcement requires additional funding. The CCRs established for the CSI Development in Lincoln County prohibit domesticated animals and require leash laws. Domestic sheep, goats, and camelids would be prohibited in the CSI Development. Refer to page 3-45 in the EIS. Lease laws are required by the CCRs for all pet animals.

#### Q.3.3 Coyote Springs Investment Conservation Lands (formerly the Coyote Springs Resource Management Area in the Draft EIS)

**Comment:** *The plans for management of the Conservation Reserve area on the east side of the development are not at all clear. Will flood control basins, water wells, and water reservoirs be constructed in the Reserve area? What about roads? Will it be open for recreation? Will it have foot trails and/or bike trails? If it is going to be a real conservation area then it shouldn't be a site for infrastructure.*

**Response:** The resource management plan would designate how the CSICL would be managed. However, the purpose of the CSICL would be foremost for resource protection. Trails will be nonmotorized trails incorporated into existing roads. No OHV use would be permitted within the CSICL, except for local, state, and federal access as needed.

#### **Q.3.4**      Relationship with Other HCPs

In the comments received, the relationship of the CSI MSHCP to other HCPs was raised in a number of manners.

**Example Comments:** *The CSRMA within Clark County is identified in the Clark County MSHCP as conserved land with the management category of Less Intensively Managed Area (LIMA). Has USFWS considered how two MSHCP can count the same land as mitigation? Will this change the Clark County MSHCP classification to Intensively Managed (IMA)?*

*Tortoises covered by the Clark County MSHCP are being cleared and used in an experimental head starting program. The Clark County MSHCP and its permit does not address or cover this activity. Is there any part of Clark County's MSHCP or permit that needs to be modified to reflect this arrangement and authorize this activity, which isn't normally done on other private land in Clark County? Please clarify.*

**Response:** Clarification of the CSI MSHCP to other HCPs and plans was made as follows: In the Clark County MSHCP, the CSICL is not identified as a LIMA, because it is land leased for private uses. As such, the Clark County MSHCP does not include this land for mitigation. There is no conflict between the Clark County MSHCP and the CSI MSHCP.

Additional clarification was added to the CSI MSHCP and EIS to distinguish activities on the private lands in Clark County, which are not part of the CSI MSHCP, and those that occur on private lands in Lincoln County and lease lands in Lincoln County and Clark County.

The Biological Opinion (BO; FWS File No. 1-5-05-FW-536-Tier 1) for the CSI Development in Clark County includes the minimization measure of pre-construction tortoise clearance on CSI private lands. Since this BO covers pre-construction tortoise clearance surveys on CSI private lands in Clark County, the Clark County MSHCP is not required to cover this activity. Regarding the use of tortoises in an experimental head starting program, any scientist would be required to apply for a recovery permit, under section 10(a)(1)(A) of the Endangered Species Act, for research conducted on desert tortoise. Recovery permits allow people to conduct research that furthers our understanding of listed species for the purposes of assisting in recovery efforts to listed species. The Clark County MSHCP or permit would not be required to cover the experimental head starting program.

Text was added to Section 1.3.2 to clarify the CSI MSHCP's relationship with the Clark County MSHCP and the Ely RMP (and its predecessor the Caliente Management Framework Plan Amendment). Text was added to Section 3.1.1 to elaborate that the recovery plan was reviewed when developing conservation measures. The Adaptive Management Plan will also allow for consistency with future conservation efforts.

#### **Q.3.5**      Assurances of Funding

Comments were made regarding a perceived lack of assurances of funding for the CSI MSHCP.

**Example Comment:** *Unfortunately the Draft MSHCP fails to adequately provide for the conservation of listed species affected by the project. For example, the draft MSHCP allows for the loss of thousands of acres of desert tortoise critical habitat in direct contradiction to the recovery plan which calls for reserve level protection of this habitat. The mitigation measures - including translocation and head-starting - are important to minimize the impacts to the species from the project, however, there is no assurance that they will fully mitigate the impacts to this species from the project or provide sufficient measures to move the desert tortoise forward towards true conservation and recovery. Moreover, although the draft MSHCP commits to preservation of certain lands and commits to a translocation program for the desert tortoise it but does not ensure that if monitoring shows that such measures are insufficient the MSHCP and ITS will be withdrawn and the remaining individuals and intact habitat will be protected until and unless the species and its habitat are adequately protected in a revised plan to ensure conservation and recovery.*

**Response:** Sufficient funding would be secured at the outset of the project. Before ground disturbance occurs, mitigation fees would be required to be put into a Section 10 Trust Fund, as stated on page 6-12 of the MSHCP. Also, as stated on page 6-16 of the MSHCP, “CSI has agreed to contribute \$750,000 to fund research and activities that would further conservation efforts for the desert tortoise. These funds would be set aside within 30 days of issuance of the incidental take permit associated with the CSI MSHCP. They would be put in the Section 10 Trust Fund, an interest-bearing account, to be used at the Service's direction.”

### Q.3.6 Las Vegas Buckwheat

A number of comments were made regarding the status of the Las Vegas buckwheat in the CSI MSHCP, now that it is considered a federal candidate species.

**Example Comment:** *In both the Draft EIS and MSHCP, the status of the Las Vegas buckwheat (Eriogonum corymbosum var. nilesii) is listed as a watch species and no specific conservation measures are listed. That is a great concern to me, because not only was the species found in the Clark County portion of the CSI development with 3 populations on over 25 acres in badland soils, but there is a very good chance that this species occurs in the same badland soils in Lincoln County. As a botanist I have performed several surveys for the Las Vegas buckwheat in Clark County, and know how difficult this species is to observe at the wrong time of the year. Generally surveys are done in October and November when this species is in bloom, but the plant surveys were performed in April of 2005 and 2006, not an optimum time.*

**Response:** This species' status in the MSHCP has been updated to Evaluation Species, although there is no suitable habitat (e.g., gypsum soils) for the Las Vegas buckwheat in the Development Area in Lincoln County. The RCI surveys from spring 2006 surveyed the Lincoln County CSI lands and found no Las Vegas buckwheat individuals. The Service's botanist was consulted regarding the detectability of Las Vegas buckwheat during these spring surveys, and the species would be able to be detected by a qualified botanist during spring. In an effort to conserve this species and minimize impacts from development of CSI private land in Clark County, which was permitted through the Clark County MSHCP, CSI has been propagating the species within its nursery located on the Clark County side of Coyote Spring Valley.

### Q.3.7 Wilderness

From a number of commenters, it was noted that indirect effects to wilderness areas surrounding the project area were not addressed in the Draft EIS.

**Example Comment:** *Wilderness is another problem that is not adequately addressed in this Draft EIS. There is a vague mention of the Meadow Valley Range Wilderness and the Arrow Canyon Wilderness, and the Delamar Wilderness is not even mentioned; these wilderness areas surround the CSI property to the south, east, and northeast. They were protected as wilderness by Congress with the passage of the Lincoln County Conservation, Recreation and Development Act of 2004. These areas warrant addressing how this project plans to protect the wilderness resources & illegal OHV use and other uses.*

**Response:** A new subsection, Wilderness and Wilderness Study Areas, was added to the EIS, which included a full analysis of any direct and indirect effects from the three alternatives considered.

### Q.3.8 Socioeconomics

In addition to agency comments on socioeconomics, comments were made regarding the adequacy of the socioeconomics analysis, particularly regarding the adequacy of the analysis for temporary housing/workers.

**Comment:** *Economics: we were very troubled by this section. Although we were buried in economic statistics, the information to determine the actual economic impacts of a “new town” of several hundred thousand people in this remote rural county or even the impacts of the 80 to 32,300 construction and permanent workers in a county of currently about 4,165 residents was missing. The infrastructure to support the construction workers, much less the build-out population of residents and permanent employees does not exist nor does the dEIS adequately describe who will pay the costs of necessary infrastructure - the developer or county, state, and national taxpayers.*

**Response:** An assumption to the socioeconomics section has been added: “It has been assumed that temporary housing would not be provided on-site for workers. Also, it is expected that most construction workers will be from the Las Vegas metropolitan area and will not relocate to Moapa or Alamo due to limited available housing in these towns.”

Increased population growth and urbanization due to the Preferred Alternative or Alternative 1 is expected to occur within the project area on CSI lands. However, as stated on page 5-68 of the DEIS, it is anticipated that neither the Preferred Alternative nor Alternative 1 would result in significant additional indirect population growth in outlying areas compared to the No Action since growth is constrained in Moapa, Alamo, and other areas of southern Lincoln County due to the limited amount of available developable private land. Such effects for the Coyote Spring Valley have been addressed in Indirect Effects sections for natural resource topics.

### Q.3.9 Visual Resources

A comment was made regarding the adequacy of the visual resources aspect of proposed alternatives and mitigation measures.

**Comment:** *Light pollution: we could find no discussion of light pollution in the dEIS, although the lights from development on over 20,000 acres will be a significant impact on resident wildlife and migratory birds. RECOMMENDATION: address the impacts of light pollution.*

**Response:** Measures to reduce visual impacts to the project area included within the CCRs and the Development Agreement are intended to reduce effects to visual resources within the Development Area under each of the action alternatives through creating a community that will match the color and tone of the landscape. Light pollution would be minimized through the implementation of the dark sky concept through the CCRs. The alternatives considered but dismissed section has included greater detail of the initial planning process, where other project footprints were considered before concluding that the two action alternatives analyzed were preferable footprints for covered species and WOUS.

### Q.3.10 Document Size and Structure

Comments were made regarding the cumbersomeness of the CSI Draft EIS and MSHCP, including the digital copies available for download on the Service’s website.

**Example Comment:** *CEQ REGULATIONS: In addition, the lengthy dEIS violates NEPA requirements for a readable concise document. The dEIS repeats much of the information in the lengthy dHCP, but not all of it. The weight of the documents (dEIS - 20 pounds and dHCP - nearly 15 pounds) as well as their height (dEIS – 5 inches and dHCP – over 4 inches) make the documents difficult to handle and read. But the hard copy with tables and maps inserted properly was definitely more reader-friendly than either the on-line version or the CD. Unfortunately, time was too short to be able to circulate the documents among our members who may have been able to provide their expertise and concerns for these comments. Nor were hearings on the draft documents held.*

**Response:** The EIS and MSHCP were revised to consolidate the text and reduce redundancy. The documents were consolidated into a three volume set, to only have one set of appendices for the two documents. Sections of the MSHCP were reduced with a reference to the full section in Volume I, the EIS. This resulted in a reduction of approximately 100 pages for each the EIS and MSHCP, along with a 50 percent reduction in appendices. For downloads of the final documents, figures will be incorporated into the pdfs of the EIS and MSHCP, to reduce potential confusion when reviewing the documents.

### Q.3.11 Notice and Time for Public Comments

**Example Comment:** *RECOMMENDATION: We strongly recommend that the USFWS produce more concise revised EIS and HCP documents as well as to hold public hearings and provide adequate notice and time for public comments.*

**Response:** The Service provided a 60-day comment period on the draft MSHCP and EIS, and granted individual extensions to the public when requested. In addition to publishing a Notice of Availability in the Federal Register, a legal notice of these draft documents and the 60-day comment period were published in the

Las Vegas and Reno local newspapers. The Service also mailed Dear Interested Party letters that informed stakeholders, including Red Rock Audubon Society and the Sierra Club's Las Vegas' Office, of the availability of these documents and the 60-day comment period. Therefore, the Service believes that adequate time and notice were given to comment on the draft MSHCHP and EIS. Furthermore, a representative from the Sierra Club, Toiyabe Chapter and other resource agencies and stakeholders were involved in the CSI HCP Technical Steering Committee meetings from 2001-2003. The Steering Committee provided valuable input on species that should be covered under the HCP as well as appropriate conservation measures for covered species.