



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

**CESPK-RDI-N**

**MEMORANDUM FOR RECORD**

**SUBJECT:** Department of the Army Decision Document for Proposed Regional General Permit 7 SPK-2007-00300

This document constitutes the Environmental Assessment, 404(b)(1) Guidelines Evaluation, Public Interest Review, and Statement of Findings.

**1. Proposed action:**

**a. Project name:** Regional General Permit for Construction and Maintenance of Flood Control Facilities under the Clark County Regional Flood Control District Master Plan (RGP 7)

**b. Permittee:** Clark County Regional Flood Control District  
600 South Grand Central Parkway, Suite 300  
Las Vegas, NV 89106

**c. Project location and closest waterway:** This Regional General permit (RGP) would authorize activities that are included in the Clark County Regional Flood Control District's (CCRFCD) Master Plan, and are either funded or approved by CCRFCD, involving a discharge of dredged or fill material into waters of the U.S., within the geographic scope of the CCRFCD Master Plan, Clark County, Nevada.

**d. Purpose of the Action:** The purpose of the RGP 7 is to provide a streamlined permitting mechanism for fill activities associated with the construction and maintenance of flood control facilities funded by or built in accordance with the CCRFCD Master Plan. Most activities associated with flood control facilities exceed the allowable acreage or linear foot limits of applicable Nationwide Permits and the current Letter of Permission (LOP) process for Nevada. RGP 7 would provide a simplified permitting mechanism for minor construction and maintenance activities within waters in the region that have similar limited functions and services. The local municipalities who construct and maintain flood control projects expressed a need for timely permit decision and certainty in mitigation requirements. This RGP would also provide significant workload reduction for the Corps because it is designed to authorize flood control projects resulting in no more than minimal impacts which would otherwise require authorization under a Department of the Army Standard Individual Permit.

**e. Project Description:** This RGP would authorize permanent and temporary discharges of dredged and/or fill material into waters of the U.S., including wetlands, needed to construct or maintain flood control facilities funded by or constructed in accordance with the CCRFCD Master Plan. The discharge of dredged and/or fill material into waters of the U.S. for each individual project is limited to the following:

**(1) Within the Las Vegas Valley Urban Boundary (Figure 1):** The discharge of dredged or fill material as a result of the proposed activity shall not exceed 1 acre of wetland, and 5,000 linear feet of relatively permanent waters.

**(2) Within Laughlin, the City of Mesquite, and the Boulder City Urban Boundary (Figures 2, 3, and 4):** The discharge of dredged or fill material associated with the proposed activity shall not exceed 0.5 acre of wetlands and 500 linear feet of relatively permanent waters. The following activities are not authorized without an activity specific waiver: construction or expansion of channelization, conversion to underground pipe, ditch lining, realignment of streams and ditches, or construction of new in-stream detention basins.

**(3) Within the Muddy River Planning Area (Figure 5) and within the Virgin River:** The total discharge of dredged or fill material associated with proposed activity shall not exceed 0.5 acre of wetlands and 500 linear feet of relatively permanent waters. Subject to approval by this office, this limitation may be increased to 1,000 linear feet, provided appropriate bioengineering techniques (e.g., willow plantings, root wads, large woody debris, or equivalent techniques) are incorporated into the activity design. The following activities are not authorized without an activity specific waiver: construction or expansion of channelization, conversion to underground pipe, ditch lining, realignment of streams and ditches, or construction of new in-stream detention basins.

**(4) In all other areas of Clark County:** The discharge of dredged or fill material as a result of the proposed activity shall not exceed 0.1 acre of wetlands and 500 linear feet of relatively permanent waters.

The activity must be a single and complete linear or non-linear project, as defined in Section F of the January 13, 2021, Federal Register Notice for Reissuance and Modification of Nationwide Permits; Final Rule (86 FR 2744), which can be found at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>

The authorized work must be completed in accordance with the terms and conditions stated herein. Activities that do not meet the terms and conditions of RGP7 will require alternative Department of the Army authorization.

**f. Avoidance and Minimization Information:** Applicants would be required to demonstrate avoidance and minimization for each activity to be verified under RGP7. On a case-by-case basis, the district may add special conditions to individual verifications to further reduce permanent and temporary impacts. In addition, each activity authorized under the RGP would be required to meet all terms, as described above, and 19 general conditions, as identified in the Final RGP located in Appendix C. The terms and general conditions identified in the RGP were developed to avoid and minimize impacts to waters of the U.S., to ensure that no more than minimal individual and cumulative adverse effects would occur.

**g. Compensatory Mitigation:** Compensatory mitigation requirements would be made on a case-by-case basis, during the evaluation of a proposed activity under the RGP and

would be based on the functions and services of the aquatic resources that would be lost. A geographic approach will be used to determine whether compensatory mitigation may be required for a particular activity. Within the Las Vegas and Boulder City Urban Boundaries, two zones (Urban Core and Exterior) have been established, as shown on Figures 1 and 3. Compensatory mitigation is generally not required for proposed activities within the Urban Core zones, except in cases where the activity would result in a permanent discharge of dredged and/or fill material into wetlands or into relatively unmodified drainages that retain substantial natural functions and services. Where wetlands and/or relatively unmodified drainages that retain substantial natural functions and services would be adversely affected from the proposed discharge, compensatory mitigation would be determined on a case-by-case basis. For proposed activities within the Las Vegas Exterior Zone, the Boulder City Exterior Zone, or within the areas depicted on Figures 2, 4, and 5, the Preconstruction Notification (PCN) must include a written statement identifying the type, amount, and location of proposed compensatory mitigation to offset unavoidable losses of waters of the U.S. If compensatory mitigation is not being proposed, a narrative must be included explaining why compensatory mitigation would not be necessary to ensure no more than minimal adverse individual and cumulative effects to the aquatic environment.

#### **h. Background:**

**(1) Need for Permit:** As part of the response to several severe flood events that occurred during the 1980s, in 1985 the State of Nevada created the CCRFCD. Prior to the existence of the CCRFCD, the individual cities in Clark County addressed flooding problems within their jurisdictions, which proved to be ineffective because many flooding problems arise from issues that cross jurisdictional boundaries. The CCRFCD was tasked with the creation of a Flood Control Master Plan, which was completed in 1986. Master Plans have been developed for Boulder City, Bunkerville, Las Vegas Valley, Mesquite, Muddy River (Moapa Valley), and Outlying Areas. The Nevada Statutes require a review of each Master Plan at 5-year intervals. There are approximately 200 miles of channels that are planned for some kind of construction over the next 25 years, and most of these channels have been previously impacted through channelization and erosion protection in the form of riprap, gabion baskets, and concrete lining.

**(2) Functions and Services of Aquatic Resources in the Permit Area:** The Las Vegas Valley has seen rapid growth over the past 70 years, starting out in the 1950's as a small town of approximately 50,000 people. During the past few decades, it became one of the fastest growing areas in the United States. During most of this time, little thought was given to the potential impacts of flooding events in the desert. As population increased, impervious surfaces increased, and many washes were straightened and converted to serve flood control purposes before laws and regulations were in place to protect aquatic resource functions and services.

The Las Vegas Valley receives approximately 4.15 inches of rain each year. The largest drainage in the valley is the Las Vegas Wash, which was originally a seasonal or intermittent wash, is now a perennial system due to increased flows derived from public water treatment facility effluent, increased urban run-off and discharge of shallow groundwater.

Within the Las Vegas Valley, watershed and landscape connections have been impacted due to development that has occurred during the past 65 years. The majority of the natural washes in Las Vegas were ditched and straightened and/or converted to rip-rap or cement-lined channels prior to the 1980s in order to function for flood control. Many of the drainages have been piped and become components of and/or conduits between stormwater detention facilities. Because hydrologic connections still exist, the drainages within the urban boundaries still serve water and sediment transport functions. However, in many cases, functions such as wildlife habitat, biogeochemical transformations, flood attenuation, and groundwater recharge functions have been greatly reduced or eliminated altogether in the urbanized drainages.

Wildlife movement through the Las Vegas Valley has been significantly reduced due to urbanization. Flood control channels still provide some accessibility for wildlife movement, but it is very limited due to a lack of quality habitat within a cement lined channel. There is a significant amount of land within Clark County that is publicly owned and still maintains a certain number of natural washes and corridors for wildlife movement. Most of the headwater streams feeding into the Las Vegas Valley are in relatively undisturbed condition and are protected from further development, such as Sloan Canyon, Red Rock Canyon, Spring Mountains, Kodachrome Wash, and the Desert National Wildlife Refuge. Clark County encompasses approximately 5.12 million acres, of which 90% is managed by six federal agencies: Bureau of Land Management (2.9 million acres), National Park Service (587,000 acres), U.S. Fish and Wildlife Service (493,000 acres), U.S. Forest Service (252,000 acres), Bureau of Reclamation (50,700 acres), and Nellis Air Force Base (13,500 acres). The Bureau of Land Management manages 800,000 acres that are currently held under special designation and would not be eligible for future sales. In addition, Clark County also has designated a large portion of the lower Las Vegas Wash as a "Wetlands Park" that provides for high quality habitat within the lower Las Vegas Valley.

Among the functions typically associated with washes would be the potential for aquifer recharge. In almost all cases throughout the Las Vegas Valley, the soils are overlain on a layer of caliche, which is impermeable to water. During storm events water drains rapidly through the valley and into Lake Mead. There is very little opportunity for aquifer recharge from washes within the Las Vegas Valley. The groundwater basin for the Las Vegas Valley consists of the southern part of Indian Springs Valley, Three Lakes Valley, and the northern half of Ivanpah Valley and the Las Vegas Valley and includes approximately 3000 square miles in southern Nevada. There are four principal zones of aquifers – the deep, middle, and shallow zones of artesian aquifers and the near surface zone of water table aquifers. Natural recharge of the artesian aquifers is driven by precipitation in the mountains surrounding the Las Vegas Valley. As the ground water moves through the system, from recharge in the mountains to areas of discharge in the lower Las Vegas Valley, the water becomes confined between relatively impermeable beds. Nearly impervious barriers impede the lateral flow of water (Malmberg, G.T. 1965). The washes draining the mountainous areas surrounding Las Vegas Valley and proceeding through the valley to the Las Vegas Wash do not provide a substantial amount of recharge capability.

The Las Vegas Valley's highly urbanized environment and the surrounding infrastructure make converting the existing washes to cement lined channels a relatively minor impact, both individually and cumulatively when compared to the potential loss of property and life that has been associated with storm events in the past.

The drainages in the other areas covered by the RGP 7 (e.g. Boulder City, Laughlin, and Mesquite) have also been affected by past development and flood control efforts, though to a lesser degree. Maximum impact thresholds have been reduced in these areas, and compensatory mitigation may be required to help ensure that projects permitted under the RGP 7 have no more than minimal impact.

**(3) Permit History:** RGP 7 was originally issued by the Sacramento District in May 2002, for the discharge of dredged or fill material in waters of the United States, including wetlands, for the construction of minor new flood control facilities and the routine maintenance of existing flood control facilities in Clark County, Nevada. The RGP 7 was re-issued on September 1, 2007, August 7, 2013, and February 18, 2019, each time with minor modifications. The previously authorized RGP 7 expired on February 19, 2024.

**(4) Permit Purpose:** The proposed RGP 7 would authorize fill in waters of the U.S. necessary to construct and maintain flood control facilities funded by, or built in accordance with, the CCRFCD program under one permit, to streamline the permitting process for routine maintenance activities, provide mitigation certainty for new construction projects, and authorize activities that result in no more than minimal impacts to the aquatic environment which do not qualify for issuance under a Nationwide Permit. Activities that would qualify for processing through the proposed RGP 7 are fill activities resulting in unavoidable relatively minor impacts, mainly to previously modified drainage channels in urbanized areas and, therefore, do not warrant more detailed processing.

**(5) Modifications in the Revised RGP 7:** In order to ensure RGP 7 authorizes activities resulting in no more than minimal direct, indirect, and cumulative adverse effects to the aquatic environment for a variety of flood control activities, the Corps is proposing to modify this RGP and re-issue for a 5-year period. As part of the proposed modifications, the Corps is proposing to modify certain permit terms and adjust impact thresholds. The following is a summary of the substantial changes that have been proposed to RGP 7 from the previous RGP 7:

**(6) Impact Thresholds:** The previous RGP 7 authorized up to 1 acre of wetland impacts within the Las Vegas Urban Boundary but did not authorize impacts to wetlands in areas outside of the Las Vegas Urban Boundary. Revised RGP 7 continues to authorize up to 1 acre of wetland impacts within the Las Vegas Urban Boundary and also authorizes up to 0.5 acre of wetland impacts within Laughlin, the City of Mesquite, and the Boulder City Urban Boundary, as well as the Muddy River Planning Area. All other areas within Clark County are authorized to impact up to 0.1 acre of wetlands.

The previous RGP 7 identifies impact thresholds by flow regime, such as perennial, intermittent, and ephemeral. These terms are no longer used in defining waters of the U.S. Instead, the Amended 2023 WOTUS Rule categorizes the flow regime as “relatively permanent” and “non-relatively permanent” waters. The proposed RGP 7 has been revised to be consistent with the current definitions and no longer includes language addressing impacts to ephemeral, or “non-relatively permanent”, waters. Relatively permanent waterways conform to both intermittent and perennial stream channels and their impacts have been consolidated accordingly. Within the Las Vegas Urban Boundary, impacts to relatively permanent waters shall not exceed 5,000 linear feet. Within Laughlin, the City of

Mesquite, and the Boulder City Urban Boundary, as well as the Muddy River Planning Area, impacts to relatively permanent waters shall not exceed 500 linear feet. Subject to approval by the Corps, the limitation of impacts to relatively permanent waters within the Muddy River Planning Area may be increased to 1,000 linear feet, provided appropriate bioengineering techniques are incorporated into the activity design.

**(7) General Conditions and Terms:** Several of the General Conditions from the previous RGP 7 have been modified, removed, or relocated, and some new General Conditions have been added to be consistent with the Sacramento District General Permit template as well as the 2021 Nationwide Permit General Conditions. The last notable change is the permit duration, in which the previous RGP 7 stated in Term 1, “Activities verified under the RGP are valid until the expiration date of this RGP, when this RGP is scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the RGP expires or is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions.” Following a discussion with Sacramento District management, it was found that our regulations identify that a General Permit is valid for not more than five years (33 CFR 325.2(e)(2)). For NWP, the regulations in 33 CFR 330.6(b) allows for that grandfathering provision. However, this is only applicable to NWPs, it does not apply to all General Permits. As such, the RGP 7 will only be valid for five years from the date of reissuance.

## 2. **Authority:**

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403).
- Section 404 of the Clean Water Act (33 U.S.C. §1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

## 3. **Scopes of Analysis:**

**a. National Environmental Policy Act (NEPA):** The scope of analysis under NEPA includes all waters of the U.S. that would be affected, as well as any adjacent uplands that meet the requirements of 33 CFR 325, Appendix B.

**b. National Historic Preservation Act (NHPA):** The scope of analysis (permit area) under NHPA includes all waters of the U.S. that would be affected, as well as any adjacent uplands that meet the requirements of 33 CFR 325, Appendix C.

**c. Endangered Species Act (ESA):** The scope of analysis under ESA includes all waters of the U.S. that would be affected, as well as any adjacent uplands that would be directly or indirectly affected by the action.

## 4. **Public Involvement:**

**a.** A public notice was issued on December 29, 2023, for a 30-day comment period. Only one comment was received by the Yocha Dehe Wintun Nation.

(1) The Yocha Dehe Wintun Nation provided a written response dated January 30, 2024, in which their cultural resources department reviewed the project and concluded that it is not within the aboriginal territories of the Yocha Dehe Wintun Nation. As such, they declined to comment on the project.

b. A public hearing/meeting was not requested and was not held.

## 5. **Alternatives Analysis:**

a. **Alternative 1 - No action alternative:** Under this alternative, the proposed RGP 7 would not be reissued, and if the work were not an exempt activity as defined in Section 404(f) of the Clean Water Act, as further clarified in 33 CFR 323.4(a)(2), the applicant would need to meet the terms and conditions of an existing General Permit (GP) or apply for an Individual Permit (IP). Review of the CCRFCD projects anticipated to be constructed during the next five-year permit cycle indicates that few of the projects would be eligible for authorization under nationwide permits, and therefore would require an individual permit. This would increase workload for the Corps and would result in longer processing times for applicants for a suite of projects that are similar in nature and cause only minimal individual and cumulative environmental impacts.

Although this alternative would result in unnecessary delays in the permitting process, in accordance with NEPA, this alternative will be carried throughout the decision document.

b. **Alternative 2 - Re-issuance of existing RGP 7:** Under this alternative, the February 18, 2019, version of RGP 7 would be re-issued without changes. As described in Section 1(h), the proposed changes to RGP 7 were made to modify certain permit terms and adjust impact thresholds conforming to the Amended 2023 Rule. Reissuance of the existing RGP 7 would not meet an identified need to adjust impact thresholds and types of activities authorized, and better ensure notification and review procedures are sufficient to facilitate efficient reviews. Therefore, this alternative will not be further evaluated.

c. **Alternative 3 - Alternative Terms and Conditions on the RGP 7:** A number of conditions were considered for the proposed RGP to ensure that no more than minimal individual and cumulative impacts would occur under the RGP. We have determined that not providing conditions on the RGP would, in some instances, fail to provide an adequate and necessary level of assurance for the minimal impact determination. Conversely, we have determined that more restrictive conditions would not substantially increase the probability that the impacts would be minor but would likely restrict the viability of the RGP and adversely affect its use. Therefore, this alternative will not be further evaluated.

d. **Alternative 4 - Proposed RGP 7:** The proposed RGP contains reasonable and enforceable conditions and would avoid and minimize adverse effects to the aquatic environment associated with flood control activities conducted in accordance with the CCRFCD master Plan.

e. **Alternatives Carried Forward:** Alternatives 1 (no action alternative) and 4 (proposed RGP 7) will be carried forward in the decision document for compliance with the National Environmental Policy Act (NEPA); however, the no action alternative does not

meet the purpose of the proposed action.

## 6. Evaluation:

### a. **Physical/Chemical Characteristics:**

**(1) Substrate:** Activities authorized under RGP 7 could result in impacts to a range of channel types of varying qualities, ranging from natural channels composed of sandy or clay sediments, rocks and cobbles, etc., to extensively modified, straightened, and armored channels composed of riprap or concrete.

Within the urban centers that would be covered by the RGP, the condition of drainages that would be affected is typically poor, due to previous channeling, straightening, excavation, armoring, and sediment capture and removal practices that occurred concurrent with urban development, and unavoidable impacts to substrate in these degraded systems are typically not substantive. Waters located outside of the urban centers are usually higher quality, less disturbed, and have less encroachment from the urban environment.

Where new facilities are proposed to be constructed, in many cases the projects associated with this RGP would convert an earthen channel to riprap or concrete, changing the substrate from pervious to impervious. The change in substrate would reduce contact between water and earthen substrates, reducing opportunity for adsorption of pollutants to soil particles, potential groundwater recharge, and sediment transport.

Flood control channels are designed based on a number of different factors, such as expected flow volumes and flow velocities, compatibility with upstream and downstream channel geometry and existing lining, the type of existing soils, maintenance costs, right-of-way availability, land use, existing infrastructure, and past experience with various channel linings. Based on previous projects authorized under RGP 7, alternatives that may be less environmentally damaging are typically found to be not practicable in the urban centers, due to the need for precise flood control capability, encroachment from existing infrastructure, and limited right-of-way, particularly in more urbanized areas within the urban centers covered by the RGP. In contrast, opportunities for less environmentally damaging designs are typically more available in less urbanized areas. The RGP's impact thresholds vary among the urban centers to reflect the degree of past degradation and the degree of limitation on alternative designs. In outlying areas, adverse impacts are limited to 500 linear feet to reflect the reduced design constraints and expanded opportunity for alternative designs and additional avoidance and minimization. In all cases, activities proposed for authorization under the RGP 7 would be evaluated to ensure opportunities to provide for more natural channels or low impact development designs are considered to the fullest extent.

The effects from the placement of fill material, or excavation of substrate into waters of the U.S. associated with activities authorized under the RGP must result in no more than minimal individual and cumulative adverse effects, as required by the RGP. Per general condition 11 of the RGP, the applicant must install and maintain best management practices (BMPs) on-site prior to initiation of construction activities in waters of the U.S. It is not expected that there would be any indirect or cumulative adverse effects to substrate from



activities authorized under this RGP. When notification is received for a proposed activity under RGP 7, the Corps' Project Manager (PM) would be responsible for ensuring there would be no more than minimal individual and cumulative effects. The need for compensatory mitigation to offset adverse impacts would be assessed on a case-by-case basis, and compensatory mitigation would be required in all cases where needed to ensure net project impacts remain minimal.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Under the no action alternative, flood control activities would also result in effects to substrate, as existing soils may be replaced with fill material, including concrete, cement, rip rap, and other material. The Corps would be required to analyze the effects to substrate on an individual basis.

**(2) Current patterns and water circulation:** All structures authorized under this RGP would be designed in accordance with the Clark County Regional Flood Control design standards and would convey at least the 100-year flow under full-build out conditions. The proposed projects are intended to limit the destructive currents and flows associated with flash floods and storm events and control the circulation of floodwaters. When notification is received for a proposed activity under RGP 8, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative may result in temporary and localized effects to water patterns and circulation. The Corps would be required to analyze the effects to current patterns and water circulation on an individual basis.

**(3) Suspended particulates/turbidity:** Construction activities authorized under the proposed RGP 7 have potential to result in an increase in suspended sediment and turbidity, potentially resulting in adverse effects to waters of the U.S., fish and wildlife species, water quality, and public health and safety. Per General Condition 11 of the RGP, the applicant must install and maintain best management practices (BMPs) on-site prior to initiation of construction activities in waters of the U.S., which would minimize adverse effect associated with suspended sediments and turbidity. Adherence to the conditions of the RGP 7 authorization is expected to ensure impacts associated with suspended particulates/turbidity remain minimal. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects. The effects from the placement of fill material, or excavation of substrate into Waters of the U.S. associated with activities authorized under the RGP must result in no more than minimal individual and cumulative adverse effects, as required by the RGP.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative may also result in temporary impacts associated suspended particulates/turbidity. The Corps would be required to analyze the effects to suspended particulates and turbidity on an individual basis.

**(4) Normal water level fluctuations:** The projects that have been authorized under the RGP 7 and future projects anticipated to be authorized under the RGP 7 occur predominantly within non-relatively permanent channels, which are predominantly dry channels and only convey water only during storm events. Projects are designed to effectively convey flood flows to downstream waters. Therefore, those projects do not typically affect normal water fluctuations. RGP 7 projects that occur within relatively permanent channels/drainages also do not typically impact normal water level fluctuations. The Las Vegas Wash, the largest wash associated with the Las Vegas Valley, is subject to discharges from several water treatment facilities, and it is those treatment facilities that have the largest impact on water levels. The effects from placing fill material into, or excavating substrate from Waters of the U.S. associated with activities authorized under the RGP must result in no more than minimal individual and cumulative adverse effects, as required by the RGP. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative are not expected to result in changes to normal water fluctuations, as the activities would be conducted to repair or rehabilitate damaged areas. The Corps would be required to analyze the effects to normal water level fluctuations on an individual basis.

**(5) Flood hazards & floodplain values:** Many of the proposed projects associated with this RGP are intended to reduce the risk of flood related damage to infrastructure in urban areas. Many areas of Clark County are subject to flash flood events that can cause significant damage and occasionally a loss of life. The proposed projects are designed to alleviate the flood hazards. Floodplains throughout Clark County have been compromised by development and have become non-existent through urban areas. The proposed projects are designed to have beneficial impacts on floodplain values by containing all flows within the channels and reducing the need for large floodplains to dissipate flood water velocities. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative are not expected to result in the construction of flood hazards and floodplain values and would generally be constructed to remove flood hazards. PMs would be responsible for evaluating these activities and ensuring compliance with Executive Order 11988 (Floodplain Management). The Corps would be required to analyze the effects to flood hazards and floodplain values on an individual basis.

**(6) Storm, wave, and erosion buffers:** General Condition 11 of the proposed RGP requires the applicant utilize and maintain BMPs, including erosion control adjacent to waters of the U.S., which would reduce the potential for sediment to wash into waters of the U.S. and cause additional erosion upstream and downstream of the project sites, reducing effects to storm, wave, and erosion buffers. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more

than minimal individual and cumulative effects.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative are also not expected to result in more than minimal effects to storm, wave, or erosion buffers. The Corps would be required to analyze the effects to storm, wave, and erosion buffers on an individual basis.

**(7) Erosion and accretion patterns:** Natural waterways are subject to natural erosion and accretion processes, which are driven by seasonal fluctuations in or long-term effects of water flows and sediment supply. The associated deposition (accretion) and loss (erosion) of sediment and soil is dependent upon several factors, particularly the velocity of water and the amount of suspended soil material in the water. Many of the waterways within Clark County have highly erosive soils in the mountainous areas and, during storm events, the water naturally contains high levels of sediments.

Urban flood control projects, such as the activities that are anticipated to be authorized under the RGP 7, typically include detention basins and maintenance activities to remove sediments that accumulate in the system, since excessive accumulated sediments would compromise the flood control infrastructure. Removal of sediments from the system and increased peak flow rates and volumes is believed to be responsible for an existing adverse impact to accretion patterns downstream in the Las Vegas Wash, where a sediment deficit coupled with higher-than-normal peak flows has resulted in increased erosion. Several restoration projects have been implemented in the Las Vegas Wash to capture what little sediments flow in from upstream to curtail the ongoing erosion. The sediment deficit in the Las Vegas Wash has had long-term adverse effects on erosion and accretion patterns. However, those issues have been ongoing since long before the original issuance of the RGP 7.

Many of the activities anticipated to be authorized under the proposed RGP would help to reduce localized erosion and accretion caused by flood flows, by managing peak flow volumes and reducing velocities downstream. With full build-out of the CCWCD Master Plan, storm water volume and peak flows to downstream Las Vegas Wash will be reduced from 16,000 cfs to 12,700 cfs. If a reliable supply of sediment were available, the reduction in flow rates and volumes would typically be expected to result in enhanced accumulation of sediments in downstream channels.

General Condition 11 requires the applicant utilize and maintain BMPs, including erosion control adjacent to waters of the U.S., which would reduce the potential for sediment to wash into waters of the U.S. and cause additional erosion upstream and downstream of the project site. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects. Compensatory mitigation for future proposed projects may be required to offset these impacts and will be assessed on a case-by-case basis.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative would be expected to result in similar effects to erosion and accretion patterns, since the need for

flood control would still need to be addressed. The Corps would be required to analyze the effects to erosion and accretion patterns on an individual basis.

**(8) Water quality, including salinity gradients:** All proposed projects authorized under this RGP would be required to obtain and comply with a 401 Water Quality Certification from the Nevada Division of Environmental Protection as a condition of this permit. General condition 11 requires the applicant utilize and maintain BMPs, including erosion control adjacent to waters of the U.S., which would reduce the potential for sediment to wash into waters of the U.S. and cause additional erosion upstream and downstream of the project site. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative may result in temporary effects to water quality, primarily as a result of unstable soils associated with construction activities. The Corps would be required to analyze the effects to water quality on an individual basis.

**(9) Aquifer Recharge:** Proposed projects authorized under this RGP would be expected to have minimal impacts on aquifer recharge. In their pre-project state, channels in the region provide minimal aquifer recharge. Calcrete (caliche) is present throughout Clark County, and this often forms an impervious barrier for downward percolation of water and therefore does not allow for substantial aquifer recharge in non-relatively permanent channels. When the channels do flow, the events are high velocity and short-lived, and there is little opportunity for groundwater recharge. As such, activities conducted under RGP 7 are not expected to result in more than minimal adverse effects to aquifer recharge. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative are not expected to have different effects on aquifer recharge, since the factors most affecting groundwater recharge are a product of the environment in the region. The Corps would be required to analyze the effects to aquifer recharge on an individual basis.

**(10) Baseflow:** The proposed projects would generally result in an increase in channel capacity but would not be expected to change the baseflow. The majority of the drainages in the affected area are non-relatively permanent in nature and do not have a groundwater connection. Each proposed project would be evaluated through the Section 8 *Supplemental Programmatic Environmental Impact Statement Clark County Regional Flood Control District 2002 Master Plan Update* (SEIS 2004; referred to hereafter as 'Section 8'), or *Environmental Assessment of Flood Control Facilities in Outlying Areas of Clark County* analysis on a case-by-case basis but impacts to baseflow should be minor. As such, activities conducted under RGP 7 are not expected to result in more than minimal adverse effects to baseflow. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative are not expected to have different effects on baseflow, since the factors most affecting baseflow are a product of the environment in the region. The Corps would be required to analyze the effects to aquifer recharge on an individual basis.

**(11) Mixing zone, in light of the depth of water at the disposal site; current velocity, direction and variability at the disposal site; degree of turbulence; water column stratification discharge vessel speed and direction; rate of discharges per unit of time; and any other relevant factors affecting rates and patterns of mixing:** Activities authorized under RGP 7 would not involve discharge of dredged material.

**b. Biological Characteristics:**

**(1) Special aquatic sites (wetlands, mud flats, vegetated shallows, riffle and pool complexes, coral reefs, sanctuaries, and refuges):** The majority of activities authorized under this RGP would occur within relatively permanent drainages, and as such would generally not affect wetlands or other special aquatic sites. The subset of activities authorized under this RGP that would be located in relatively permanent waters may impact wetlands. Effects to wetlands could be temporary or permanent, and in some cases may include wetland losses. The 1.0-acre threshold for wetland impacts within the Las Vegas Valley is based on the artificially maintained hydrology from urban run-off and the overall degraded condition of many wetlands that form within the channels. The 0.5-acre threshold for wetland impacts in other areas of Clark County is consistent with the thresholds specified in the 2021 nationwide permits.

Clark County is located within both the Great Basin and Mojave Desert sections of the Basin and Range physiographic province. Rainfall in lower elevation areas; including Las Vegas, Mesquite, Laughlin and Boulder City, rarely exceeds 6.0 inches and does not promote the establishment of wetland habitats. Wetland areas within the Las Vegas Valley are limited to the upper and lower Las Vegas Wash, lower A-Channel, lower Flamingo Wash, and lower Duck Creek and lower Pittman Wash and consist mainly of cattails and tamarisk. Most wetland hydrology throughout the Las Vegas Valley is driven by urban run-off and wastewater treatment facilities. Historically, wetland hydrology was present only in the lower Las Vegas Wash in the general vicinity of the Clark County Wetlands Park, and was supplied from shallow groundwater in the area along with some seasonal flows in the Las Vegas Wash.

Wetland impacts that could occur under RGP 7 would often be a result of maintenance activities within existing and previously modified flood control channels and/or existing detention basins, where wetland features have developed within the existing flood control infrastructure. Based on numerous site visits and review of past projects, earthen and riprap lined channels typically revegetate within six months following disturbance. As such, the Corps would generally consider such impacts to be temporary in nature. General condition 15 requires removal of temporary fills and revegetation of affected areas, and the Corps expects that temporary impacts to wetlands result in long-term adverse effects. As long as permit conditions are followed, channels would be cleared or filled in a manner that does not harm migratory birds living in wetlands, and BMPs used during clearing and

construction, impacts to wetlands should not be minor. Maintenance activities that result in the loss of waters or habitat within earthen channels that support wetlands may require mitigation on a case-by-case basis, as determined by the Corps. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects. The Corps will require compensatory mitigation where needed to ensure project impacts remain minimal. If the Corps determines that compensatory mitigation is needed to ensure adverse impacts remain minimal, the applicant would be responsible for designing and implementing an approved compensatory mitigation plan that meets the requirements of 33 CFR Part 332.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative are not expected to have different effects on special aquatic sites, since the factors most affecting special aquatic sites are a product of the environment in the region. The Corps would be required to analyze the effects to special aquatic sites on an individual basis, similar to the analysis that would be conducted during a review under the proposed RGP 7.

**(2) Fish, crustaceans, mollusks, and other aquatic organisms in the food web:** The streams that would be affected by activities authorized under RGP 7 are primarily relatively permanent and are expected to be minimal.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. Activities conducted under the no action alternative are not expected to have different effects on fish, crustaceans, mollusks, and/or other aquatic organisms in the food web, since the factors driving most of those criteria are a product of the aquatic resources in the region. The Corps would be required to analyze the effects to fish, crustaceans, mollusks, and/or other aquatic organisms in the food web on an individual basis.

**(3) Wildlife values:** Most of the channels that would be impacted under RGP 7 are located within urban centers, have been subjected to previous impacts, such as channelization, straightening, dredging, and armoring or lining, and are within developed areas. As a result of these existing impacts, wildlife habitat associated with most of the channels that would be impacted under RGP 7 is generally poor in quality. However, some flood control projects that have been or are anticipated to be authorized under RGP 7 are located in streams and/or wetlands that have not been subject to previous impacts or urban encroachment and could result in the loss of wildlife habitat.

Each RGP 7 project will be reviewed on an individual basis, and as part of this review the condition of the resources to be impacted will be assessed. When notification is received for a proposed activity under RGP 7, the PM would be responsible for ensuring there would be no more than minimal individual and cumulative effects. Compensatory mitigation will be required in all cases where it is needed to ensure adverse impacts authorized under the RGP remain minimal.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. The Corps would be required to analyze the effects to wildlife values on an individual basis, similar to the analysis that would be conducted during a

review under the proposed RGP 7. Therefore, activities conducted under the no action alternative are not expected to have different effects on wildlife values, since wildlife values are specific to the area where a project would be located.

**(4) Threatened and endangered species:** The terms of the RGP require that authorized projects outside of the Las Vegas Urban Services Boundary will not adversely affect threatened or endangered species or their critical habitat. Prior to application, each proposed RGP 7 project will have completed a review of potential project effects on Federally-listed species, in accordance with Section 8 of the *Supplemental Programmatic Environmental Impact Statement Clark County Regional Flood Control District 2002 Master Plan Update* (SEIS 2004). Section 7 consultations would be initiated by the Corps for projects that may affect federally listed threatened or endangered species or their critical habitat.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP. The Corps would be required to analyze the effects to wildlife values on an individual basis, similar to the analysis that would be conducted during a review under the proposed RGP 7. Therefore, activities conducted under the no action alternative are not expected to have different effects on threatened and endangered species, since appropriate surveys and consultations would also be completed during project reviews.

**(5) Biological availability of possible contaminants in dredged or fill material, considering hydrography in relation to known or anticipated sources of contaminants; results of previous testing of material from the vicinity of the project; known significant sources of persistent pesticides from land runoff or percolation; spill records for petroleum products or designated (Section 311 of the CWA) hazardous substances; other public records of significant introduction of contaminants from industries, municipalities, or other sources:** All authorized fills would consist of clean material from commercial sources, regardless of whether activities were conducted under the RGP 7 or under some other form of authorization (i.e., the no action alternative).

It is not anticipated that any work authorized under this RGP would result in an increase in the biological availability of possible contaminants. Flooding or disaster related damage would be presumed to have had a greater potential to introduce contaminants into the water and repair and replacement following the permit conditions would only be expected to reduce this potential. Adherence to the conditions of this authorization, as well as general condition 14, which states no activity may use unsuitable material, and material used for construction must be free from toxic pollutants in toxic amounts, would ensure these effects are minimal. In addition, the PM would be responsible for determining, on a case-by-case basis, if any other actions are necessary to ensure no more than minimal individual and cumulative adverse effects.

### **c. Human Use Characteristics:**

**(1) Water supply and conservation:** Completion of proposed projects authorized by this RGP would not affect water supplies or water conservation. The no action alternative would

have no adverse effect on water supply and conservation.

**(2) Aesthetics:** The construction of new structures and the maintenance of existing structures under this RGP would adversely affect the aesthetic quality of the aquatic ecosystem. However, after reviewing of future proposed projects sites, the Corps has concluded that these specific channels within the urban boundaries of incorporated cities within the Clark County area have little aesthetic quality to maintain because of encroachment, severe erosion and urban garbage, and previous alterations from channel clearing and reshaping. Conversion of project sites to hard-armored channels would further degrade the aesthetic quality of the aquatic ecosystem. These impacts will be minimized through permit conditions that require offsite mitigation on a case-by-case basis.

For the no action alternative, applications for flood control activities would need to be evaluated under a GP or IP, and resulting flood control projects would be comparable to if not identical to projects that would be authorized under RGP 7. As such, activities conducted under the no action alternative are not expected to have different effects on aesthetics.

**(3) Traffic/transportation patterns:** Completion of work under this RGP will have no effect on traffic or transportation patterns, other than possible minor and temporary impacts at work sites during work periods. The no action alternative would have a similar effect on traffic/transportation patterns since flood control projects would be authorized via other means.

**(4) Noise:** Minor and localized noise increases will result from individual projects. The no action alternative would have a similar effect on noise since flood control projects would be authorized via other means.

**(5) Safety:** The RGP will assist the CCRFCD with reducing risk of flood related injury and deaths by providing a streamlined procedure for processing applications for flood control projects. The no action alternative may have an adverse effect on safety, since it may take additional processing time and duplication of effort to have flood control projects authorized.

**(6) Recreation:** There is little recreation associated with the washes within the urban boundaries. Most of the flood control facilities within Clark County are fenced and public access is limited. There are some areas where trails have been incorporated along the CCRFCD right-of-way for recreational activities, but these are not a primary function of the facilities. The no action alternative would have no adverse effect on recreation.

**(7) Recreational and commercial fisheries:** No impacts to recreational or commercial fisheries are anticipated because project areas do not support fisheries. The no action alternative would have no adverse effect on recreational and commercial fisheries.

**(8) Navigation:** Navigation would not be affected by issuance of this RGP or by work completed under it. The no action alternative would have no adverse effect on navigation.

**(9) Energy needs:** No impacts to energy needs are anticipated as a result of the issuance of this RGP. The no action alternative would have no adverse effect on energy needs.



**(10) Mineral needs:** No impacts on mineral needs as a result of issuance of this RGP have been identified. The no action alternative would have no adverse effect on mineral needs.

**(11) Economics:** In reducing damages caused by floods, authorized projects would provide economic benefits to individuals, businesses, and governmental entities. According to a cost benefit analysis performed by CCRFCD in 1999, they conclude that for every \$1 of public money spent to improve flood protection, the public realized a benefit of \$2.20 in reduced flood damage. The no action alternative may have a minor adverse effect on economics, since it may take additional processing time and duplication of effort to have flood control projects authorized.

**(12) Food and fiber production:** Food and fiber production would not be affected by authorized projects. The no action alternative would have no adverse effect on food and fiber production.

**(13) Prime and unique farmland:** No prime or unique farmland would be affected by authorized projects. The no action alternative would have no adverse effect on prime and unique farmland.

**(14) Considerations of property ownership:** While the CCRFCD funds the design, construction and maintenance of flood control facilities, the projects authorized by the RGP are owned by individual local government entities. In designing flood control facilities that would be authorized by this RGP, the CCRFCD often forms partnerships with private landowners and developers when private property owners to address their specific flood control needs. Past examples include the Del Webb Anthem Detention Basin and Lone Mountain Detention Basin. Private property owners will benefit from any authorized work completed under this RGP. Currently, Clark County, Las Vegas, and Henderson are each classified as amongst the best flood management communities in the nation. CCRFCD local floodplain management policies including the design criteria that facilities authorized by this RGP will be held to are more restrictive than FEMA's national standard. The no action alternative would have no adverse effect on property ownership.

**(15) Land use:** No changes in land use classification resulting from the use of this RGP are expected. All facilities authorized by the RGP have been identified in the CCRFCD Master Plan and right-of-way has been set aside for the purpose of flood control. The no action alternative would have no adverse effect on land use.

**(16) Historic properties:** All new construction projects will continue to require review of effects to Historic Properties as a part of the Section 8 *Supplemental Programmatic Environmental Impact Statement Clark County Regional Flood Control District 2002 Master Plan Update* (SEIS 2004). General Condition 8 requires that if buried or unknown resources are found during the permitted activity, all work would cease and the Corps and SHPO would be contacted to allow Section 106 consultation when necessary. It is the Corps' intent to continue to follow the procedures outlined in Section 8 of the Supplemental Environmental Impact Statement for Flood Control Facilities (November 2004) and 33 CFR325 Appendix C to identify the potential for proposed projects to impact sensitive sites of any nature and coordinate with the appropriate agencies to avoid or minimize impacts to those sites. The Corps would consult with the State Historic Preservation Officer or Tribal

Historic Preservation Officer, as appropriate, for any activities with the potential to affect cultural resources. The no action alternative would have a similar effect on historic properties since flood control projects would be authorized via other means and since appropriate review and consultations would be completed.

**(17) Parks, national and historical monuments, national seashores, wilderness areas, research sites, and similar areas:** No such sites will be affected by the proposed work. The no action alternative would have no adverse effect on such sites.

**(18) Air Quality:** The proposed permit has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit would not exceed de minimis levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

**a. Cumulative effects:** The determination of cumulative effects of the proposed RGP on the environment is based on past, present, and reasonably foreseeable future effects. The full cumulative impacts evaluation is provided in Appendix D.

Two types of activities are addressed this RGP: maintenance of existing facilities and new construction. All proposals to complete maintenance work under this RGP require notification to and review of the proposal by the Corps. This will allow the Corps to assure that all primary and secondary impacts associated with individual maintenance activities remain minor. Cumulative maintenance activity impacts will also be evaluated to ensure that they are minimal.

Each new construction project proposed by the CCRFCD must undergo an environmental review as required by Section 8 of the *Supplemental Programmatic Environmental Impact Statement Clark County Regional Flood Control District 2002 Master Plan Update* (SEIS 2004) or a similar document. This review will ensure that all impacts associated with new construction authorized by this RGP would not be significant. Further, all new construction planned by CCRFCD for the next ten years is identified in the District's 10-year plan. The majority of the planned construction projects that might qualify for this RGP authorization are located in urban areas and generally do not affect aquatic resources of high function. The washes and channels within urban centers have been impaired by encroachment, existing infrastructure, severe bank erosion and surrounding development and they generally provide very little, if any, wildlife habitat. Because most of the washes impacted by flood control projects would maintain their flood control and conveyance functions, the cumulative impacts of new construction to be completed under this RGP would be minimal.

Potential direct effects of the activities that have been and would be authorized under RGP 7 include destruction of natural stream bed and riparian habitats. Direct adverse effects that would occur as a result of the activities include disruption of natural flow regimes and natural sediment transport functions, destruction of riparian wildlife habitat, and reduction or elimination of aquatic resource functions such as flood attenuation, stream energy dissipation, groundwater recharge, water filtration, adsorption of pollutants to soil/substrate,

biogeochemical transformations of pollutants, nutrient retention, primary production, and carbon export. Potential indirect effects include fragmentation of wildlife habitat/migration corridors, increased sedimentation to some areas and deprivation of sediment from other areas, alteration of the rate, volume, and timing of downstream flows, and potential deprivation of flows from downstream drainages.

Based on available information within the ORM2 database related to all RGP 7 verifications between January 1, 2006, and February 18, 2024 (See Appendix D), the Corps has authorized the use of RGP 7 63 times, 2 occurring within the Lake Mead watershed (HUC 15010005), 10 within the Lower Virgin Watershed (HUC 15010010), 2 within the Muddy watershed (HUC 15010012), 47 within the Las Vegas Wash watershed (HUC 15010015), and 2 within the Havasu-Mohave Lakes watershed (HUC 15030101). No past RGP 7 projects were identified in five of the watersheds in Clark County, and therefore those watersheds have not been analyzed further here.

Within the Lake Mead watershed, aquatic resource impacts authorized under RGP 7 since 2006 total 0.51 acre. Compensatory mitigation was not required for either of the two activities in the watershed that were previously authorized under RGP 7. No authorizations occurred within this watershed in the last five years.

Within the Lower Virgin watershed, aquatic resource impacts authorized under RGP 7 since 2006 total 43.7 acres. Of the ten previous activities that were identified, eight were associated with maintenance and/or dredging of existing flood control facilities, accounting for 41.05 of the 43.7 acres (93.9%) of the previous aquatic resource impacts. Therefore, not including maintenance and/or dredging of existing facilities, 2.65 acres of aquatic resources have been authorized under RGP 7 in the watershed since 2006. One project was authorized within this watershed in the last five years, totaling 0.68 acre of impacts.

Within the Muddy watershed, aquatic resource impacts authorized under RGP 7 since 2006 total 0.15 acre. One project was authorized within this watershed in the last five years, totaling 0.01 acre of impacts.

Within the Las Vegas Wash watershed, reported aquatic resource impacts authorized under RGP 7 since 2006 total 49.92 acres. Nine projects were authorized within this watershed in the last five years, totaling 9.51 acres of impacts.

Within the Havasu-Mojave Lakes watershed, reported aquatic resource impacts authorized under RGP 7 since 2006 total 2.01 acres. One project was authorized within this watershed in the last five years, totaling 0.05 acre of impacts.

On December 18, 2023, CCRFCD submitted a list of projects anticipated to be verified under RGP 7 in the next five years. There are 24 proposed projects located within relatively permanent waters. Of these 24 projects, twelve are located within the Las Vegas Wash watershed (HUC 15010015) and the other twelve are located within other HUC 8s within Clark County; eight proposed projects include installation of new reinforced concrete box culverts, totaling approximately 2.24 acres of cumulative impacts; seven proposed projects include new construction of new concrete facilities, totaling approximately 9.4 acres of cumulative impacts; and nine proposed projects including changing the configurations of

existing trapezoidal channels to rectangular channels, totaling approximately 17.65 acres of cumulative impacts.

**b. Restrictions on discharges (40 CFR 230.10):**

(1) It has been demonstrated that there are no practicable nor less damaging alternatives which could satisfy the action's basic purpose. Activities authorized under the RGP may be located in a special aquatic site (wetlands). The activities do not need to be located in a special aquatic site to fulfill its basic purpose.

(2) The proposed RGP would not violate applicable State water quality standards or Section 307 prohibitions or effluent standards.

(3) The proposed RGP would not jeopardize the continued existence of federally listed threatened or endangered species or affects their critical habitat.

(4) The proposed RGP would not violate the requirements of a federally designate marine sanctuary.

(5) The RGP would not cause or contribute to significant degradation of waters of the United States, including adverse effects on human health; life stages of aquatic organisms' ecosystem diversity, productivity, and stability; and recreation, aesthetic, and economic values.

(6) Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem, as identified in the terms and general conditions of the RGP.

**c. Public interest general evaluation:**

(1) The relative extent of the public and private need for the proposed structure or work has been considered: The proposed RGP would fulfill the need for a streamlined permitting mechanism for fill activities associated with the construction and maintenance of flood control facilities funded by or built in accordance with the CCRFCD Master Plan.

(2) There are potential residual adverse effects from the proposed activities under the RGP.

(3) The extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited has been reviewed. Activities associated with the proposed RGP would result in no more than minimal impacts to the environment, as described in Sections 6(a), (b), (c), and (d). Activities associated with the proposed RGP are expected to result in permanent beneficial effects to public safety and economics. Detrimental effects would be minimal and temporary, during construction of the proposed projects. Long term benefits would be a reduction in the cost of flood insurance, less maintenance costs on flood control facilities and a safer environment for the general public from floods.

**d. Related laws and policies:**

**(1) Section 7 of Endangered Species Act:** Activities conducted under the proposed RGP may affect federally-listed threatened and/or endangered species. PMs will initiate consultation, as required, for any activity that may affect a listed species outside of the Las Vegas Urban Services Boundary.

**(2) Magnuson-Stevens Act - Essential Fish Habitat:** There are no fish species or habitat within present within Clark County subject to the Magnuson-Stevens Act.

**(3) Section 106 of the National Historic Preservation Act:** Activities conducted under the proposed RGP may affect essential cultural resources listed in or eligible for listing in the National Register of Historic Places. PMs will initiate consultation, as required, for any activity that has the potential to affect cultural resources.

**(4) Section 401 of the Clean Water Act:** Water quality certification under Section 401 would be required on a case-by-case basis from the Nevada Division of Environmental Protection unless a partial or complete programmatic certification is granted.

**e. Coastal Zone Management (CZM):** Clark County is not located within a Coastal Zone Management area.

**f. Presidential Executive Orders:**

**(1) EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians:** The public notice for the proposed action was sent to tribes requesting to be on the public notice mailing list. No additional comments were received. For individual activities authorized under RGP 7, PMs will coordinate with tribes, as appropriate, to receive comments and make a final determination on whether the proposed activity would result in no more than minimal adverse effects.

**(2) EO 11988, Floodplain Management:** Activities under RGP 7 may result in effects to floodplains. Compliance with EO 11988 will be made by the PM on a case-by-case basis.

**(3) EO 12898, Environmental Justice:** In accordance with Title III of the Civil Right Act of 1964 and Executive Order 12898, it has been determined that the RGP would not directly or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin nor would it have a disproportionate effect on minority or low-income communities. PMs will make a case-by-case determination on compliance with EO 12898 for individual activities proposed under RGP 7.

**(4) EO 13112, Invasive Species:** PMs will make a case-by-case determination on compliance with EO 13112 for individual activities proposed under RGP 7.

**(5) EO 13212 and 13302, Energy Supply and Availability:** The RGP is not one that would increase the production, transmission, or conservation of energy, or strengthen pipeline safety. The PM will make a case-by-case determination on whether activities proposed under RGP 7 are ones that would increase the production, transmission, or conservation of energy, or strengthen pipeline safety.

**g. Significant Issues of Overriding National Importance:**

**8. Compensation Mitigation:** PMs will determine any compensatory mitigation requirements for activities proposed under RGP 7 on a case-by-case basis.

**a. Public Hearing Request:** N/A

**b. Section 176(c) of the Clean Air Act General Conformity Rule Review:** The proposed RGP action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit would not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

**c. Finding of No Significant Impact (FONSI):** Having reviewed the information in our record and provided by all interested parties and having completed an assessment of the environmental impacts, I find that this RGP will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

**d. Compliance with 404(b)(1) guidelines:** I have determined that the proposed RGP 7 complies with the 404(b)(1) Guidelines, with the incorporation of the terms and conditions. The proposed RGP 7 is the Least Environmentally Damaging Practicable Alternative.

**e. Public Interest Determination:** This decision document finds that issuance of a RGP with the applicable terms and conditions is not contrary to the public interest.

**f. General and Special Conditions:** Applicants must comply with the terms and 19 general conditions that have been added to RGP 7, as identified in the Final RGP 7 located in Appendix C. In addition, PMs may determine special conditions are necessary for individual RGP 7 actions.

**PREPARED BY:**

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Samuel T.H. Bohannon  
Senior Project Manager  
Nevada Section

March 19, 2024

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Date

**REVIEWED BY:**

\_\_\_\_\_  
Nancy A. Haley  
Chief  
Nevada Section

\_\_\_\_\_  
Date

**APPROVED BY:**

\_\_\_\_\_  
Michael S. Jewell  
Chief  
Regulatory Division

\_\_\_\_\_  
Date

**APPENDIX A**  
PUBLIC NOTICE



## **APPENDIX B**

### **SECTION 401 WATER QUALITY CERTIFICATIONS**

Water quality certification under Section 401 would be required on a case by case basis from the Nevada Division of Environmental Protection.

**APPENDIX C**

FINAL RGP 7

## **APPENDIX D**

### CUMULATIVE IMPACTS