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Holland and Hart LLP

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA
IN THE MATTER OF:

Application of Estuary Development Partners LLC for a permit to construct the Coyote Energy Project, which consists of a 1200 MW solar energy generating facility; an on-site substation with high side voltage of 500 kV; and associated facilities, including an energy storage system, to be located in Lincoln County, Nevada, pursuant to the Utility Environmental Protection Act

Docket No. 26-_____

VOLUME 1 OF 4

ESTUARY DEVELOPMENT PARTNERS LLC

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June 17, 2026

Ms. Trisha Osborne
Assistant Commission Secretary
Public Utilities Commission of Nevada
1150 E. William Street
Carson City, Nevada 89701-3109

Re: Docket No. 26-_____ : Application of Estuary Development Partners LLC for a permit to construct the Coyote Energy Project, which consists of a 1200 MW solar energy generating facility; an on-site substation with high side voltage of 500 kV; and associated facilities, including an energy storage system, to be located in Lincoln County, Nevada, pursuant to the Utility Environmental Protection Act

Dear Ms. Osborne:

Please accept for filing with the Public Utilities Commission of Nevada the attached Application of Estuary Development Partners LLC for a permit to construct the Coyote Energy Project, which consists of a 1200 MW solar energy generating facility; an on-site substation with high side voltage of 500 kV; and associated facilities, including an energy storage system, to be located in Lincoln County, Nevada, pursuant to the Utility Environmental Protection Act. The entire Application is contained in four volumes, which are numbered sequentially. Volume 1 contains the Application, Exhibit A through F, and part of Exhibit G. Exhibit G is continued in volumes 2 and 3. Volume 4 contains the continuation of Exhibits G and Exhibits H through L.

An ACH payment in the amount of \$200.00 has been submitted electronically for payment of the filing fee.

Should you have any questions, or require additional information, please advise.

Best Regards,

/s/ Bryce C. Alstead
Bryce C. Alstead, Esq.
Erica K. Nannini, Esq.
Holland & Hart LLP
*Attorneys for Estuary Development Partners
LLC*

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Holland & Hart LLP and on June 17, 2026, I caused to be served a true and correct copy of the foregoing document to the following:

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/s/Cecilia Martin
Cecilia Martin, Legal Secretary
an employee of Holland & Hart LLP

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA
IN THE MATTER OF:

Application of Estuary Development Partners LLC for a permit to construct the Coyote Energy Project, which consists of a 1200 MW solar energy generating facility; an on-site substation with high side voltage of 500 kV; and associated facilities, including an energy storage system, to be located in Lincoln County, Nevada, pursuant to the Utility Environmental Protection Act

Docket No. 26-_____

APPLICATION OF ESTUARY DEVELOPMENT PARTNERS LLC FOR A PERMIT TO CONSTRUCT THE COYOTE ENERGY PROJECT, WHICH CONSISTS OF A 1200 MW SOLAR ENERGY GENERATING FACILITY; AN ON-SITE SUBSTATION WITH HIGH SIDE VOLTAGE OF 500 KV; AND ASSOCIATED FACILITIES, INCLUDING AN ENERGY STORAGE SYSTEM, TO BE LOCATED IN LINCOLN COUNTY, NEVADA, PURSUANT TO THE UTILITY ENVIRONMENTAL PROTECTION ACT.

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1 **I. INTRODUCTION**

2 Pursuant to NRS 704.870(1) and NAC 703.423, Estuary Development Partners LLC, a
3 Delaware limited liability company (the “**Applicant**”), hereby files with the Public Utilities
4 Commission of Nevada (the “**Commission**”) an Application (“**Application**”) for a Permit to
5 Construct (“**PTC**”) the Coyote Energy Project, which will consist of the following: an up to 1200
6 megawatt (“**MW**”) solar photovoltaic (“**PV**”) energy generating facility (“**Generating Facility**”);
7 an on-site substation with high side voltage of 500 kV (“**Project Substation**”); and associated
8 facilities, including a battery energy storage system (“**BESS**”) with a capacity of up to 4800
9 megawatt hours (“**MWh**”) in Lincoln County, Nevada (the “**Project**”), pursuant to the
10 requirements of the Utility Environmental Protection Act, NRS 704.820 *et seq.* (“**UEPA**”).

11 The Project will deliver energy to a 500 kV transmission line (“**Transmission Line**”),
12 which is the subject of a separate, forthcoming UEPA application to be filed with the Commission
13 in Docket No. 25-09016. Project construction is expected to take place over the course of
14 approximately 45 months, with construction to proceed in eight phases as described in Section IV
15 of this Application. Phases One through Four of construction are related to the first 600 MW of
16 solar energy generation and 2400 MWh of BESS to be constructed, referred to in this Application
17 as “Block 1,” whereas Phases Five through Eight relate to the second 600 MW of solar energy
18 generation and 2400 MWh of BESS to be constructed, referred to in this Application as “Block
19 2.” The Applicant has entered into a power purchase agreement (“**PPA**”) for Block 1 of the Project
20 with Nevada Power Company d/b/a NV Energy (“**NPC**”). The customer for the energy generated
21 from Block 2 has not yet been determined.

22 The Project will be located on approximately 8,177 acres of private land located in
23 unincorporated Lincoln County, approximately 6.5 miles north of the Lincoln and Clark County
24 border and 3.5 miles east of U.S. Route 93. Specifically, the Project will disturb approximately
25 6,800 acres within the approximately 8,177-acre Project site.

26 The Project falls within the definition of a “utility facility” as set forth in NRS 704.860
27 for two reasons. First, the Project’s primary component will be a renewable energy generating
28

1 plant which will have a nameplate capacity of greater than 70 MW, making it a utility facility
2 under NRS 704.860(1). Second, pursuant to NRS 704.860(2), the Project Substation will be
3 designed to operate at 200 kV or more, is not required by local ordinance to be placed
4 underground, and will be constructed outside of an incorporated city.

5 This Application provides the information required under NRS Chapter 704 and NAC
6 Chapter 703, including a discussion of the Environmental Statement (“**ES**”) prepared by Terracon
7 Consultants, Inc. (“**Terracon**”), for the Project, and a related Environmental Impact Statement
8 (“**EIS**”) prepared for the U.S. Fish and Wildlife Service (“**USFWS**”), U.S. Army Corps of
9 Engineers (“**ACOE**”), and U.S. Bureau of Land Management (“**BLM**”) following a 2008
10 environmental review of a larger area encompassing the Project site.¹ The Applicant respectfully
11 requests the Commission’s approval of the Application and, following the subsequent filing of all
12 requisite permits and approvals, the issuance of eight PTCs for the Project which correspond to
13 the eight phases of construction proposed in this Application.

14 **II. INFORMATION REGARDING THE APPLICANT**

15 **1.** The Applicant, Estuary Development Partners LLC, is a wholly-owned subsidiary
16 of Estuary Power LLC (“**Estuary**”).

17 **2.** Estuary is an independent power producer based in Reno, Nevada, which
18 develops, constructs, manages, and operates domestic electric-generating facilities that sell power
19 into wholesale energy markets.

20 **3.** The Applicant is developing and constructing the Project.

21 **4.** The Applicant is a Delaware limited liability company authorized to conduct
22 business in the State of Delaware.

23 **5.** The Applicant’s principal place of business, mailing address, and telephone
24 number are as follows:

25 ///
26

27 ¹ While the Project will be developed entirely on private land, the ES evaluates the applicability to the Project of
28 potential impacts evaluated and mitigation measures developed in the EIS, and accordingly this Application
discusses both documents and provides them as exhibits for the Commission’s review.

1 Estuary Development Partners LLC
2 c/o Estuary Power LLC
3 50 West Liberty Street, Suite 430
4 Reno, NV 89501
5 (775) 637-3200

6. Communications concerning this application should be directed to:

7 Bryce C. Alstead
8 Erica K. Nannini
9 Holland & Hart LLP
10 5470 Kietzke Lane, Suite 100
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12 Phone: (775) 327-3000
13 balstead@hollandhart.com
14 eknannini@hollandhart.com

15 With copies to the following person:

16 Kim Primerano
17 Senior Vice President
18 Estuary Power LLC
19 50 West Liberty Street, Suite 430
20 Reno, Nevada 89501
21 Phone: (775) 637-3200
22 Kimberly.Primerano@EstuaryPower.com

23 **III. RESPONSES TO REQUIRED DISCLOSURES**

24 The information required by NRS 704.870 and NAC 703.423 is provided in the following
25 sections, to the extent that such information is currently available.

26 **DESCRIPTION OF LOCATION**

27 **1. A description of the location of the proposed utility facility as required by**
28 **NRS 704.870(1)(A), including:**

(a) A general description of the location of the proposed utility facility,
including a regional map that identifies the location of the proposed utility facility.
(NAC 703.423(1)(a)).

The Project will disturb approximately 6,800 acres within the approximately 8,177-acre
Project site located in unincorporated Lincoln County, Nevada. The Project site is generally
located approximately 6.5 miles north of the Lincoln and Clark County border and 3.5 miles east
of U.S. Route 93. The 8,177-acre Project site is located entirely on private land – identified as
portions of Lincoln County Assessor's Parcel Numbers ("APN") 008-201-03, 008-201-28, 008-

201-27, and 008-201-06 – for which the Applicant has an option to purchase from Coyote Springs Investment LLC (“CSI”). The Project will deliver energy via the Transmission Line, which is the subject of a forthcoming UEPA application to be filed with the Commission in Docket No. 25-09016.

Access to the Project will be via Kane Springs Road off of U.S. Route 93. The Project site is comprised entirely of undeveloped land within the Coyote Spring Valley.

A map depicting the location of the Project is attached hereto as **Exhibit “A.”**

(b) A legal description of the site of the proposed utility facility, with the exception of electric lines, gas transmission lines, and water and wastewater lines, for which only a detailed description of the site is required. (NAC 703.423(1)(b)).

A legal description of the Project site is attached hereto as **Exhibit “B.”**

(c) Appropriately scaled site plan drawings of the proposed utility facility, vicinity maps, and routing maps. (NAC 703.423(1)(c)).

An appropriately scaled site plan drawing showing the vicinity and routing is attached hereto as **Exhibit “C.”**

DESCRIPTION OF THE PROPOSED FACILITY

2. A description of the proposed utility facility, including:

(a) The size and nature of the proposed utility facility. (NAC 703.423(2)(a)).

At full build-out, the Project would consist primarily of an up to 1200 MW alternating current (“AC”) solar PV Generating Facility; a on-site Project Substation with high side voltage of 500 kV; and a BESS with a capacity of up to 4800 MWh. Additionally, the Project will require civil infrastructure, including access roads and fencing. The Project will deliver energy to a planned 500 kV Transmission Line, which will be included as part of a separate, forthcoming UEPA application to be filed in Docket No. 25-09016. Project construction will take place over approximately 45 months in eight phases of construction, with some overlap expected between the various phases.

///

1 The Project will include construction of operations and maintenance (“O&M”) facilities
2 staffed by full-time technicians. During operations, the Project will be primarily monitored and
3 controlled through its supervisory control and data acquisition (“SCADA”) system, enabling a
4 remote operations center to monitor performance, respond to operational conditions, and remotely
5 control the facility when necessary. On-site technicians will perform routine inspections,
6 preventive maintenance, and corrective maintenance activities as required to ensure the safe and
7 reliable operation of the Project.

8 The Project components are discussed further below:

9 **Generating Facility**

10 The Project will include construction, operation, and maintenance of the 1200 MW
11 Generating Facility, to be constructed in two “blocks” – Block 1 and Block 2. Block 1 corresponds
12 to construction Phases One through Four as described further in Section IV of this Application
13 and will include construction of the first 600 MW of solar energy generation. Construction of
14 Block 1 will disturb approximately 3,300 acres of land. Construction of Block 1’s 600 MW is
15 anticipated to begin in January 2027 and take place over the course of 33 months.

16 Block 2 corresponds to construction Phases Five through Eight and will include
17 construction of the second 600 MW of the Generating Facility, which will require approximately
18 3,500 acres of land. Construction of Block 2’s 600 MW is anticipated to begin in April 2027 and
19 take place over the course of 31 months.

20 Once constructed, the Generating Facility will capture solar energy through an array of
21 PV panels and convert the sun’s light energy directly into direct current (“DC”) electrical energy.
22 The key components of the Generating Facility include commercially-proven PV modules, a
23 single-axis tracking module racking system, DC combiner boxes, inverters, and medium-voltage
24 transformers combined into units that are repeated to reach the required capacity. Inverter and
25 transformer manufacturers and capacities would be selected based on cost, efficiency, reliability,
26 and market availability.

27 An array of high-efficiency PV panels mounted to a single-axis tracking system will
28 convert incoming sunlight to DC electrical energy. The tracking system will rotate throughout

1 the day to optimize production, and will be supported by piers (piles) directly embedded into the
2 ground. These series of panels are called “strings” in industry terms and provide the basic building
3 block of power conversion in the solar array. The chosen PV panel will be either crystalline
4 silicon or thin film and would be well-suited for the desert environment due to their durability
5 and reliability.

6 The strings are combined in the solar field through an above- or below-ground DC
7 collection system and then further grouped together at the inverter stations, where the energy is
8 converted to AC and then stepped up to an intermediate voltage, typically 34.5 kV. The inverter
9 stations are typically open-air and well-suited for desert environments. The stations consist of DC
10 collection equipment, utility-scale inverters, and a low- to medium-voltage transformer. The
11 output power from the inverter stations would be fed to the AC collection system through an
12 above- or below-ground collection system. This AC collection system substation would deliver
13 the electricity to the Project Substation, where the voltage would again be stepped up, this time
14 to the interconnection voltage.

15 As noted above, the Generating Facility will ultimately deliver energy to a planned 500
16 kV Transmission Line. The Applicant anticipates that Block 1 of the Project will serve NPC while
17 the customer for the energy generated from Block 2 has not yet been determined.

18 **Project Substation**

19 The Project Substation will have a high side voltage of 500 kV and will be located at the
20 southern end of Block 1 of the Generating Facility (which will generate the first 600 MW) and
21 north-eastern portion of Block 2 (which will generate the second 600 MW). The Project
22 Substation will include 500 kV bus, instrument transformers, associated switching devices, and
23 one (1) 500 kV line terminal circuit breaker. Each 600 MW solar block will include three (3)
24 34.5/500 kV step-up transformers, three (3) additional 500 kV circuit breakers, 500 kV bus, 500
25 kV instrument transformers, 500 kV switching devices, 34.5 kV circuit breakers, 34.5 kV bus,
26 34.5 kV instrument transformers, and 34.5 kV switching devices.

27 ///

28 ///

1 **BESS**

2 The Project includes construction of a BESS with a total capacity of up to 4800 MWh.
3 The BESS will be constructed in two parts, concurrently with construction of Blocks 1 and 2 of
4 the Generating Facility. Construction of Block 1 will include 2400 MWh of BESS, which will be
5 connected using an AC-coupled system. Approximately 550 containers containing lithium-ion
6 batteries, HVAC systems, and fire suppression systems will be placed near the Project Substation.
7 Each container is approximately 30 feet by 5.5 feet by 9 feet. Block 1's total BESS area would
8 cover approximately 15 acres. Likewise, construction of Block 2 will include a BESS system with
9 a capacity of up to 2400 MWh, with similar components and parameters to that of Block 1.

10 A battery supplier for the BESS will be selected prior to Project construction, subject to
11 an industry standard pre-qualification process. Regardless of the technology and supplier selected,
12 the BESS will be enclosed in structures that conform with applicable fire standards and will
13 include a temperature control system. The BESS will have remote operational control along with
14 periodic inspections and maintenance performed, as required by the manufacturer.

15 **Access Roads and Fencing**

16 Primary access to the Project will be via Kane Springs Road off of U.S. Route 93.
17 Additionally, the Project will require construction of several unpaved, permanent access roads
18 spread throughout the site, which will facilitate access to the Project during both construction and
19 operations.

20 The perimeter of the Project site will be enclosed by a 6-foot-high chain link fence that
21 may be topped with a one to three feet of barbed wire and will include tortoise exclusion fencing.
22 Access to the site will be controlled (authorized personnel only) by employing swinging or rolling
23 chain link gates. Select gates will be automated to facilitate emergency access for fire department
24 vehicles.

25 **Operations & Maintenance**

26 The Project will include construction of O&M facilities, which will be two (2) 24 x 60-
27 foot double wide office trailers and approximately eight (8) 40-foot storage containers. The site
28 will be staffed with approximately 15 full-time technicians.

1 Once operational, the Project will be primarily monitored through the Project's SCADA
2 system, which will allow the remote operations center to control the Project remotely in case of
3 an emergency or dispatch technicians as needed. During operations, periodic inspections and
4 maintenance activities will occur.

5 **(b) The natural resources that will be used during the construction and**
6 **operation of the proposed utility facilities. (NAC 703.423(2)(b)).**

7 No significant impacts to natural resources are anticipated from the construction or
8 operation of the proposed utility facilities. Natural resources anticipated for construction and
9 operation include typical materials used for the construction of utility-scale energy generation,
10 storage, and substation facilities, including cement, gravel and aggregate, water for dust
11 suppression, mineral oil for the transformers, and metals such as copper and steel. Once
12 operational, the Project is expected to use nominal water and minimal petroleum for maintenance
13 vehicles and backup generators. The primary natural resources anticipated for construction and
14 operation are summarized below.

15 **Water**

16 Water necessary for construction and operation of the Project will be sourced from a
17 nearby well, and brought to the Project site by truck. Water consumption during construction will
18 be primarily for dust suppression, and is anticipated to be approximately 400 to 800 acre-feet
19 annually ("AFA") depending on the construction phase.

20 Once operational, water use will be limited to panel washing and the potential for periodic
21 dust control and maintenance applications. Panel rinsing is expected to be conducted up to two
22 times annually, but may be conducted less frequently depending on site events and conditions.
23 Thus, the Applicant anticipates that the Project's operational water needs will be nominal –
24 approximately 10 AFA.

25 **Petroleum**

26 Heavy-duty construction equipment associated with construction activities will rely on
27 diesel fuel, as will haul trucks involved in removing the materials from demolition and excavation.
28 Construction workers will travel to and from the Project site for the duration of construction. The

Applicant assumes that most construction workers will travel to and from the site in gasoline-powered passenger vehicles. Heavy-duty construction equipment of various types will be used during construction. Once operational, the Project will use minimal petroleum for maintenance vehicles and backup generators.

(c) Layout diagrams of the structures at the proposed utility facility and its associated equipment. (NAC 703.423(2)(c)).

Layout diagrams are provided in **Exhibit “D.”**

(d) Scaled diagrams of the structures of the proposed utility facility. (NAC 703.423(2)(d)).

Scaled diagrams are provided in **Exhibit “E.”**

(e) A statement concerning whether the proposed utility facility is an electric generating plant or the associated facilities of an electric generating plant that uses renewable energy as its primary source of energy to generate electricity. (NAC 703.423(2)(e)).

The proposed utility facilities are the associated facilities of an electric generating plant that uses renewable energy (solar) as its primary source of energy to generate electricity.

SUMMARY OF ENVIRONMENTAL IMPACT STUDIES

3. A copy and summary of any studies which have been made of the environmental impact of the proposed utility facility as required by Subsection 1 of NRS 704.870. (NAC 703.423(3)).

Terracon prepared an ES for the Project in May 2026. The ES is attached hereto as **Exhibit “F.”** The Applicant retained Terracon to develop an ES to evaluate the applicability to the Project of the potential impacts evaluated and mitigation measures developed in a 2008 EIS, which analyzed a larger area encompassing the Project site. *See* ES (Exhibit “F”), at Section 1. The EIS is attached hereto as **Exhibit “G.”**²

///

² Appendices A through S to the EIS have been omitted from Exhibit G due to size, but the Applicant is able to provide them at the Commission’s request.

Specifically, the EIS was developed by ENTRIX, Inc.; Huffman-Broadway Group; and Resource Concepts, Inc. and prepared for the USFWS, ACOE, and BLM to assess the impacts of implementing CSI's Multiple-Species Habitat Conservation Plan ("MSHCP") and issuing an Incidental Take Permits ("ITP") under section 10(a)(1)(B) of the Endangered Species Act ("ESA"). *Id.* at Sections 1, 3. The 2008 EIS served as the National Environmental Policy Act ("NEPA") compliance document for the USFWS in the analysis of the effects of implementing the Proposed Action (Preferred Alternative), which included the anticipated development of a master planned town and associated utilities. *Id.* The Project proposed in this Application is located entirely on private land owned by CSI, within the broader footprint³ of the potential CSI development analyzed in the EIS.

As noted in the ES, the 2008 EIS, MSHCP, and ITPs established the goals, actions, and mitigation measures which will apply to the Project to the extent applicable, though if any 2008 protocols have been superseded by newer protocols, or if typical mitigation measures have been updated, the Project will adhere to the most up-to-date standards. *Id.* at Section 2. Thus, the ES summarizes the potential environmental impacts, alternatives, and mitigation measures addressed in the 2008 EIS and any new findings related to site conditions that may have changed since 2008 within the CSI lands that now represent the proposed Project site. *Id.* at Section 3. The ES also includes a summary of potential environmental impacts from the construction and operation of the Project. *Id.*

This section provides a summary of the analyses in the ES (and the EIS as needed), including Project impacts and any necessary mitigation measures.⁴ Because the the Project has a smaller footprint than that analyzed in the EIS, the ES focuses only on resource areas which the

³ Specifically, the EIS analyzed a No Action Alternative, Preferred Alternative, and Alternative 1 – each of which would have resulted in potential disturbance of more than the 6,800 acres which will be disturbed as part of the Project proposed in this Application. *See* EIS (Exhibit "H"), at ES-2 through ES-8 (describing the acreage at issue in each of the alternatives analyzed). For reference, the MSHCP covers 35,211 acres. *See* ES (Exhibit "G"), at Section 2.

⁴ Both the EIS and the ES exclude the following resource areas from detailed analysis because they are either not present in the area or did not have potential to be affected by either the alternatives analyzed in the EIS or the Project proposed in this Application: Indian Trust Resources, Prime and Unique Farmland, Wetlands, and Wild and Scenic Rivers. *See* ES (Exhibit "G"), at Section 5.

1 EIS identified as potentially affected by the Project, and this Application relies on the ES analysis
2 accordingly. *Id.* at Section 5.

- 3 • Biological Resources
 - 4 ○ Special-Status Species

5 Project construction would result in impacts to several special-status species, including
6 the Mojave desert tortoise, the banded Gila monster, and the western burrowing owl, and may
7 result in impacts to the Virgin River chub and the Moapa dace. *Id.* at Section 5. Specifically, the
8 ES concludes that the Mojave desert tortoise, which is listed as threatened under the ESA, may
9 be present within the Project area, such that the Project could result in loss of potential habitat
10 and the removal of tortoises potentially present in the Project area prior to construction. *Id.* The
11 broader area of CSI land analyzed in the EIS also provides habitat for the banded Gila monster
12 and the western burrowing owl. *Id.*; see EIS (Exhibit “G”), at Table ES-1. However, according
13 to the EIS, clearance surveys, translocation, and fencing conservation measures would avoid and
14 minimize incidental take of the desert tortoise, the banded Gila monster, and the western
15 burrowing owl to the maximum extent possible. See EIS (Exhibit “G”), at Table ES-1. The
16 Applicant would adhere to these mitigation measures for the Project site.

17 The USFWS prepared a Biological Opinion for the proposed CSI development in Lincoln
18 County in 2008. See ES (Exhibit “F”), at Section 5. The USFWS determined that the level of
19 anticipated take would not directly impact the Moapa dace, though future groundwater
20 withdrawals for the proposed CSI development would be likely to indirectly adversely affect
21 Moapa dace. *Id.* However, the Project requires less water than the proposed CSI development and
22 the Muddy River population of the Virgin River chub does not occur within the Project area
23 because there are no perennial waters within Project boundaries, therefore the potential for
24 impacts to that species is negated. *Id.* Additionally, the ES notes that the following federally listed
25 species were not listed as “Covered” in the EIS but are known to occur in the Project vicinity
26 according to an updated USFWS Information for Planning and Consultation report generated on
27 March 30, 2026: the southwestern willow flycatcher, the yellow-billed cuckoo, and the monarch
28

butterfly. *Id.* However, the species were evaluated in the original EIS and determined to have a low likelihood of occurrence. *Id.*

Overall, impacts to special-status species will be either avoided or mitigated to the maximum extent possible.

- General Wildlife

Impacts to general wildlife could also occur from Project development activities. *Id.* While the Project poses the potential for some loss of native vegetation, the potential acreage lost because of development activities will be a small portion of the total vegetation available within Lincoln County. *See* EIS (Exhibit “G”), at Table ES-1. With regard to wildlife, the EIS describes the potential for habitat loss or displacement within the larger CSI private land footprint, though mitigation measures, including avoiding all known migratory bird nests and nesting colonies, will mitigate this impact. *Id.* The Applicant will adhere to best practices when it comes to protecting wildlife.

- Vegetation

While the Project poses the potential for some loss and disturbance of desert scrub, the potential acreage lost because of development activities will be a small portion of the total vegetation available within Lincoln County. *See* EIS (Exhibit “G”), at Table ES-1; Section 5.22.2.1.2. However, a large portion of the Mojave desert scrub vegetation in Lincoln County is permanently protected, which would help to offset impacts to vegetation. *Id.* In addition, the Applicant will follow construction best management practices to minimize the spread of noxious weeds.

- Waters of the United States, Wetlands, and Floodplains

The Project may cause impacts to three potential intermittent streams identified within the Project area. *See* ES (Exhibit “F”), at Section 5. Specifically, impacts could include habitat loss, fragmentation, altered hydrology, increased erosion, and vegetation removal. *Id.* However, following the U.S. Supreme Court’s ruling in *Sackett v. EPA*, 598 U.S. 651 (2023), in May 2023, these streams are not jurisdictional under the Clean Water Act. *Id.* Accordingly, the Project will

1 have no impact on jurisdictional waters. *Id.* Likewise, the Project area is not located within a
2 Federal Emergency Management Agency floodplain. *Id.*

3 • Hydrology and Water Quality

4 The Project could result in impacts to water quality and quantity from water withdrawals,
5 though no perennial surface waters occur within the Project area. *Id.* Construction activities could
6 increase the potential for erosion from precipitation affecting water quality, but long-term effects
7 are not anticipated due to the lack of water resources in the area and Project design measures
8 adopted to avoid ephemeral washes in the area. *Id.*

9 • Cultural Resources

10 Both the ES and the EIS indicate that cultural resources are known to occur on the CSI
11 lands analyzed in the EIS. *Id.*; see EIS (Exhibit “G”), at Section 4.4 & Table ES-1. The EIS
12 indicates that development of the CSI lands has the potential to adversely affect these cultural
13 resources, though the Applicant will avoid and mitigate adverse impacts as necessary. *See* EIS
14 (Exhibit “G”), at Table ES-1.

15 In the event new paleontological or cultural resources are discovered during Project
16 construction, mitigation measures would require workers to stop work and ensure the resources
17 are appropriately protected until they are properly evaluated. *See* ES (Exhibit “G”), at Section 5.
18 However, changes in paleontological or cultural resources since the original Environmental
19 Impact Statement are not anticipated. *Id.* Accordingly, Project impacts to cultural resources will
20 be either avoided or resolved through mitigation.

21 • Soils and Geological Resources

22 The ES describes the existing geologic units and desert soils which comprise the Project
23 area, and provides an updated custom soil report in Appendix A thereto. *Id.* According to the ES,
24 Project construction and operations could impact soil and geotechnical resources. *Id.* However,
25 the Applicant will implement general mitigation measures to minimize impacts to soil from water
26 and wind erosion. *Id.* The Project will also implement a Storm Water Pollution Prevention Plan.
27 In addition, contractors would be required to use standard erosion control Best Management
28 Practices, such as but not limited to silt fencing, sediment traps, vegetated buffers, sand filters,

1 grassed filter strips, bio-retention structures, soil roughening on graded sites, and earthen
2 perimeter dikes, near ephemeral washes and disturbed sites to control sediment generation and
3 transport.

4 • Ecologically Critical Areas

5 The Project is located near three areas of critical concern (“ACEC”) on BLM lands: Kane
6 Springs, Coyote Spring Valley, and Mormon Mesa. *See* ES (Exhibit “F”), at Section 5. In
7 addition, Project boundaries fall directly within critical habitat for Mojave desert tortoise. *Id.*
8 According to the ES, effects from activities associated with development on CSI lands could
9 affect these ecologically critical areas. *Id.* Specifically, the EIS indicates that the current threats
10 and risks to the wildlife and critical Mojave Desert wildlife habitats of Kane Springs, Mormon
11 Mesa, and Coyote Spring Valley ACECs include: conversion of Mojave shrub habitats to annual
12 grassland from altered fire regimes, habitat fragmentation from past development/actions within
13 ACECs and current development and habitat loss adjacent to ACECs, direct mortality and indirect
14 alteration of habitat from vehicles and off-highway vehicle use, and increased predation rates due
15 to habitat fragmentation and increased predator abundance and distribution from human activity
16 and actions. *See* EIS (Exhibit “G”), at Section 4.6.

17 The Project will include conservation measures to minimize impacts to ACECs, including
18 desert tortoise fencing, clearance and translocation surveys, trash management, marking all
19 vehicle access routes, inspecting the area around and below vehicles for tortoises prior to starting
20 them, and workers’ environmental awareness program will mitigate effects to the Mojave desert
21 tortoise during construction and operations.

22 • Wilderness Areas

23 According to the ES, no wilderness areas exist within Project boundaries. *Id.* Effects from
24 activities associated with development on CSI lands could affect adjacent and nearby wilderness
25 areas. *Id.* Peripheral effects could include increased traffic, noise, and litter associated with land
26 development and construction. *Id.* However, activities are limited to Project boundaries and
27 construction will be contained in a manner to mitigate any spill-over effects into wilderness areas.
28 *Id.*

- Visual Resources

Construction of the Project may impact visual resources in the vicinity. *Id.* Public sensitivity to the aesthetic resources in the area is moderate, as there are no residents or active workers adjacent to these lands, but people do pass the Project site while driving on U.S. Highway 93 between Lincoln and Clark counties (approximately 1,500 vehicles per day). *Id.* Additionally, people who may be recreating in the vicinity (as addressed further in this section) could also view the area. *Id.* However, the facility will be designed to minimize visual impacts where feasible. *Id.*

- Air Quality

The Project could produce effects to air quality. *Id.* Specifically, while surface disturbances will generate airborne dust and vehicle-generated combustion emissions, these impacts would largely be temporary and limited to the construction phase. Because the Coyote Spring Valley is largely undeveloped, there are currently few emission sources in the area. *Id.* However, the Project will adhere to mitigation measures designed to control construction dust impacts as required under the Nevada Division of Environmental Protection Bureau of Air Pollution Control's surface area disturbance permitting program. *Id.* According to the EIS, where project-specific mitigation measures (like those which the Applicant will adhere to for the Project at issue) would reduce effects, any increases in particulate matter and hydrocarbon-based contaminants from construction will be temporary in nature and unlikely to exceed air quality criteria. *See* EIS (Exhibit "G"), at Table ES-1.

- Transportation and Circulation

The Project could impact transportation and circulation in the area. *See* ES (Exhibit "F"), at Section 5. The 2008 EIS identified transportation and circulation patterns in the region, which could change significantly with the Project area. *Id.* However, the extent and duration of the disturbance to transportation would be limited to the construction phase. *Id.*

- Noise

The ES indicates that changes in noise levels could occur under the alternatives analyzed in the EIS due to construction. *Id.* Specifically, the EIS anticipates that development of the CSI lands would result in short-term increases in noise levels from the use of heavy construction

1 equipment. *See* EIS (Exhibit “G”), at Table ES-1. However, long-term operations of the Project
2 will produce minimal noise in the area. *See* ES (Exhibit “F”), at Section 5. There are no residents
3 or businesses nearby that would be affected by increased noise, and no noise regulations are
4 included in the Lincoln County Code. *See* EIS (Exhibit “G”), at Table ES-1.

5 • Land Use, Planning, and Zoning

6 Effects on land use, planning, and zoning could occur from developing the Project. *See*
7 ES (Exhibit “F”), at Section 5. BLM has implemented Solar Energy Zones and has recognized
8 commercial scale solar as part of the overall Land Use Plan within the area. *Id.* Additional
9 mitigation pertaining to Land Use, Planning and Zoning is not expected due to the facility falling
10 within areas currently planned for development. *Id.* Should additional mitigation be required as a
11 result of development, the Project may utilize setbacks, screening, and fencing to address visual
12 and land-use concerns. *Id.*

13 • Agricultural Resources

14 According to the ES, no agricultural resources are located within the Project area, such
15 that the Project will have no impact on these resources. *Id.*

16 • Recreational Resources

17 The CSI lands are located in an undeveloped section of Lincoln County and are adjacent
18 to BLM and USFWS lands. *Id.* Within a 65-mile radius of the Project area, there are numerous
19 opportunities for public recreational use. *Id.* Within this radius are county and city parks for Las
20 Vegas, Clark County, and Lincoln County; state and federal lands in White Pine, Lincoln, Clark,
21 and Nye counties in Nevada, Washington County in Utah, and Mohave County in Arizona. *Id.*
22 The Project will be developed on private lands and would not reduce the overall recreational
23 opportunities in the area. *Id.* It is unlikely that the Project will impact hiking, birding, and other
24 activities in adjacent wilderness areas and public lands. *Id.* Accordingly, the Applicant does not
25 anticipate significant impacts to recreation.

26 • Socioeconomics and Environmental Justice

27 Located in the southeast portion of Nevada, Lincoln County is primarily rural and sparsely
28 populated. *Id.* The EIS analyzed the existing socioeconomic conditions in Lincoln County in

terms of population and other demographic characteristics, housing, employment, income, and fiscal resources. *See* EIS (Exhibit “G”), at Section 4.15.1 through 4.15.5. According to the ES, the Project will have a positive impact on socioeconomics and environmental justice issues, including through job growth, tax revenue increases, and reduction of stress on power grids by adding an additional source of renewable power, and will have minimal impact on government services. *See* ES (Exhibit “F”), at Section 5.

- Hazardous Materials

While the EIS addresses the direct effects of the potential to create hazardous waste on CSI lands, the Project will manage and dispose of any waste in compliance with NRS Chapters 444 and 459, minimizing the potential for any spills or contamination of hazardous materials. *Id.* Any potential fluid leaks or hazardous waste spills or releases associated with the Project would be stopped, cleaned, and repaired immediately at the time of occurrence. *Id.* Accordingly, the Applicant does not anticipate impacts due to hazardous materials.

DESCRIPTION OF ALTERNATE LOCATIONS

4. Description of reasonable alternate locations for the proposed utility facility, a description of the comparative merits of the detriments of each location submitted, and a statement of the reasons why the location is best suited for the proposed facility, as required by Subsection 1 of NRS 704.870. (NAC 703.423(4)).

The selected location is best suited for the Project. The Project requires approximately 6,800 acres of land, and the Applicant’s primary objective was to construct a large-scale solar energy generation and storage facility in southern Nevada to meet the state’s increasing needs for renewable energy. Due to the size of the Project, there were no other suitable privately-owned tracts in the target area. The Applicant considered several sites on federally administered land, but these had not been previously considered for energy generation, which created greater uncertainty and a longer timeline for permitting and development. The alternate sites also had environmental concerns, were less easily accessible, had topographical challenges, and benefited from less support from the surrounding communities and authorities. Therefore, no reasonable cost-effective alternate locations for the Project exist outside of proposed Project site.

PROOF OF PUBLIC NOTICE

5. A copy of the public notice of the application or amended application and proof of the publication of the public notice, as required by Subsection 4 of NRS 704.870. (NAC 703.423(5)).

A copy of the public notice of this Application is attached as **Exhibit “H,”** and an affidavit demonstrating proof of publication of the public notice of this Application in the Lincoln County Record on June 5, 2026 is attached as **Exhibit “I.”**

PROOF OF SUBMITTAL TO THE NEVADA STATE CLEARINGHOUSE

6. Proof that a copy of the application or amended application has been submitted to the Nevada State Clearinghouse within the Department of Administration to enable energy review and comment. (NAC 703.423(6)).

Proof of submission of this Application to the Nevada State Clearinghouse to enable agency review and comment, and proof of service on local governments in the area in which the facilities are to be located, is attached as **Exhibit “J.”**

PROBABLE EFFECT ON ENVIRONMENT

7. An explanation of the nature of the probable effect on the environment including:

(a) A reference to any studies described in Subsection 3, if applicable; (NAC 703.423(7)(a)) and

Terracon’s analysis of the Project is contained in the ES (Exhibit “F”), and the BLM’s related analysis of the broader area encompassing the Project site are included in the EIS (Exhibit “G”).

(b) An environmental statement that includes:

(1) The name, qualifications, professions and contact information of each person with primary responsibility for the preparation of the environmental statement; (NAC 703.423(7)(b)(I))

The ES (Exhibit “F”) was prepared by Ryan Bell, a Senior Staff Scientist employed by Terracon. Mr. Bell’s contact information is as follows: ryan.bell@terracon.com; (433) 243-3491.

1 A list of the persons who contributed to the EIS, along with their respective titles,
2 expertise, and contact information (to the extent known or available to the Applicant), is provided
3 in Section 6.2 of the EIS (Exhibit "G"). Additionally, the EIS lists the following contact
4 information for the entities responsible for preparing the EIS:

5 ENTRIX, Inc.
6 2300 Clayton Road, Suite 200
7 Concord, CA 94520
8 Phone: (925) 935-9920
9 Fax: (925) 935-5368

10 Huffman-Broadway Group
11 828 Mission Avenue
12 San Rafael, CA 94901
13 Phone: (415) 925-2000
14 Fax: (415) 925-2006

15 Resource Concepts, Inc.
16 340 North Minnesota Street
17 Carson City, NV 89703
18 Phone: (775) 883-1600
19 Fax: (775) 883-1656

20 **(2) The name, qualifications, professions and contact information**
21 **of each person who has provided comments or input in the preparation of the**
22 **environmental statement; (NAC 703.423(7)(b)(2))**

23 The Applicant understands that in addition to Ryan Bell, Philip Loftis, who is the
24 Group Manager Natural Resources with Terracon, provided comments or input in
25 preparation of the ES (Exhibit "F"). Mr. Loftis's contact information is as follows:
26 Philip.loftis@terracon.com; (602) 776-0302.

27 A list of the persons who contributed to the EIS, along with their respective titles,
28 expertise, and contact information (to the extent known or available to the Applicant), is
provided in Section 6.2 of the EIS (Exhibit "G"). Additionally, the EIS lists the following
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Carson City, NV 89703
Phone: (775) 883-1600
Fax: (775) 883-1656

**(3) A bibliography of materials used in the preparation of the
environmental statement; (NAC 703.423(7)(b)(3)) and**

A list of references used in preparation of the ES is available at Section 8 of the ES (Exhibit "F"). A list of references used in preparation of the EIS is available at Section 7 of the EIS (Exhibit "G").

(4) A description of: (NAC 703.423(7)(b)(4))

**(I) The environmental characteristics of the project area
existing at the time the application or amended application is filed
with the Commission;**

The Project site is located on private land owned by CSI, in unincorporated Lincoln County, Nevada. The Project site is generally located approximately 6.5 miles north of the Lincoln and Clark County border and 3.5 miles east of U.S. Route 93. The site is located in a largely undeveloped section of Lincoln County adjacent to BLM and USFWS lands. The vegetation communities within the Coyote Spring Valley are characteristic of the Mojave Desert Scrub Ecosystem and are dominated by Creosotebush-White Bursage Desert Scrub. *See* EIS (Exhibit "G"), at Section 4.1.2.1.1. Southern Nevada's climate is dry throughout the year, with long, hot summers and short, mild winters. *Id.* at Section 4.9.1. Maximum daily temperatures in

1 the summer typically exceed 100°F. *Id.* The area is largely undeveloped with minimal man-made
2 features in the area.

3 **(II) The environmental impacts that the construction and**
4 **operation of the proposed utility facility will have on the project area**
5 **before mitigation; and**

6 The Project will result in the disturbance of a maximum of 6,800 acres within the
7 approximately 8,177-acre Project site. Construction will last up to approximately 45 months over
8 eight phases, with some overlap expected between the various phases, after which time only
9 routine maintenance will be required. The ES analyzed potential impacts on a variety of resources
10 by evaluating the applicability to the Project of the potential impacts evaluated and mitigation
11 measures developed in the EIS, which analyzes a broader area encompassing the Project site.
12 Together, the ES and relevant portions of the EIS identified minimal environmental impacts that
13 will occur during Project construction and operations. *See* ES (Exhibit “F”), at Section 5; *see also*
14 EIS (Exhibit “G”), at Section 4 & Table ES-1. As more thoroughly described in Section III(3) of
15 this Application, the EIS suggests, and the ES concludes, that the Project will not substantively
16 impact the environment, and that Project-specific mitigation measures will otherwise serve to
17 mitigate any material adverse impacts on the environment. *Id.*

18 The Applicant has determined that the Project is not located within greater sage-grouse
19 habitats per a review of maps available on the Sagebrush Ecosystem Technical Team (“SETT”)
20 website. *See* Nevada Sagebrush Ecosystem Program, Maps & Science, *available at* <
21 [https://sagebrusheco.nv.gov/maps-](https://sagebrusheco.nv.gov/maps-science#Habitat%20Management%20Areas%20for%20GRSG%20Map)
22 [science#Habitat%20Management%20Areas%20for%20GRSG%20Map](https://sagebrusheco.nv.gov/maps-science#Habitat%20Management%20Areas%20for%20GRSG%20Map)>. Thus, the Applicant
23 has not engaged with SETT given that it seemed redundant to do so.

24 **(III) The environmental impacts that the construction and**
25 **operation of the proposed utility facility will have on the project area**
26 **after mitigation.**

27 ///

28 ///

Analyses of the environmental impacts associated with the Project are included in the ES (Exhibit “F”), at Section 5, and the EIS (Exhibit “G”), at Section 4, where the latter analyzes a broader area encompassing the Project site as explained in this Application.

NEED TO ENSURE RELIABLE SERVICE

8. An explanation of the extent to which the proposed utility facility is needed to ensure reliable utility service to customers in this State. (NAC 703.423(8)).

The Project is exempt from this requirement pursuant to NRS 704.890(1)(b). NRS 704.890(1)(b) provides that the Commission must find that a utility facility is needed to ensure reliable utility service to customers in Nevada *only* if (i) the utility facility emits greenhouse gases and (ii) does not use renewable energy as its primary source of energy to generate electricity. Here, because the Project uses renewable energy as its primary source of energy, NRS 704.890(1)(b)’s finding does not need to be made, and thus the Project is exempt from NAC 703.423(8)’s requirement to explain why the Project is needed to ensure reliable utility service to customers in Nevada. With that said, the Applicant provides responses to the following subsections of NAC 703.423(8)(b) as background information.

(a) A description of the extent to which the proposed utility facility will provide utility service to customers in this state. (NAC 703.423(8)(b)(1)).

The Project will provide renewable energy to the NPC electrical transmission grid. The Applicant has executed a PPA with NPC with respect to the output of Block 1, which consists of 600 MW solar and 2400 MWh BESS. Thus, the output of Block 1 will provide energy to the State of Nevada’s electrical grid and will be distributed to customers in the State of Nevada. With respect to Block 2, it is unknown at this time to whom the power will ultimately be delivered, but the Applicant anticipates customers in Nevada. Additionally, the Project will generate electrical energy and store energy to reduce emissions of CO₂, a greenhouse gas, by displacing the use of electrical energy from natural gas, coal-burning, and thermal power plants.

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(b) A description of the extent to which the proposed utility facility will enhance the reliability of the utility service in this state. (NAC 703.423(8)(b)(2)).

The Project will assist the State of Nevada in developing reliable renewable resources of energy and displacing conventional thermal power generation by supporting the construction of a solar electric generating facility. The Project will provide a reliable local and regional source of power, producing up to approximately 3,600,000 MWh of clean, emissions-free power each year. In doing so, the Project will fulfill a need for reliable and affordable clean energy in Nevada pursuant to Nevada's Renewable Portfolio Standard (NRS 704.7801-.7828, *inclusive*, collectively, the "RPS"). The Project also includes an energy storage component that will facilitate grid reliability in providing energy delivery during peak demand periods.

(c) A description of the extent to which the proposed utility facility will achieve interstate benefits by the proposed construction or modification of transmission facility in the state, if applicable. (NAC 703.423(8)(b)(3)).

NAC 703.423(8)(b)(3) is not applicable to the Project, which is wholly located within the State of Nevada.

NEED VERSUS ENVIRONMENTAL EFFECT

9. An explanation of how the need for the proposed utility facility as described in Subsection 8 balances any adverse effects on the environment as described in Subsection 7. (NAC 703.423(9)).

The need for the Project outweighs the minor environmental impacts of the Project. The Project will provide a reliable local and regional source of power, producing approximately 3,600,000 MWh of clean, emissions-free power each year, which is helpful to fulfill both the environmental and statutory needs for reliable and affordable clean energy in Nevada.

In the last several years, the Nevada Legislature has adopted increased RPS requirements to be phased in through 2030, ultimately requiring that 50 percent of the electricity sold by an electric utility to retail customers in Nevada must come from renewable sources by 2030. Because the Applicant has entered into a PPA with NPC, which is subject to the RPS, the Project will help Nevada achieve its renewable energy goals. The Project includes an energy storage component

1 that will fulfill a need for renewable energy storage and facilitate grid reliability by providing
2 energy delivery during peak demand periods. The Project will also allow for the reduction of
3 approximately 2,608,590 metric tons of CO₂ annually.

4 Additionally, assuming the Project receives a Nevada Governor's Office of Energy
5 Renewable Energy Tax Abatement ("RETA"), Block 1 of the Project will generate up to
6 approximately \$5.8 million in annual property taxes to Lincoln County during the first year of
7 operation, then reduce to approximately \$3.1 million by year 20 of operation. After year 20 (post
8 tax abatement), annual property taxes will increase back to approximately \$6.6 million, then
9 increase nominally each year until year 40. On average, the Project will generate approximately
10 \$5.6 million in annual property taxes over 40 years, along with approximately \$24.5 million in
11 sales and use tax receipts payable to the State of Nevada. The tax estimates would be comparable
12 for Block 2. Finally, the Project will further benefit the economy by generating up to
13 approximately 800 jobs at peak construction, with an average workforce of approximately 400
14 construction workers. The Project will also employ approximately 15 permanent employees
15 during operations at full build-out.

16 In contrast, with the implementation of the recommended mitigation measures, the Project
17 will result in only minor impacts to the natural environment. *See* ES (Exhibit "F"), at Section 5.
18 Thus, by reducing annual carbon emissions in the State of Nevada and providing a reliable energy
19 source for the power grid, the Project's benefits outweigh its minimal environmental effects.

20 **MINIMUM ADVERSE IMPACT ON THE ENVIRONMENT**

21 **10. An Explanation of how the proposed utility facility represents the minimum** 22 **adverse effect on the environment, including (NAC 703.423(10))**

23 **(a) The state of available technology; (NAC 703.423(10)(a))**

24 The Project will use the latest and top tier commercially available materials for utility-
25 scale renewable generation and storage facilities. Through implementation of identified
26 mitigation measures, the Project will represent the minimum adverse effect on the environment
27 given the state of available technology.

28 ///

(b) The nature of various alternatives; and (NAC 703.423(10)(b))

No reasonable alternative locations meeting the Applicant's criteria for the Project were identified outside of the Project site. *See* Section III(4), *supra*. The proposed Project site allows for minimal environmental impacts as described in the ES (Exhibit "F"). Other sites were considered; however, all alternate locations were on federally administered land that had not been previously considered for energy generation, creating greater uncertainty and a longer timeline for permitting and development. The alternate sites also had additional environmental concerns and benefited from less support from the surrounding communities and authorities. Therefore, no reasonable cost-effective alternate locations for the Project exist outside of proposed Project site. Accordingly, no alternatives were identified that would meet the Project's purpose and need. *Id.* at Section 2.3.

(c) The economics of various alternatives. (NAC 703.423(10)(c))

The proposed Project site is the most cost-effective option for the Project due to easy access and buildable, flat land. The Applicant considered and evaluated other sites throughout Lincoln County, and all suffered from meaningful economic compromises relative to the Project site. In addition, lower levels of community support and federal permitting requirements reduced certainty that the Project would be able to complete development.

AGENCY APPROVAL LIST AND DESCRIPTION OF REQUIRED PERMITS

11. An explanation of how the location of the proposed utility facility conforms to applicable state and local laws and regulations, including a list of all permits, licenses, and approvals required by federal, state and local statutes, regulations and ordinances. The explanation must include a list that indicates: (NAC 703.423(11))

(a) All permits, licenses, and approvals the applicant has obtained, including copies thereof; (NAC 703.423(11)(a)) and

A list of all permits, licenses, and approvals the Applicant or its contractors are in the process of obtaining, along with an estimated timeline for obtaining the permits, is provided in **Exhibit "K."** The Applicant has not obtained any permits, licenses, or approvals as of the date of this Application.

1 **(b) All permits, licenses and approvals the applicant is in the process of**
2 **obtaining to commence construction of the proposed utility facility. The applicant**
3 **must provide an estimated timeline for obtaining these permits, licenses and**
4 **approvals. (NAC 703.423(11)(b)).**

5 A list of all permits, licenses, and approvals the Applicant or its contractors are in the
6 process of obtaining in order to commence construction, and an estimated timeline for obtaining
7 these permits, is provided in Exhibit “K.”

8 **SERVING THE PUBLIC INTEREST**

9 **12. An explanation of how the proposed utility facility will serve the public**
10 **interest, including: (NAC 703.423(12))**

11 **(a) The economic benefits that the proposed utility facility will bring to**
12 **the applicant and this State; (NAC 703.423(12)(a))**

13 The Project will have a direct beneficial impact on the local and regional economy during the
14 construction period, which is expected to last approximately 45 months. The Project will provide
15 a substantial opportunity for construction jobs because at peak construction, approximately 800
16 workers are anticipated, with an average workforce of approximately 400 construction workers.
17 The Project is also expected to staff 15 full-time employees at full build-out.

18 Additionally, assuming the Project receives a Nevada Governor’s Office of Energy
19 RETA, Block 1 of the Project will generate up to approximately \$5.8 million in annual property
20 taxes to Lincoln County during the first year of operation, then reduce to approximately \$3.1
21 million by year 20 of operation. After year 20 (post tax abatement), annual property taxes will
22 increase back to approximately \$6.6 million, then increase nominally each year until year 40. On
23 average, the Project will generate approximately \$5.6 million in annual property taxes over 40
24 years, along with approximately \$24.5 million in sales and use tax receipts payable to the State
25 of Nevada. The tax estimates would be comparable for Block 2.

26 Further, the Project will provide a reliable source of electricity, which will benefit the
27 economy in the long-term by ensuring that electricity is continuously provided by sources within
28

1 the state. By providing a diverse source of electricity, the Project will help bring stability to the
2 markets that serve consumers, benefiting Nevada's economy as a whole.

3 **(b) The nature of the probable effect on the environment in this State if**
4 **the proposed utility facility is constructed; (NAC 703.423(12)(b))**

5 The ES analyzed potential impacts on a variety of resources by evaluating the applicability
6 to the Project of the potential impacts evaluated and mitigation measures developed in the EIS,
7 which analyzes a broader area encompassing the Project site. Together, the ES and relevant
8 portions of the EIS identified minimal environmental impacts that will occur during Project
9 construction and operations. *See* ES (Exhibit "F"), at Section 5; *see also* EIS (Exhibit "G"), at
10 Section 4 & Table ES-1. As more thoroughly described in Section III(3) of this Application, the
11 EIS suggests, and the ES concludes, that the Project will not substantively impact the
12 environment, and that Project-specific mitigation measures will otherwise serve to mitigate any
13 material adverse impacts on the environment. *Id.*

14 Once operational, the Project will likely have a positive effect on the environment in the
15 State of Nevada. The Project will provide a reliable and consistent source of electricity to Nevada,
16 while reducing CO₂ emissions in the state. Further, the Project will be developed in a relatively
17 undeveloped portion of the state, which will minimize any cumulative impacts associated with
18 overlapping construction of nearby projects.

19 **(c) The nature of the probable effect on the public health, safety, and**
20 **welfare of the residents of this State if the proposed utility facility is constructed;**
21 **(NAC 703.423(12)(c)) and**

22 The Project will provide a clean, renewable source of energy and will not emit potentially
23 harmful pollutants or greenhouse gases that could have an adverse impact on the public health,
24 safety, and welfare of Nevada residents. In fact, the Project's production of solar energy will
25 displace energy production using fossil fuels such as coal and natural gas. As stated previously,
26 the State of Nevada will benefit from the creation of jobs during construction and operation,
27 income from the Project, and from the reduction of CO₂ emissions by approximately 2,608,590
28 metric tons annually. Further, it is expected that the energy generated by the Project will be

delivered to Nevada customers via connection to NPC's grid. Diversification of electricity sources is known to bring stability to the markets that serve consumers; thus, the clean, emissions-free power generated by the Project each year will be beneficial to the residents of Nevada.

(d) The interstate benefits expected to be achieved by the proposed electric transmission facility in this State, if applicable. (NAC 703.423(12)(d)).

The Project is located in Nevada and will not result in interstate benefits.

IV. CONSTRUCTION IN MULTIPLE PHASES

Should the Commission grant this Application subject to the Applicant's submission of outstanding compliance items, the Applicant requests that the Commission's compliance order allow for the issuance of eight PTCs for eight phases of construction. The Applicant proposes that the phases may be constructed either simultaneously or independent of one another with some overlap in time, but no construction of any utility facility necessary to the Project will occur until the Applicant has satisfied the Commission that all necessary permits have been obtained for construction of that particular facility, consistent with the intent of UEPA.

The proposed Phases One through Four pertain to Block 1 of the Project, which will include construction of the first 600 MW of solar, first 2400 MWh of BESS, and the portion of the Project Substation required to step-up Block 1 energy to transmission voltage and deliver it to the transmission system. The proposed Phases Five through Eight pertain to Block 2, which will include construction of the second 600 MW of solar, second 2400 MWh of BESS, and the portion of the Project Substation required to step-up Block 2 energy to transmission voltage and deliver to the transmission system.

The phases of construction, along with information about the outstanding state and local permits that must be obtained for each phase prior to issuance of a PTC, are outlined below.

Phase One: This phase of construction will include installation of fencing for Block 1. Phase One construction is expected to take 5 months starting in January 2027. Phase One permits that will be acquired prior to commencing construction of this phase are listed below.

///

PHASE ONE: FENCING FOR BLOCK 1		
REQUIRED PERMIT	ISSUING AGENCY	ESTIMATED APPROVAL DATE
Stormwater General Permit	NDEP	Q4 2026
Surface Area Disturbance	NDEP	Q4 2026
Building Permit	Lincoln County	Q4 2026

Phase Two: This phase will include site preparation, clearing for temporary staging areas, construction of access roads for Block 1, and construction of the first 600 MW of the Generating Facility. This includes the civil work, installation of racking and solar panels, AC cabling, and associated equipment. Phase Two construction is expected to take 26 months starting in August 2027. Phase Two permits that will be acquired prior to commencing construction of this phase are listed below.

PHASE TWO: SITE PREP, ACCESS ROADS, & BLOCK 1 OF GENERATING FACILITY		
REQUIRED PERMIT	ISSUING AGENCY	ESTIMATED APPROVAL DATE
No Hazard Determination	FAA	Q2 2027
Stormwater General Permit	NDEP	Q2 2027
Surface Area Disturbance	NDEP	Q2 2027
Building Permit	Lincoln County	Q2 2027
Grading Permit	Lincoln County	Q2 2027

Phase Three: This phase will include construction of Block 1 of the BESS – namely, the first 2400 MWh of BESS. The BESS containers will be installed on foundations, conduit connecting the various containers will be installed, and cabling will be run from the BESS containers to the medium voltage transformers and from the medium voltage transformers to the electrical substation. Phase Three construction is expected to take 24 months starting in October

2027. Phase Three permits that will be acquired prior to commencing construction of this phase are listed below.

PHASE THREE: BLOCK 1 OF THE BESS		
REQUIRED PERMIT	ISSUING AGENCY	ESTIMATED APPROVAL DATE
Stormwater General Permit	NDEP	Q3 2027
Surface Area Disturbance	NDEP	Q3 2027
Building Permit	Lincoln County	Q3 2027

Phase Four: This phase will include construction of the Project Substation to support Block 1 – namely, the first 600 MW of solar energy generation and 2400 MWh of BESS. Construction activities include pouring the transformer foundations, running underground cables, and installing the generator step up transformers. Phase Four construction is expected to take 17 months starting in May 2028. Phase Four permits that will be acquired prior to commencing construction of this phase are listed below.

PHASE FOUR: PROJECT SUBSTATION FOR BLOCK 1		
REQUIRED PERMIT	ISSUING AGENCY	ESTIMATED APPROVAL DATE
Stormwater General Permit	NDEP	Q1 2028
Surface Area Disturbance	NDEP	Q1 2028
Building Permit	Lincoln County	Q1 2028

Phase Five: This phase will include installation of fencing for Block 2. Phase Five construction is expected to take 5 months starting in April 2027. Phase Five permits that will be acquired prior to commencing construction of this phase are listed below.

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PHASE FIVE: FENCING FOR BLOCK 2		
REQUIRED PERMIT	ISSUING AGENCY	ESTIMATED APPROVAL DATE
Stormwater General Permit	NDEP	Q1 2027
Surface Area Disturbance	NDEP	Q1 2027
Building Permit	Lincoln County	Q1 2027

Phase Six: This phase will include site preparation, clearing for temporary staging areas, construction of access roads for Block 2 and construction of the second 600 MW of the Generating Facility. Phase Six construction is expected to take 24 months starting in October 2028. Phase Six permits that will be acquired prior to commencing construction of this phase are listed below.

PHASE SIX: SITE PREP, ACCESS ROADS, & BLOCK 2 OF GENERATING FACILITY		
REQUIRED PERMIT	ISSUING AGENCY	ESTIMATED APPROVAL DATE
No Hazard Determination	FAA	Q3 2028
Stormwater General Permit	NDEP	Q3 2028
Surface Area Disturbance	NDEP	Q3 2028
Building Permit	Lincoln County	Q3 2028
Grading Permit	Lincoln County	Q3 2028

Phase Seven: This phase will include construction of the second 2400 MWh of BESS for Block 2. The BESS containers will be installed on foundations, conduit connecting the various containers will be installed, and cabling will be run from the BESS containers to the medium voltage transformers and from the medium voltage transformers to the electrical substation. Phase Seven construction is expected to take 24 months starting in October 2028. Phase Seven permits that will be acquired prior to commencing construction of this phase are listed below.

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PHASE SEVEN: BLOCK 2 OF THE BESS		
REQUIRED PERMIT	ISSUING AGENCY	ESTIMATED APPROVAL DATE
Stormwater General Permit	NDEP	Q3 2028
Surface Area Disturbance	NDEP	Q3 2028
Building Permit	Lincoln County	Q3 2028

Phase Eight: This phase will include an expansion of the Project Substation constructed in Phase Four to support Block 2 – namely, the second 600 MW of the Generating Facility and 2400 MWh of BESS. Construction activities include pouring the transformer foundations, running underground cables, and installing the generator step up transformers. Phase Eight construction is expected to take 24 months starting in October 2028. Phase Eight permits that will be acquired prior to commencing construction of this phase are listed below.

PHASE EIGHT: EXPANSION OF PROJECT SUBSTATION FOR BLOCK 2		
REQUIRED PERMIT	ISSUING AGENCY	ESTIMATED APPROVAL DATE
Stormwater General Permit	NDEP	Q3 2028
Surface Area Disturbance	NDEP	Q3 2028
Building Permit	Lincoln County	Q3 2028

V. CONCLUSION AND REQUEST FOR RELIEF

Based on this Application, the Applicant respectfully requests that the Commission proceed in the manner required by law and, in accordance with NAC 703.535(d), issue an order that:

1. Approves this Application and directs the Commission's Staff to issue a UEPA Permit to Construct for the Project, subject to the Applicant's submission of the permits described herein to the Commission; and
2. issue a compliance order authorizing the construction of the utility facilities in eight phases as described herein by authorizing eight Permits to Construct, with each Permit to Construct specifying the utility facility or facilities in that phase.

1 The Applicant reserves the right to amend and supplement this Application as permitted
2 and contemplated pursuant to NRS 704.820 to NRS 704.900 and NAC 703.415 to 703.427.

3 Dated and respectfully submitted this 17th day of June, 2026.
4

5 HOLLAND & HART LLP

6 By: /s/ Bryce C. Alstead
7 Bryce C. Alstead (NBN 9554)
8 Erica K. Nannini (NBN 13922)
9 5470 Kietzke Lane, Suite 100
10 Reno, Nevada 89511
11 Telephone: (775) 327-3000
12 Facsimile: (775) 786-6179
13 BAlstead@hollandhart.com
14 EKNNannini@hollandhart.com

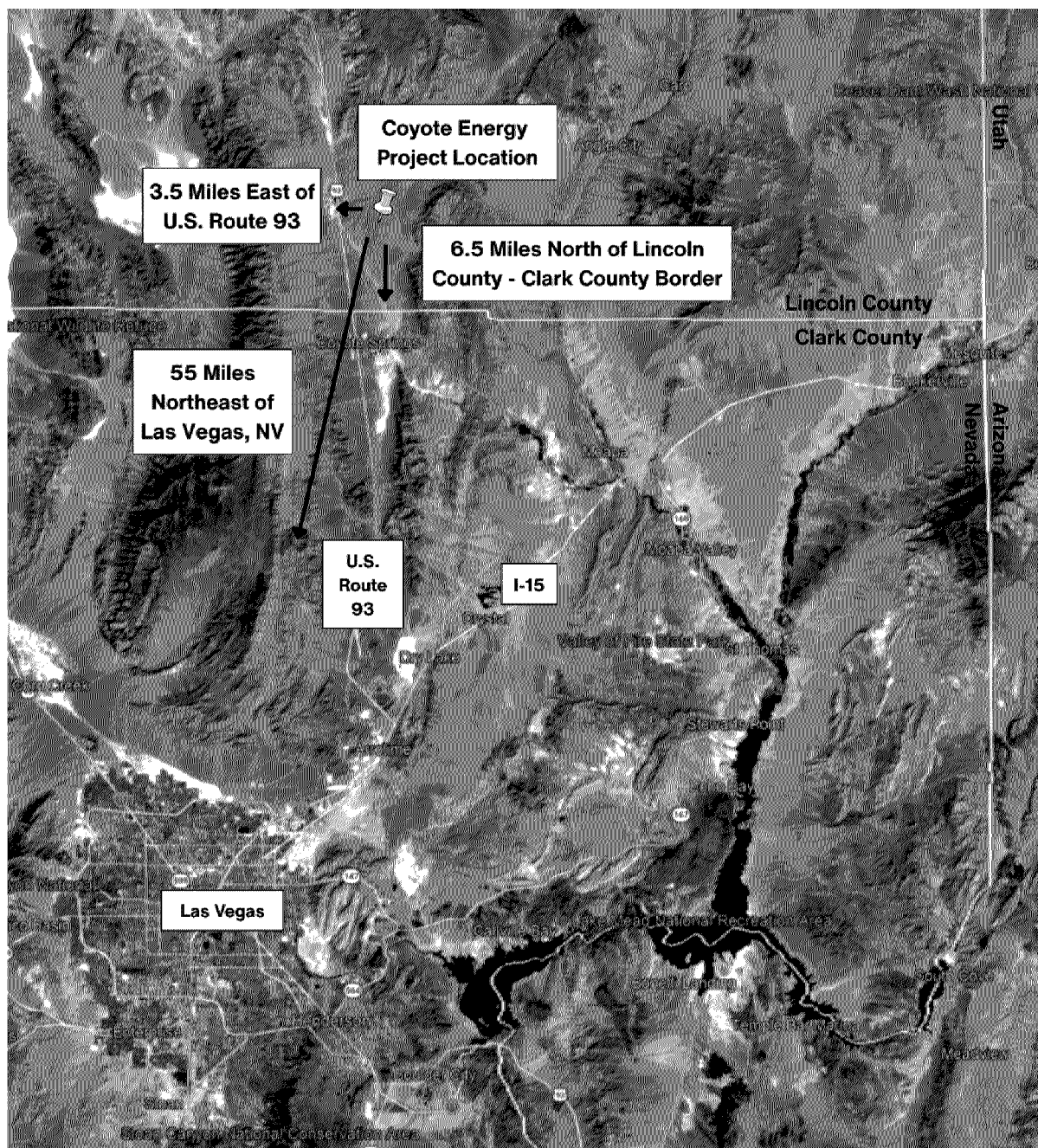
15 *Attorneys for Estuary Development Partners LLC*
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EXHIBIT A

Project Location Map

Regional Map



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EXHIBIT B

Legal Description of the Property

WALLACE MORRIS KLINE SURVEYING, LLC
Land Survey Consulting

PORTIONS OF APN: 008-201-03, 008-201-06, 008-201-28
AND ALL OF APN: 008-201-27
OWNER: COYOTE SPRINGS INVESTMENT

EXHIBIT "A"

EXPLANATION: THIS DESCRIPTION REPRESENTS AN APPROXIMATE OPTION
AREA IN SUPPORT OF THE "COYOTE SPRINGS SOLAR" PROJECT.

DESCRIPTION

OPTION AREA

PORTIONS OF SECTIONS 20, 21 AND 22 AND ALL OF SECTIONS 27, 28, 29 AND 34,

**TOGETHER WITH THE WEST HALF (W1/2) AND THE WEST HALF (W1/2) OF THE EAST
HALF (E1/2) OF SECTION 23,**

**ALSO TOGETHER WITH THE WEST HALF (W1/2) AND THE WEST HALF (W1/2) OF THE
EAST HALF (E1/2) OF SECTION 26,**

**ALSO TOGETHER WITH THE EAST HALF (E1/2) AND THE EAST HALF (E1/2) OF THE
NORTHWEST QUARTER (NW1/4) OF SECTION 33,**

**ALSO TOGETHER WITH THE WEST HALF (W1/2) AND THE WEST HALF (W1/2) OF THE
EAST HALF (E1/2) OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 63 EAST, M.D.M.,
LINCOLN COUNTY, NEVADA;**

**EXCEPTING THEREFROM A 200 FOOT WIDE BUREAU OF LAND MANAGEMENT RIGHT-
OF-WAY GRANT PER LEGACY SERIAL NUMBER NVN-018686 (ALSO KNOWN AS KANE
SPRINGS ROAD), AND ALL PARCELS OF LAND LYING NORTHERLY OF SAID RIGHT-OF-
WAY WITHIN SECTIONS 20, 21 AND 22, TOWNSHIP 11 SOUTH, RANGE 63 EAST, M.D.M.,
LINCOLN COUNTY, NEVADA;**

AND

ALL OF SECTIONS 3 AND 10,

TOGETHER WITH THE WEST HALF (W1/2) OF SECTION 2,

**ALSO TOGETHER WITH THE NORTHEAST QUARTER (NE1/4) AND THE EAST HALF OF
THE SOUTHEAST QUARTER (SE1/4) OF SECTION 4,**

ALSO TOGETHER WITH THE WEST HALF OF SECTION 11,

Page 1 of 2

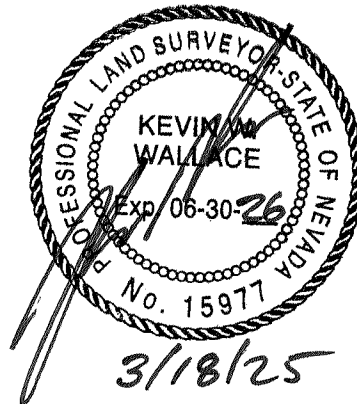
6525 W. Warm Springs Rd, # 100, Las Vegas, Nevada 89118, Ph: 702.212.3967 Fx: 702.212.3963
P:\EST\23077 Coyote Springs\LEGALS\23077-OPTION AREA – 1.docx

ALSO TOGETHER WITH THE EAST HALF (E1/2) AND THE NORTHWEST QUARTER (NW1/4) AND THE EAST HALF (E1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 15, TOWNSHIP 12 SOUTH, RANGE 63 EAST, M.D.M., LINCOLN COUNTY, NEVADA;

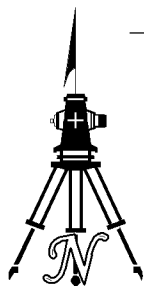
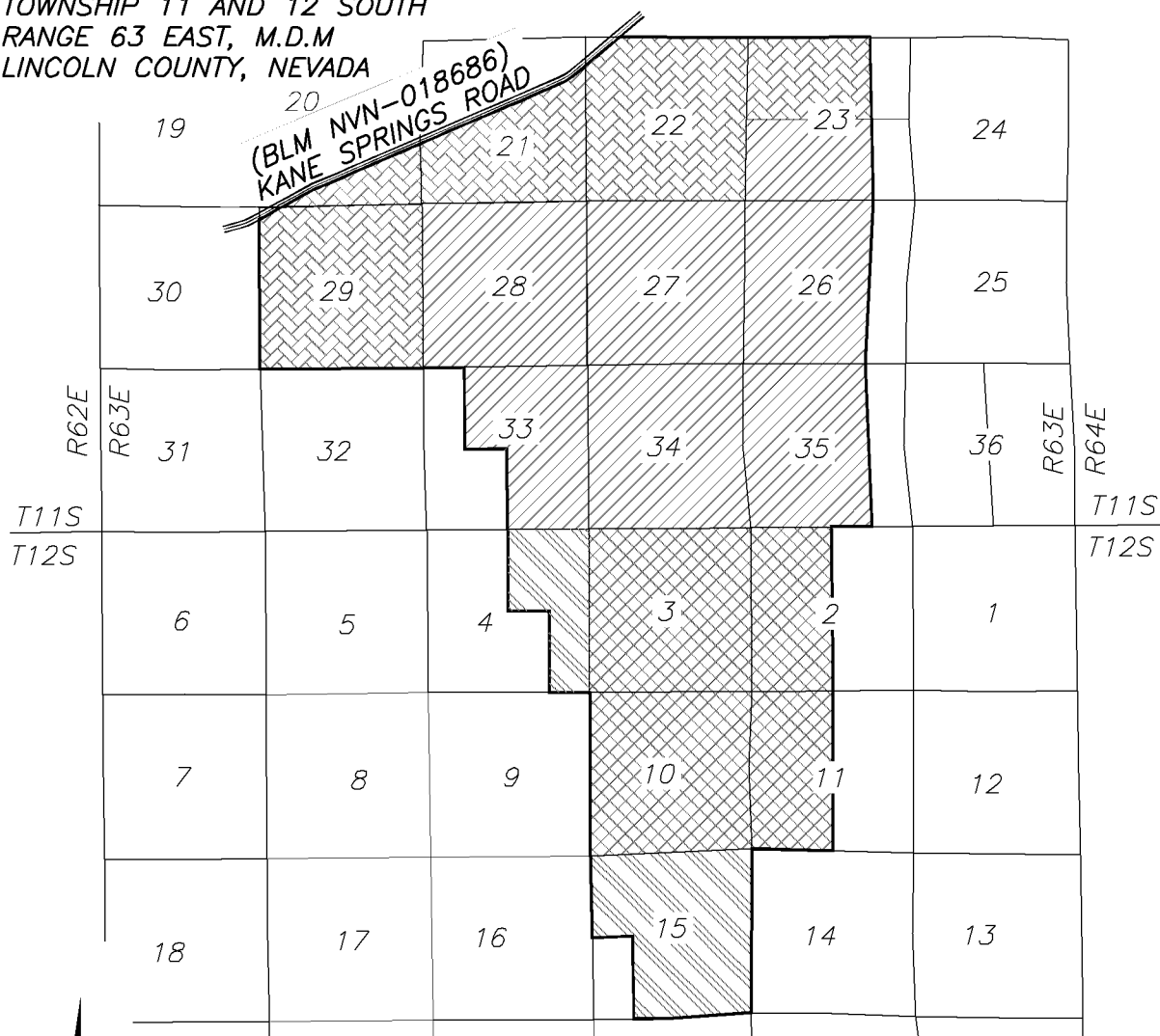
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(PORTION OF 008-201-03: 1981.2 +/- ACRES)
(PORTION OF 008-201-28: 3514.6 +/- ACRES)
(PORTION OF 008-201-06: 790.5 +/- ACRES)
(ALL OF 008-201-27: 1891.1 +/- ACRES)

SURVEYOR NOTE: THIS LEGAL DESCRIPTION AND THE CORRESPONDING PARCEL ACREAGES ARE NOT THE RESULT OR CALCULATION OF A FORMAL LAND SURVEY/BOUNDARY, AND THE ALIGNMENT OF THE 200 FOOT WIDE BUREAU OF LAND MANAGEMENT RIGHT-OF-WAY GRANT PER LEGACY SERIAL NUMBER NVN-018686 (ALSO KNOWN AS KANE SPRINGS ROAD) WAS GENERATED BY DIGITIZING THE ALIGNMENT FROM THE EXISTING ROAD AS OBSERVED IN AN AERIAL IMAGE.

KEVIN W. WALLACE, PLS
NEVADA CERTIFICATE NO. 15977



PORTIONS OF APN: 008-201-03, 008-201-06, 008-201-28
 AND ALL OF APN: 008-201-27
 OWNER: COYOTE SPRINGS INVESTMENT
 TOWNSHIP 11 AND 12 SOUTH
 RANGE 63 EAST, M.D.M
 LINCOLN COUNTY, NEVADA



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	PORTION OF APN 008-201-03: 1981.2 ACRES +/-
	PORTION OF APN 008-201-06: 790.5 ACRES +/-
	APN 008-201-27: 1891.1 ACRES +/-
	PORTION OF APN 008-201-28: 3514.6 ACRES +/-

P:\EST\23077 COYOTE SPRINGS\DWG\EXHIBITS\23077-OPTION AREA - 1.DWG

WALLACE MORRIS KLINE
 SURVEYING, LLC.
 LAND SURVEY CONSULTING

6525 W. WARM SPRINGS RD.
 #100, LAS VEGAS, NV 89118

EXHIBIT "B"

APPROXIMATE OPTION AREA IN SUPPORT OF THE
 "COYOTE SPRINGS SOLAR" PROJECT

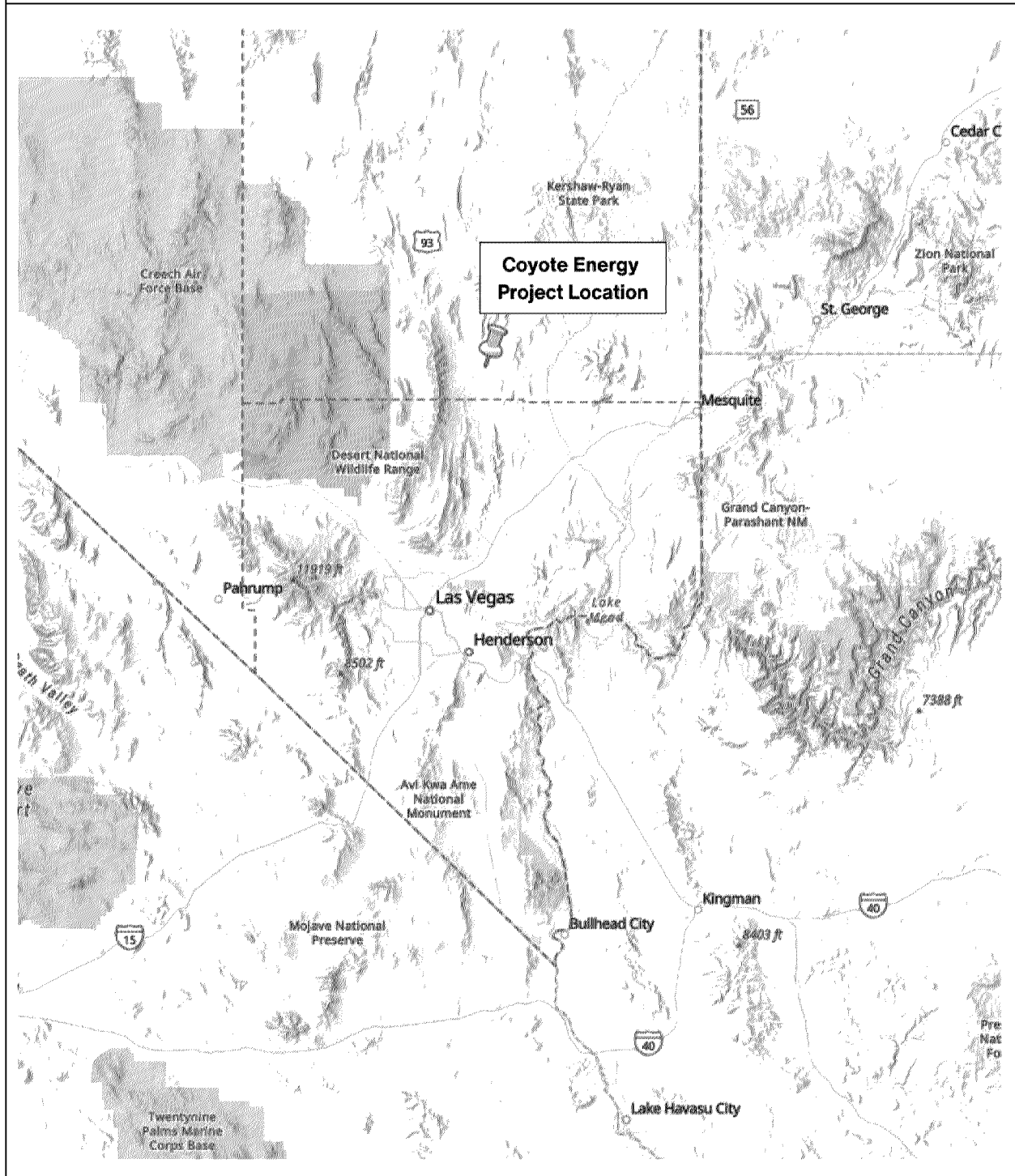
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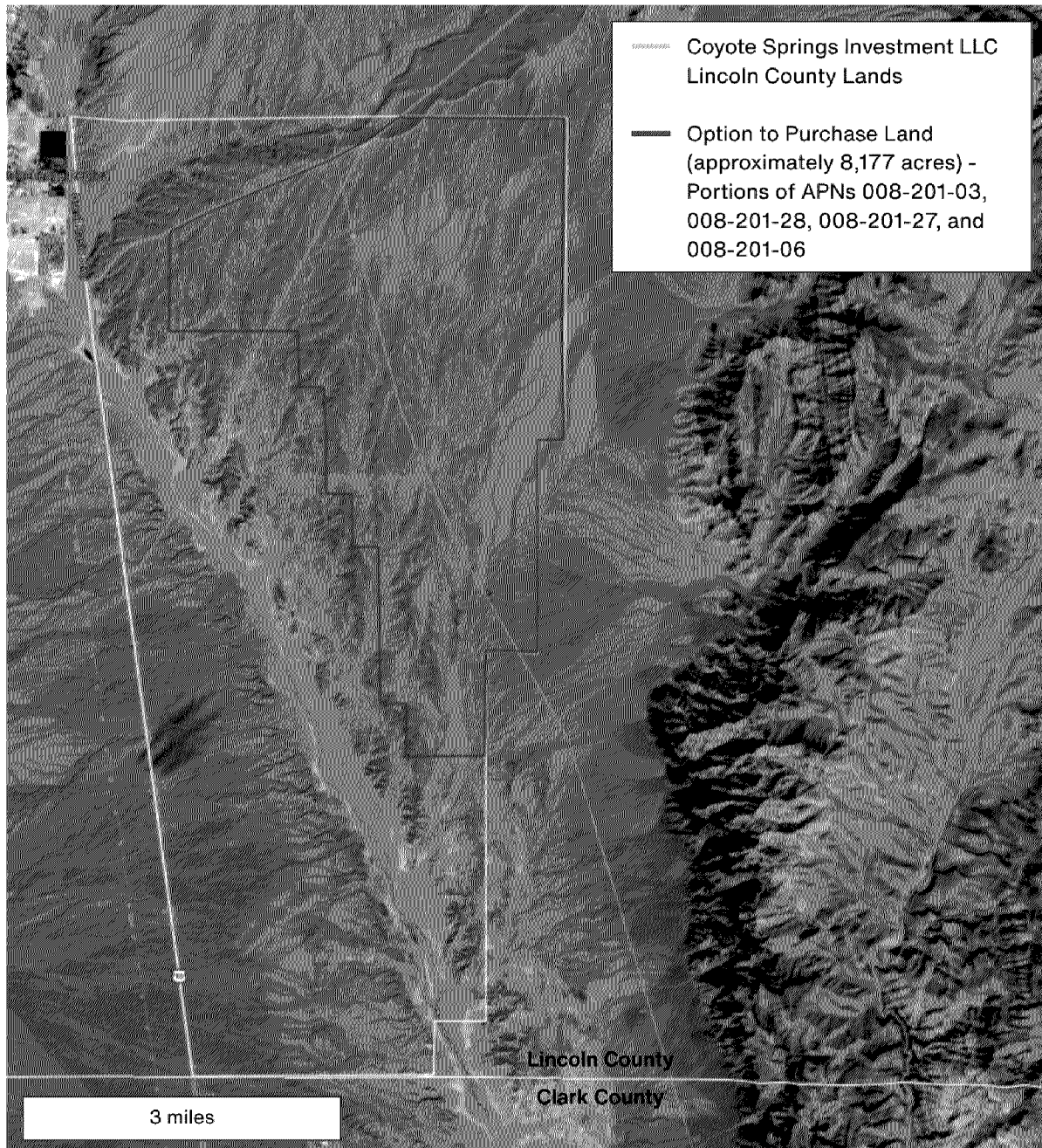
EXHIBIT C

Site Plan Drawings, Vicinity Maps, & Routing Maps

Vicinity Map



Land Status Map

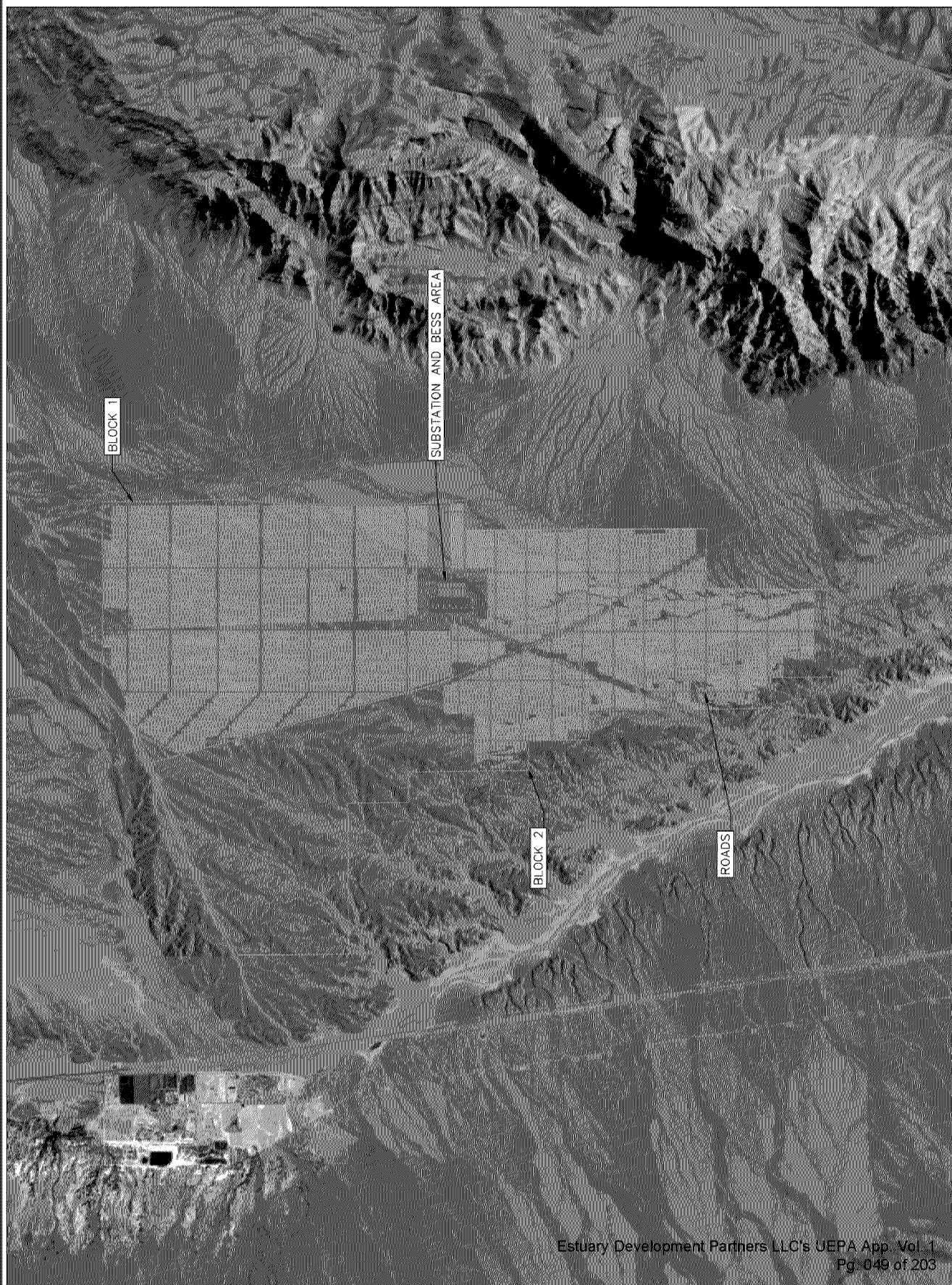


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SITE LAYOUT

GEOMETRY NUMBER: G-001



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EXHIBIT D

Layout Diagrams

COYOTE
ENERGY

LINCOLN COUNTY, NEVADA



estuary
POWER

#	DESCRIPTION	BY	DATE
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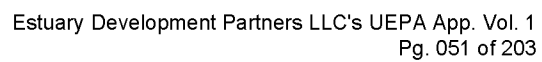
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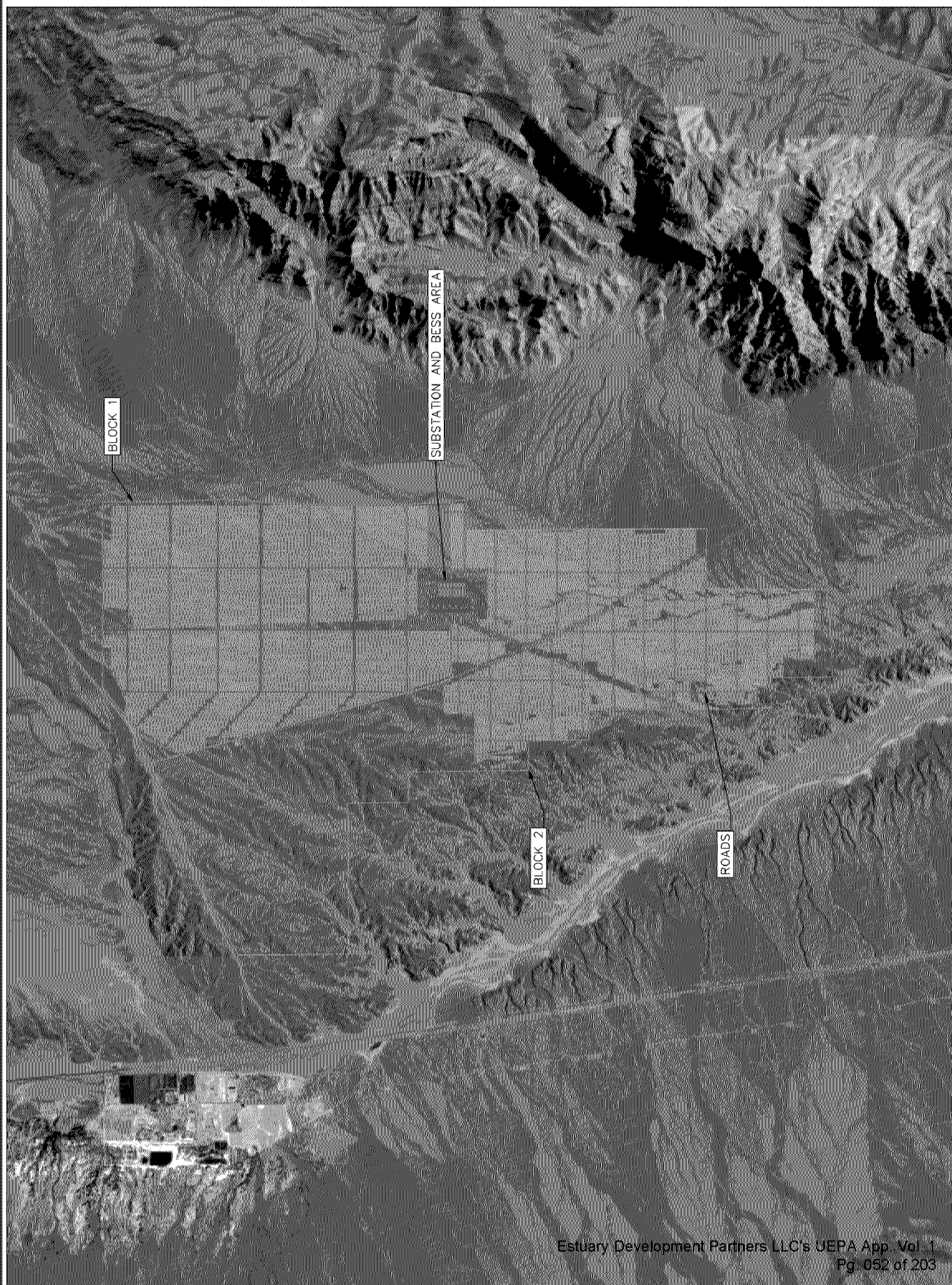


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STATUS:	NOT FOR CONSTRUCTION
FILE:	

SITE LAYOUT

GEOMETRY NUMBER: G-001



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EXHIBIT E

Scaled Diagrams of Utility Structures

PROJECT NAME:

COVOTE
ENERGY

PROJECT LOCATION:

LINCOLN COUNTY, NEVADA

OWNER:



REVISION HISTORY:

| DESCRIPTION | E | R | DATE

DRAWN BY:

DESIGNED BY:

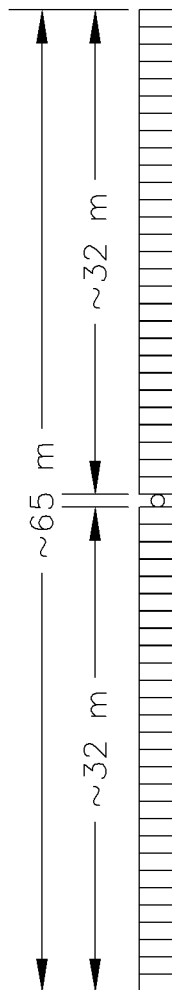
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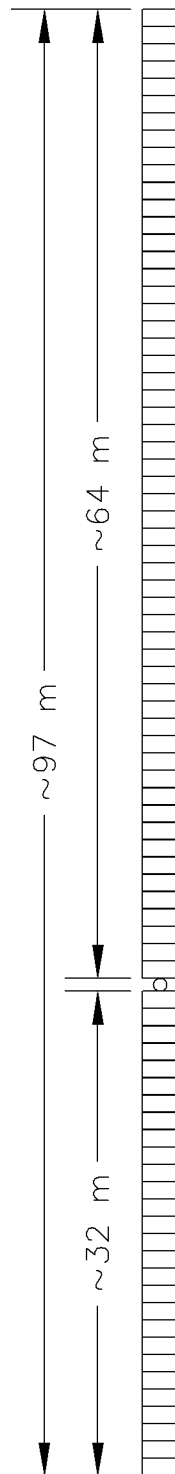
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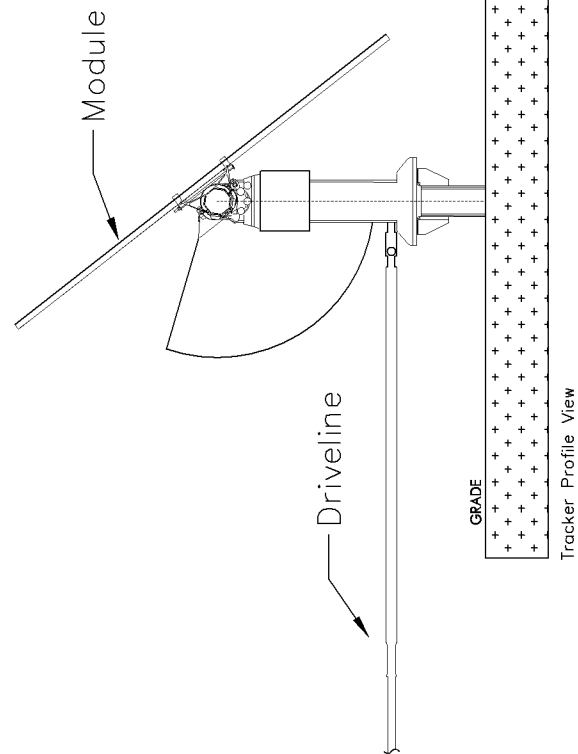
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2-String Tracker Plan View



3-String Tracker Plan View



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EXHIBIT F

Environmental Statement

Environmental Statement

Coyote Energy

Lincoln County, Nevada

May 19, 2026 | Report Number: 65267188



Nationwide

[Terracon.com](https://www.terracon.com)

- Facilities
- Environmental
- Geotechnical
- Materials



4685 S Ash Ave, Suite H-4
Tempe, AZ 85282
P 480-897-8200
Terracon.com

May 19, 2026

Estuary Development Partners LLC
50 West Liberty Street, Suite 430
Reno, NV 89501

Attn: Madeleine Lehner
E: madeleine.lehner@estuarypower.com

Re: Environmental Statement
Coyote Energy
Lincoln County, Nevada
Terracon Project No. 65267188

Dear Ms. Lehner:

Terracon Consultants, Inc. (Terracon) is pleased to submit this Environmental Statement to assist in the preparation of an application for a Utility Environmental Protection Act (UEPA) permit to be granted by the Public Utilities Commission of Nevada (PUCN) for the purpose of developing a utility scale solar energy generation facility in Lincoln County, Nevada. This report has been prepared in accordance with Proposal No. P65267188, dated March 18, 2026.

Terracon appreciates the opportunity to have worked for you on this project. Please feel free to contact Ryan Bell at (443) 243-3491 (ryan.bell@terracon.com) if you have questions regarding the content of this report.

Sincerely,

Terracon Consultants, Inc.

A handwritten signature in black ink, appearing to read 'Ryan Bell'.

Ryan Bell
Senior Staff Scientist

A handwritten signature in black ink, appearing to read 'Patti Bakker'.

Patti Bakker, Program Manager
Environmental Planning and Permitting

Enclosure: Environmental Statement

Table of Contents

1.0	Introduction	1
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List of Appendices

APPENDIX A: USDA Custom Soil Report

APPENDIX B: USFWS IPaC Report

1.0 Introduction

Estuary Development Partners (Estuary) has proposed developing a solar energy generation facility utilizing approximately 8,000 acres in southern Lincoln County, Nevada. Estuary retained Terracon, Inc. to develop an Environmental Statement evaluating the applicability to this project of the potential impacts evaluated and mitigation measures developed in an Environmental Impact Statement (EIS) completed in 2008 that encompasses the area of the proposed project. The EIS was developed by Entrix, Inc., Huffman-Broadway Group, and Resource Concepts, Inc. and prepared for the U.S. Fish and Wildlife Service (USFWS) to assess the impacts of issuing Incidental Take Permits (ITPs) and implementing the Multiple-Species Habitat Conservation Plan (MSHCP). The MSHCP covers 35,211 acres (Covered Area) within the southern portion of Lincoln County, Nevada. The MSHCP's goal is to achieve a balance between 1) long-term conservation and recovery of native species of plants and animals and Waters of the United States (WOTUS) present on Coyote Springs Investment LLC (CSI) lands and 2) the orderly and beneficial use of private land to promote the economy, health, and well-being of the future population within Lincoln County (EIS 2008).

The 2008 EIS served as the National Environmental Policy Act (NEPA) compliance document for the USFWS in the analysis of the effects of implementing the Proposed Action (Preferred Alternative) which included the anticipated development of a master planned town and associated utilities. The primary effects analyzed in the EIS included potential impacts on WOTUS and protected species, specifically desert tortoise.

2.0 Proposed Project

The proposed project includes the construction of solar photovoltaic power generating capacity and appurtenant facilities identified as the Coyote Energy Project. The Project includes up to 1200 megawatts (MW) of solar generating capacity plus battery energy storage facilities and other appurtenant facilities on private land located in Lincoln County, Nevada, approximately 6.75 miles north-northeast of the Great Basin Highway 93 and the 168 Highway intersection, northwest of the Moapa River Indian Reservation. The Project covers an approximate 8,000-acre site that spans across four different parcels numbered 00820103, -128, -106 and -127, that are all currently owned by Coyote Springs Investment LLC. The first 600 MW block of the Project will serve the power company NV Energy and connect to NV Energy's Crystal Substation. The second 600 MW block of the Project will also connect to Crystal Substation, but it is unknown at this time to whom the power will be delivered. A site visit was conducted by Terracon biologist Philip Loftis on April 8, 2026 to compare, investigate, and observe any environmental changes which may have occurred at the subject site since the 2008 EIS was finalized. The 2008 EIS, MSHCP and ITPs established the goals, actions, and mitigation measures which will apply to the current proposed project development plan. If 2008 protocols have been superseded by newer

protocols or typical mitigation measures have been updated, the most recent protocols and mitigation measures will be followed.

3.0 Purpose of Environmental Statement

The 2008 EIS evaluated the impacts of implementing the Coyote Springs Investment LLC's Multiple-Species Habitat Conservation Plan (MSHCP) and issuance of an incidental take permit (ITP) under section 10(a)1(B) of the Endangered Species Act (ESA). The universal goals of the MSHCP are to protect and conserve the ESA Covered Species desert tortoise (*Gopherus agassizii*), banded Gila monster (*Heloderma suspectum cinctum*), western burrowing owl (*Athene cunicularia*), Moapa dace (*Moapa coriacea*), and Virgin River chub (*Gila seminuda*) and their habitats, as well as Waters of the United States (WOTUS) to ensure compliance with the ESA, NEPA, and other applicable federal laws and regulations while allowing for orderly growth and development to proceed in Lincoln County.

***Disclaimer:** as of 2011, the desert tortoise has been separated into two distinct species—the Mojave desert tortoise (*Gopherus agassizii*) and the Sonoran desert tortoise (*Gopherus morafkai*). While the Mojave desert tortoise is listed as threatened under the ESA, the Sonoran desert tortoise is not. The 2008 EIS was written before the species were separated into two distinct species. Lincoln County is within the range of the Mojave desert tortoise, but is outside the known range of the Sonoran desert tortoise. For the remainder of this document, all references to tortoise will be the Mojave desert tortoise. In addition, the definition of WOTUS has also significantly changed since the HCP was published. Ephemeral streams not connected to a permanent water source are no longer considered jurisdictional WOTUS.

The following federally listed species were not listed as Covered in the original EIS but are known to occur in the project vicinity according to an updated USFWS Information for Planning and Consultation report generated on March 30, 2026: southwestern willow flycatcher (*Empidonax traillii extimus*) (endangered), yellow-billed cuckoo (*Coccyzus americanus*) (threatened), and monarch butterfly (*Danaus Plexippus*) (proposed threatened). However, the species were evaluated in the original EIS and have a low likelihood of occurrence.

This Environmental Statement summarizes the potential environmental impacts, alternatives, and mitigation measures addressed in the 2008 EIS and any new findings related to site conditions that may have changed since 2008 within the CSI lands that are the subject of the Project. A summary of potential environmental impacts from the construction and operation of the proposed solar facility within southern Lincoln County is also included in this Environmental Statement.

4.0 Site Information

The CSI private land is located in southern Lincoln County and extends nine miles north from the Lincoln County/Clark County line. Currently, the CSI private and BLM lease lands in Lincoln County are located in portions of Township 11 South, Range 63 East and Township 12 South, Range 63 East (Mount Diablo Meridian [MDM]). The lease lands in Clark County are located in Township 13 South, Range 63 East and in Township 13 South, Range 64 East (MDM). The land ownership surrounding the project area is primarily public land managed by the BLM and the USFWS (EIS 2008).

The vegetation communities within and surrounding the project area are characteristic of the Mojave Desert Scrub Ecosystem and are dominated by Creosote bush-White Bursage Desert Scrub (EIS 2008). BLM sensitive plant species with potential to occur within the Covered Area include three-corner milkvetch (*Astragalus geyeri* var. *triquetrus*), sticky buckwheat (*Eriogonum viscidulum*) and Las Vegas buckwheat (*Eriogonum corymbosum* var. *nilesii*). However, none of these plants were observed during surveys conducted by RCI in 2005 and 2006. In addition, the solar project boundary is outside the potential habitat. The project area has a predominately arid to semi-arid desert climate characterized by hot summers, cold winters, low humidity, and minimal annual precipitation. Maximum daily temperatures in the summer typically exceed 100°F.

5.0 Previous Environmental Findings

The 2008 EIS evaluated the potential effects to resource areas of three alternatives:

- **No Action Alternative**
- **Preferred Alternative:** restricted and phased development of a new town consisting of a planned community with resource management features
- **Alternative 1:** immediate issuance of permits and development of a new town consisting of a community without resource management features.

The following resource areas were dismissed from further analysis in the 2008 EIS because they were either not present in the Covered Area or did not have potential to be affected by the proposed action:

- *Indian Trust Resources*
No Indian trust resources occur within the project area.
- *Prime and Unique Farmland*
No prime or unique farmland, either historically or currently, occurs on lands proposed for development under the proposed action. Therefore, prime and unique farmland was not retained for full analysis.

- *Wetlands*

According to field surveys conducted in 2005 and 2006, no wetlands are present within the CSI lands. Therefore, wetlands were not retained for analysis.

- *Wild and Scenic Rivers*

The alternatives being considered would not affect any designated wild and scenic rivers, as referenced in the Wild and Scenic Rivers Act and 40 CFR 1508.27.

Therefore, wild and scenic rivers were not retained for analysis.

The conditions in the project area observed during the site visit of April 8, 2026, were consistent with conditions observed in the 2008 EIS, supporting the conclusion that these resource areas are still not present.

The resource areas that were evaluated in the 2008 EIS because they have the potential to be within the Covered Area, and that have potential to be affected by the solar project, are summarized below.

Biological Resources

The activities described for the development of the proposed solar project would result in impacts to special-status species, including Mojave desert tortoise, banded Gila monster, and western burrowing owl, and may result in impacts to Virgin River chub and Moapa dace. Impacts to vegetation and other wildlife could also occur from development activities.

The Mojave desert tortoise may be present within the project area and is listed as threatened under the ESA and protected by the state of Nevada. Land development activities, including the development of CSI lands, could result in substantial impact on the species because of the loss of potential Mojave desert tortoise habitat and the removal of tortoises potentially present in the project area prior to construction. The status of the Mojave desert tortoise has not changed substantively since the 2008 EIS.

The USFWS prepared a Biological Opinion for the proposed CSI development in Lincoln County, Nevada in 2008. The USFWS determined that the level of anticipated take would not directly impact the Moapa dace. However, future groundwater withdrawals for the proposed CSI development would be likely to indirectly adversely affect Moapa dace. In 1996, a recovery plan for the Virgin River chub was approved but no specific recovery actions were developed. The Muddy River population of the Virgin River chub does not occur within the project area because there are no perennial waters within project boundaries.

Potential range for the banded Gila monster is located within CSI lands. However, no relevant consultations have been conducted for the species in the vicinity of the project area.

Environmental Statement

Coyote Energy | Lincoln County, Nevada

May 19, 2026 | Terracon Project Number: 65267188



The Western burrowing owl and southwestern willow flycatcher are both addressed in the CSI MSHCP. The MSHCP minimizes and mitigates to the maximum extent practicable the adverse effects of project activities on Western burrowing owls, Gila monsters, and desert tortoise.

Waters of the United States, Wetlands, and Floodplains

Three potential intermittent streams have been identified within the project area through the National Wetlands Inventory (NWI) database (Exhibit 1). They are in the form of desert dry washes without a perennial supply of water or connection to a traditional navigable water (TNW). Impacts to desert dry washes and floodplains as a result of development include habitat loss, fragmentation, altered hydrology, increased erosion, and vegetation removal. In May 2023 a Supreme Court ruling indicated that ephemeral dry washes should not fall within CWA jurisdiction. Because all NWI features on the site are ephemeral, no impacts would occur to jurisdictional waters within the project area.

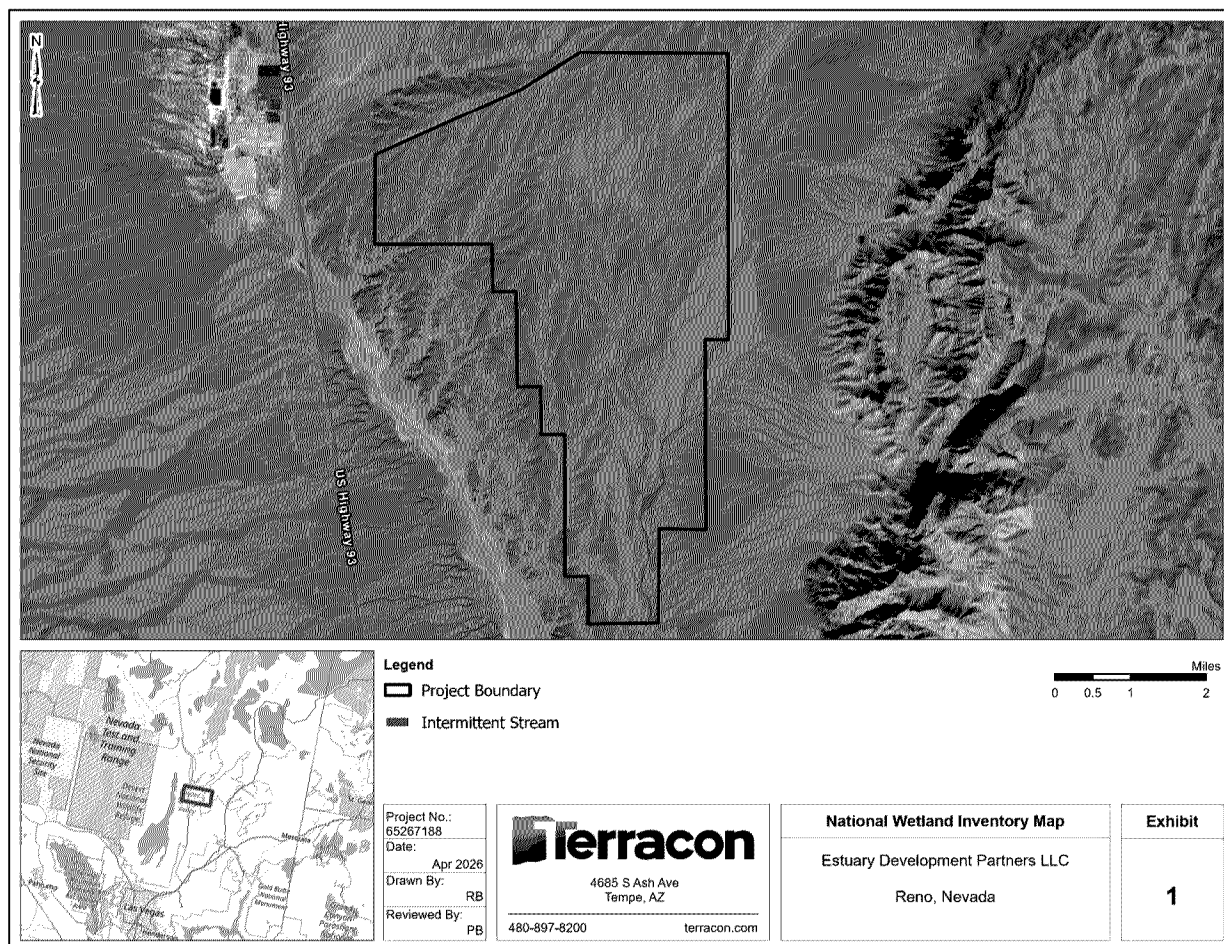


Exhibit 1. National Wetland Inventory map.

Environmental Statement

Coyote Energy | Lincoln County, Nevada

May 19, 2026 | Terracon Project Number: 65267188



The project area is not mapped within a Federal Emergency Management Agency (FEMA) floodplain (Exhibit 2). The nearest flood hazard zone is approximately 8 miles to the south of the project area.

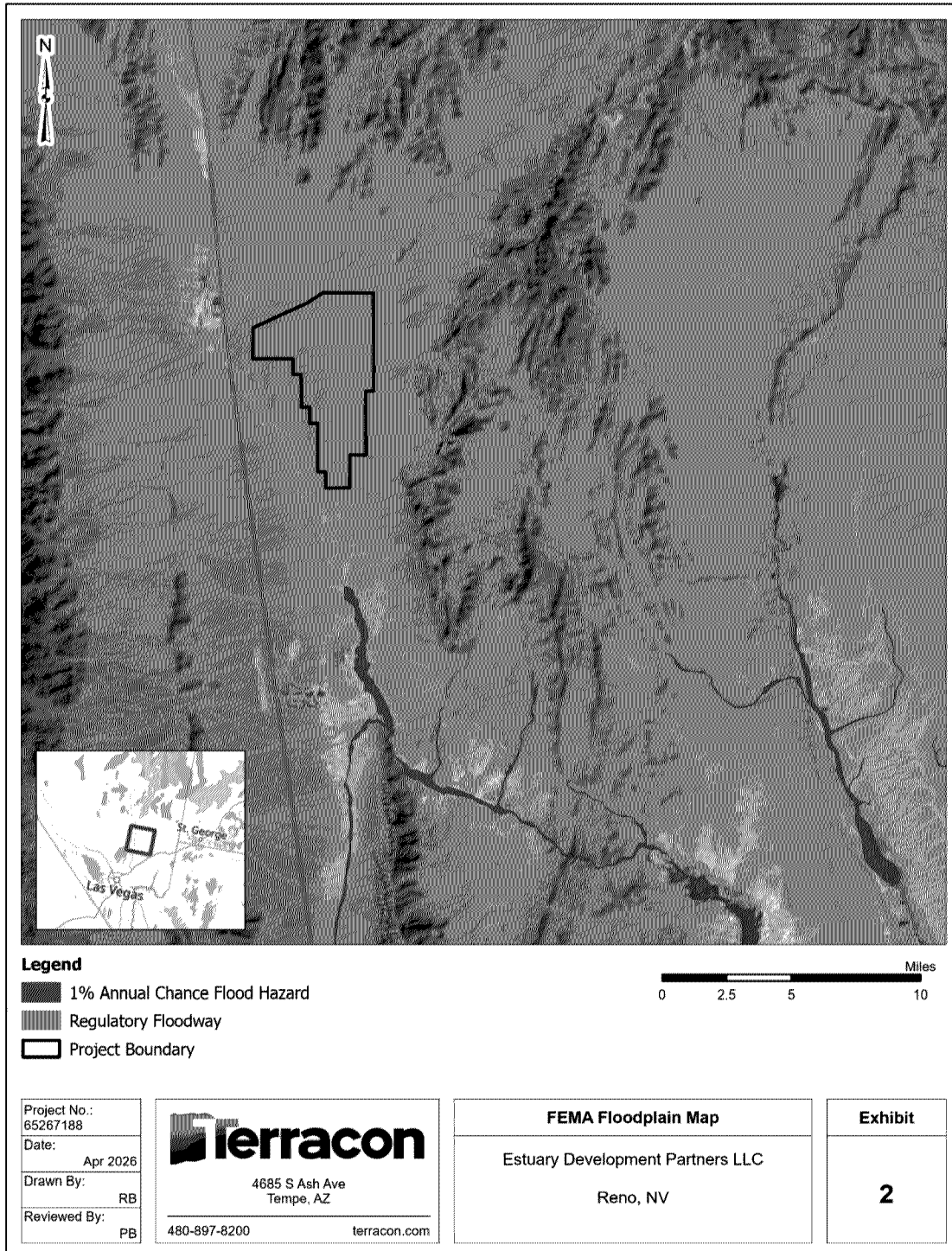


Exhibit 2. FEMA floodplain map.

Hydrology and Water Quality

The project could result in impacts to water quality and quantity from water withdrawals. However, no perennial surface waters occur within the project area. Construction activities could increase the potential for erosion from precipitation affecting water quality, but long-term effects are not anticipated due to the lack of water resources in the area and project design measures to avoid ephemeral washes in the area.

Cultural Resources

Cultural resources are known to occur on the CSI lands. The 2006 Class III archaeological survey revealed 23 new archaeological sites across the entire CSI EIS area in addition to the four revealed in the literature review. Numerous artifacts, mostly flakes, are located within the Area of Potential Effect (APE) but not contained within designated site boundaries. A small percentage of these artifacts can be defined as formal tools, including bifaces (58 total), projectile points (3 total), scrapers (17 total), and ground stone (14 total). If other paleontological or cultural resources are discovered during project construction, mitigation measures would require workers to stop work and ensure the resources are appropriately protected until they are properly evaluated. However, changes in paleontological or cultural resources since the original Environmental Impact Statement are not anticipated.

Soils and Geological Resources

Impacts on soil and geotechnical resources could occur from the construction of the proposed project and operations within the proposed project area. Implementing general mitigation measures for the proposed solar facility could minimize impacts to soils from water and wind erosion. Coyote Spring Valley is composed of four major geologic units: alluvium, Tertiary valley-fill deposits, Tertiary volcanics, and Paleozoic carbonate rocks. The majority of the project area is underlain by Quaternary (younger than two million years) alluvium and Tertiary (younger than 65 million years) sedimentary rock.

The soils within the Coyote Spring Valley are desert soils (Entisols and Aridisols). Within CSI lands, 12 soil associations were found: Arizo very gravelly loamy sand, Colorock-Tonopah Association, Badland, Tonopah gravelly sandy loam, Rock land-St. Thomas, Arizo-Bluepoint, Weiser-Tencee-Arizo, Tencee-Weiser, Weiser-Tencee, Kurstan-Tencee, Arizo, and Kurstan-Knob Hill associations. An updated custom soil report can be found in Appendix A.

Ecologically Critical Areas

The project area is located near three areas of critical concern on BLM lands: Kane Springs, Coyote Spring Valley, and Mormon Mesa. In addition, project boundaries fall directly within critical habitat for Mojave desert tortoise (see appendix B). Pursuant to 40 CFR 1508.27, agencies must include an analysis of effect to ecologically critical areas if applicable. Effects from activities associated with development on CSI lands could affect these ecologically critical areas. If Mojave desert tortoise(s) are located during project construction, effects will be minimized to the extent possible.

Wilderness Areas

There are no wilderness areas within project boundaries. Effects from activities associated with development on CSI lands could affect adjacent and nearby wilderness areas. Peripheral effects could include increased traffic, noise, and litter associated with land development and construction. However, activities are limited to project boundaries and construction will be contained in a manner to mitigate any spill-over effects into wilderness areas.

Visual Resources

Effects to visual resources could occur from constructing the proposed solar facility. Public sensitivity to the aesthetic resources in the area is moderate, as there are no residents or active workers adjacent to these lands, but people do pass by it while driving. People who might view the project area include persons driving on U.S. Highway 93 between Lincoln and Clark counties. Approximately 1,500 vehicles per day travel along U.S. Highway 93 (NDOT 2005). Persons who may be recreating in the vicinity could also view the area. The facility will be designed to minimize visual impacts.

Air Quality

The development activities considered in the proposed project area could produce effects to air quality. Because the Coyote Spring Valley is largely undeveloped, there are currently few emission sources in the area. However, dust from construction would be controlled by mitigation measures required under the Nevada Bureau of Air Pollution Control's (BAPC) Surface Area Disturbance Permitting Program, for which permits are required for all projects disturbing more than 20 acres.

Transportation and Circulation

The proposed development activities could have impacts on transportation and circulation in the project area. The 2008 EIS identified transportation and circulation patterns in the region, which could change significantly with the development of the solar facility. However, the extent and duration of the disturbance to transportation would be constrained to the construction phase.

Noise

Changes in noise levels could occur under the alternatives analyzed in the 2008 EIS due to construction. Long-term operations of the proposed solar facility would produce minimal noise.

Land Use, Planning, and Zoning

Effects on land use, planning, and zoning could occur from developing a planned solar facility. BLM has implemented Solar Energy Zones (SEZ's) and has recognized commercial scale solar as part of the overall Land Use Plan within the area. Additional mitigation pertaining to Land Use, Planning and Zoning is not expected due to the facility falling within

areas currently planned for development. Should additional mitigation be required as a result of development, setbacks, screening, and fencing to address visual and land-use concerns may be utilized.

Agricultural Resources

No agricultural resources are located within the project area.

Recreational Resources

The CSI lands are located in an undeveloped section of Lincoln County and are adjacent to BLM and USFWS lands. Within a 65-mile radius of the project area, there are numerous opportunities for public recreational use. Within this radius are county and city parks for Las Vegas, Clark County, and Lincoln County; state and federal lands in White Pine, Lincoln, Clark, and Nye counties in Nevada and Washington County in Utah and Mohave County in Arizona. The proposed solar facility would be developed on private lands and would not reduce the overall recreational opportunities in the area. It is unlikely that the project will impact hiking, birding, and other activities in adjacent wilderness areas and public lands.

Socioeconomics and Environmental Justice

Located in the southeast portion of Nevada, Lincoln County is primarily rural and sparsely populated. Existing socioeconomic conditions in Lincoln County, Nevada were considered in the 2008 EIS and contained the following: Population and other demographic characteristics, housing, employment, income, and fiscal resources. The EIS determined that solar development could have a positive impact on socioeconomics including additional job growth and tax revenue increases, would reduce stress on the power grids by adding an additional source of power, and would not impact government services.

Hazardous Waste

Any fluid leaks or hazardous waste spills or releases occurring as a result of the proposed project construction or operations would be stopped, cleaned, and repaired immediately at the time of occurrence. The direct effects of the potential to create hazardous waste are associated with operations of industrial or manufacturing facilities on CSI lands addressed in the 2008 EIS. The proposed development of a solar facility within the project area would manage and dispose of any waste in compliance with Nevada Revised Statute (NRS) 444 and NRS 459, minimizing the potential for any spills or contamination of hazardous materials.

6.0 Field Reconnaissance

Field reconnaissance was originally conducted in 2005-2006 as reported in the 2008 EIS. A follow-up site visit was conducted by Terracon biologist Philip Loftis in April 2026 to identify any changes that may have occurred in the last 18 years within CSI lands. The photo log

(Appendix C) includes photos of the project area. The observations made by the Terracon biologist during the site visit confirmed only minor environmental changes have occurred since the 2008 EIS was developed.

The environmental changes observed during the field reconnaissance on April 8, 2026 included minor evidence of off-highway vehicle (OHV) use. Primary use was evident off Kane Springs Road and the trail between the CSI gate on Old US93 and Kane Springs Road. The CSI gate on old U.S. Highway 93 has a fence that extends east into the project area (approximately 150-200 feet) which has been extended as a deterrent for OHV users. However, there is evidence that OHV users are driving around the fenceline.

Vegetation diversity increased in the southern portion of the project site with an increase in yucca quantity in the southeastern section of the project area as the project area begins to slope back up to the mountain. Mohave Desert tortoise habitat was significantly better in the southern section of the project area. This area also showed presence of caliche which were being utilized as burrows and showed signs of recent use. Additionally, the southern portion of the project area showed an increase in available food sources (beaver tail cacti- *Opuntia basilaris* and globemallow-*Sphaeralcea ambigua*) that were lacking in the northern section of the project area.

7.0 Statement and Conclusion

The analysis of the direct, indirect, and cumulative effects within the CSI lands completed in the 2008 EIS and MSHCP resulted in the development of mitigation measures to reduce impacts due to development within CSI lands. Construction and operation activities must adhere to the mitigation measures outlined in the MSHCP to ensure sensitive areas and species are protected. These mitigation measures would include payment of Lincoln County mitigation fees, minimization of construction emissions, protection of air quality, and reduced impacts on soil through operations. The proposed development of the project area must also adhere to applicable local, state, federal, and non-federal regulations to reduce impacts on resources.

Terracon has completed this Environmental Statement to evaluate the applicability of the previously issued 2008 EIS to the current proposed project and any current findings or modifications to the area, up to the date of 04/09/2026. Terracon's findings indicate that the current conditions of the CSI lands are such that the 2008 EIS and its findings do still apply. Therefore, the 2008 EIS mitigations recommended would be applicable to the proposed project development.

The proposed solar development project within the CSI lands would be less impactful than the residential development originally analyzed for impacts within the 2008 EIS. Solar energy projects require less water than residential development, support overall job growth,

and increase tax revenue. Mitigation measures and BMPs included in the 2008 EIS and MSHCP will be implemented during the development of the Coyote Energy Project.

8.0 References

Entrix, Inc. 2008. Coyote Springs Investment planned development project draft environmental impact statement. Prepared for U.S. Fish and Wildlife Service, Reno, Nevada.

Entrix, Inc. 2008. Coyote Spring Investment planned development project draft multiple species habitat conservation plan. Prepared for Coyote Springs Investment LLC, Sparks, Nevada.

Appendix A USFWS IPaC Report



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Southern Nevada Fish And Wildlife Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301
Phone: (702) 515-5230 Fax: (702) 515-5231



In Reply Refer To:
Project Code: 2026-0069666
Project Name: Coyote Springs

03/30/2026 21:00:48 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

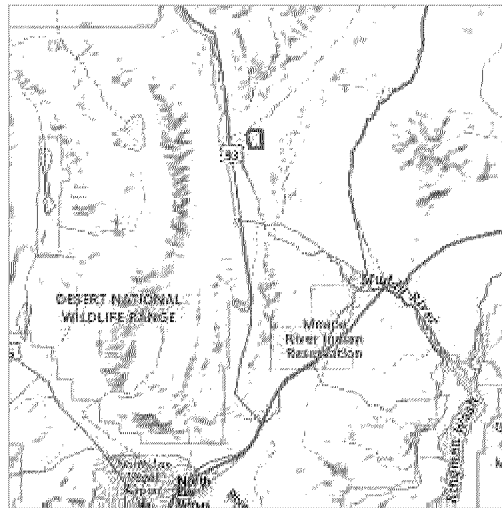
Southern Nevada Fish And Wildlife Office

4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301
(702) 515-5230

PROJECT SUMMARY

Project Code: 2026-0069666
Project Name: Coyote Springs
Project Type: Acquisition of Lands
Project Description: Solar farm
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.962814699999996,-114.91024524557633,14z>



Counties: Clark and Lincoln counties, Nevada

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749 General project design guidelines: https://ipac.ecosphere.fws.gov/project/PC36CL4TMZADFF4GTEVN7CHXLE/documents/generated/10941.pdf	Endangered
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911 General project design guidelines: https://ipac.ecosphere.fws.gov/project/PC36CL4TMZADFF4GTEVN7CHXLE/documents/generated/10941.pdf	Threatened

REPTILES

NAME	STATUS
Desert Tortoise <i>Gopherus agassizii</i> Population: Wherever found, except AZ south and east of Colorado R., and Mexico There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4481 General project design guidelines: https://ipac.ecosphere.fws.gov/project/PC36CL4TMZADFF4GTEVN7CHXLE/documents/generated/10941.pdf	Threatened

FISHES

NAME	STATUS
Moapa Dace <i>Moapa coriacea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1771	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743 General project design guidelines: https://ipac.ecosphere.fws.gov/project/PC36CL4TMZADFF4GTEVN7CHXLE/documents/generated/10941.pdf	Proposed Threatened

CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Desert Tortoise <i>Gopherus agassizii</i> https://ecos.fws.gov/ecp/species/4481#crithab	Final

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

-
1. The Bald and Golden Eagle Protection Act of 1940.
 2. The Migratory Birds Treaty Act of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are Bald Eagles and/or Golden Eagles in your project area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the National Bald Eagle Management Guidelines. You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to Bald Eagle Nesting and Sensitivity to Human Activity.

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

If disturbance or take of eagles cannot be avoided, an incidental take permit may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

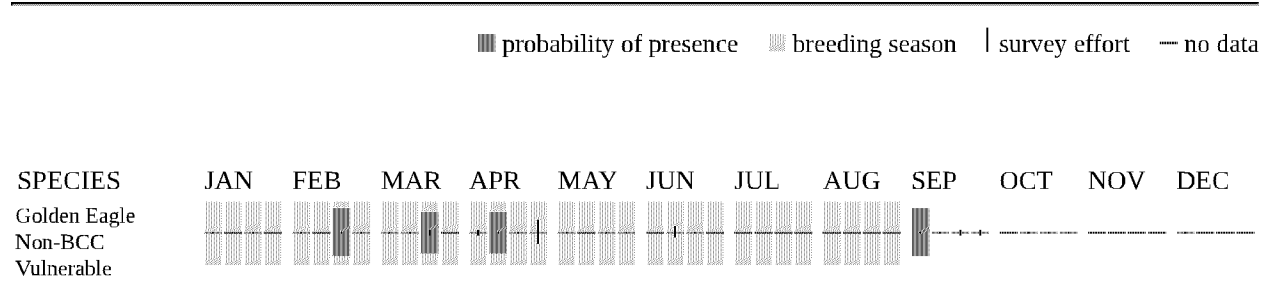
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
California Gull <i>Larus californicus</i>	Breeds Mar 1 to Jul 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10955	

NAME	BREEDING SEASON
Costa's Hummingbird <i>Calypte costae</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9470	Breeds Jan 15 to Jun 10
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Northern Harrier <i>Circus hudsonius</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

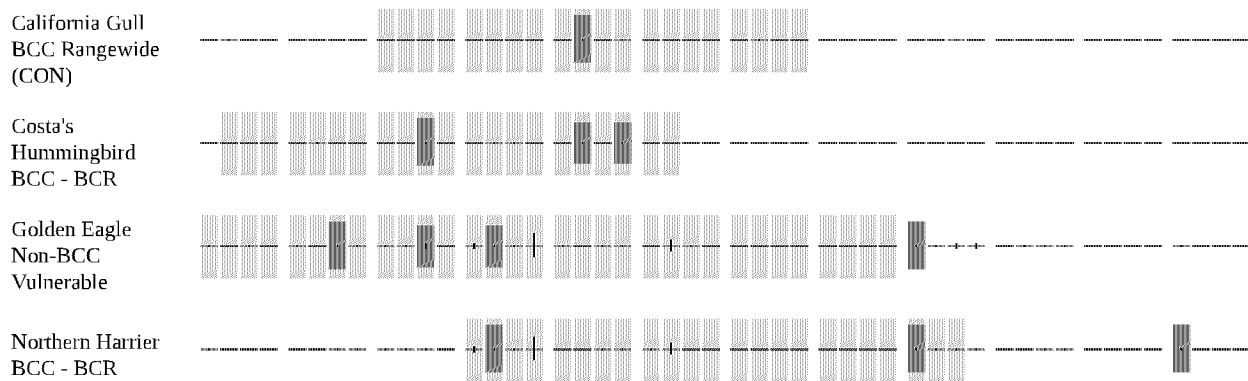
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

WETLANDS

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Ryan Bell
Address: 4685 s ash ave
City: tempe
State: AZ
Zip: 85282
Email: ryan.bell@terracon.com
Phone: 4432433491

Appendix B USDA Custom Soil Report



United States
Department of
Agriculture

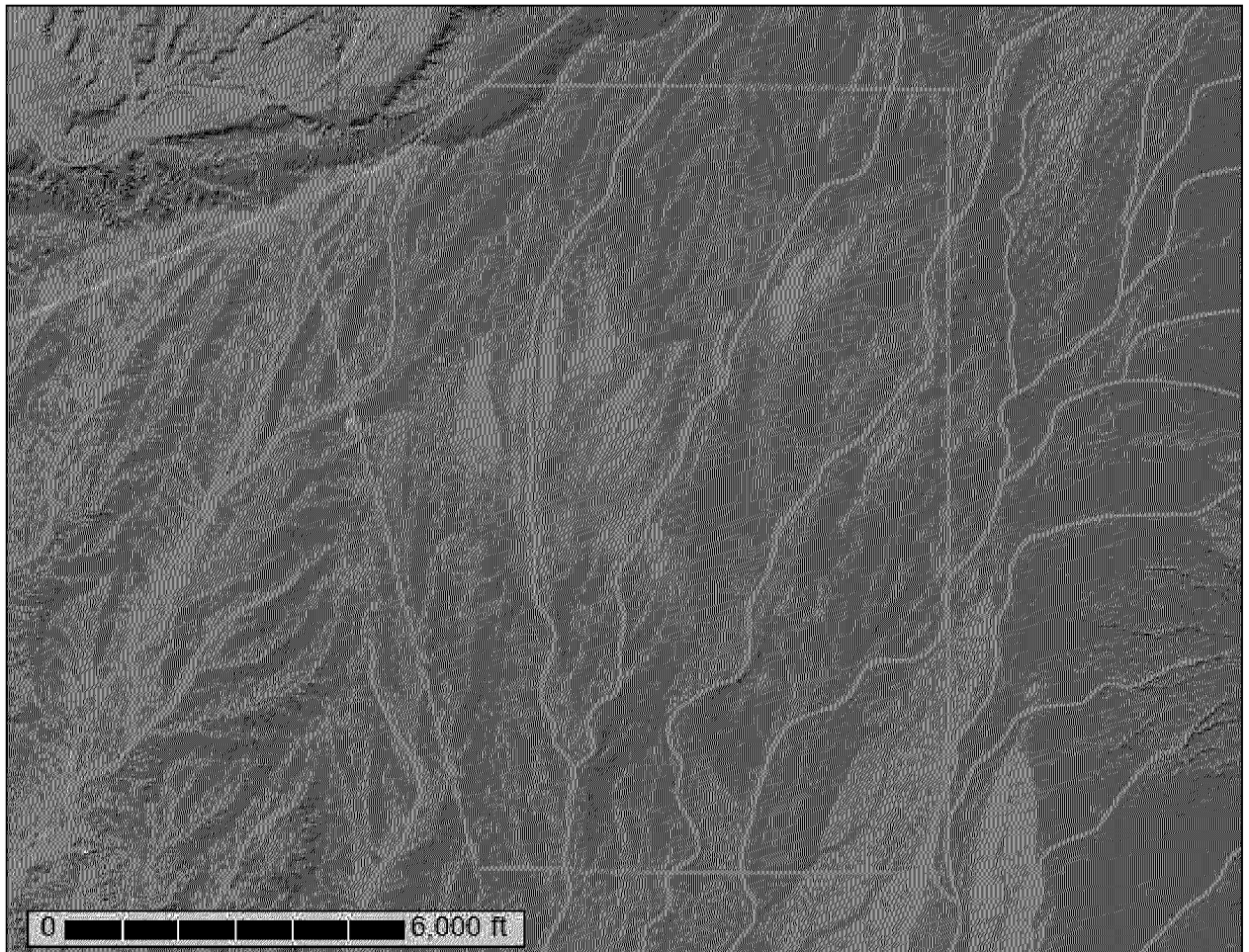
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Lincoln County, Nevada, South Part

Polygons



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

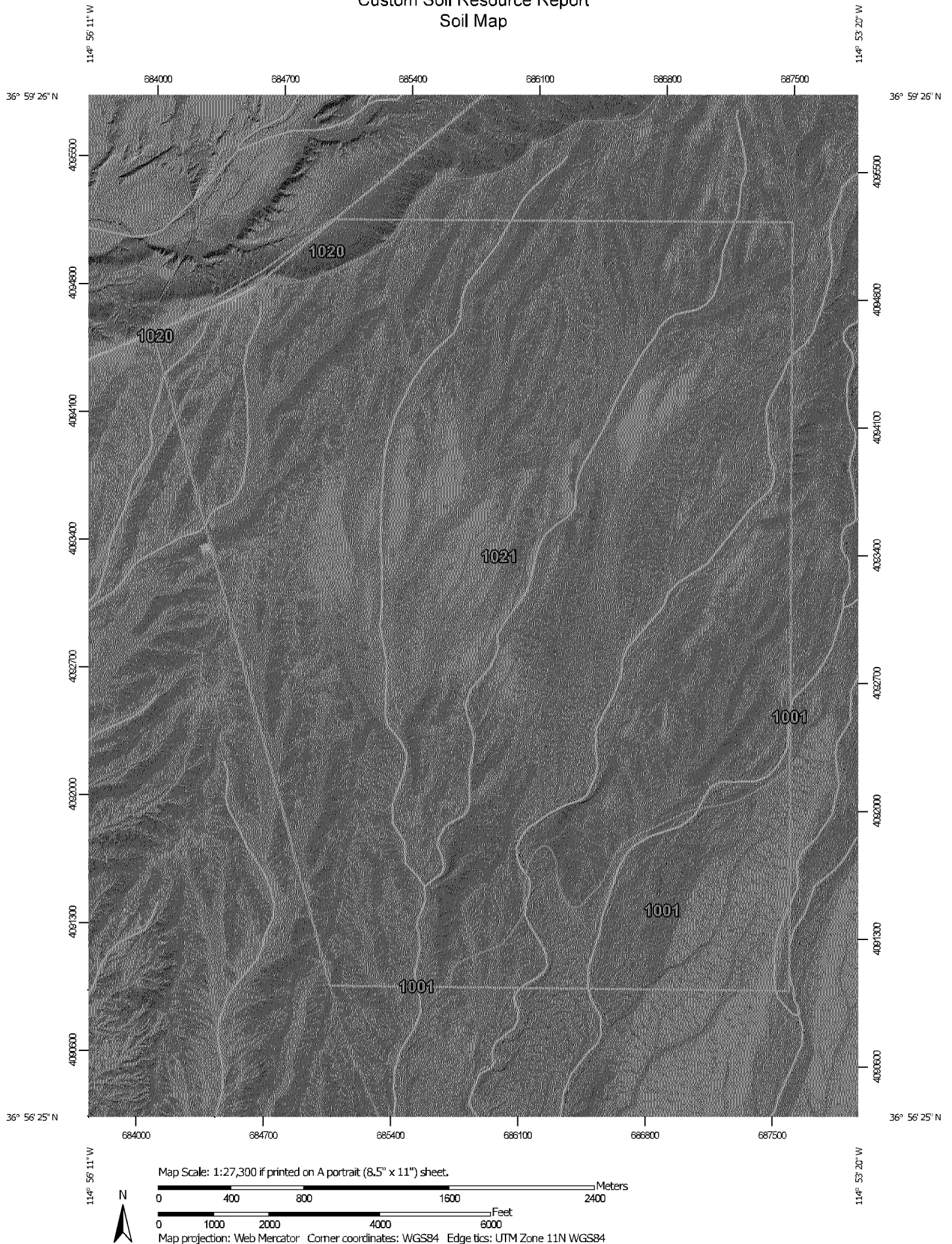
Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

Other

Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

Other

Special Line Features

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lincoln County, Nevada, South Part
Survey Area Data: Version 23, Aug 29, 2025

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 31, 2021—Nov 3, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1001	Weiser-Wechech association	332.1	10.6%
1020	Kurstan-Wechech association	37.0	1.2%
1021	Kurstan-Knob Hill association	2,775.3	88.3%
Totals for Area of Interest		3,144.4	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Lincoln County, Nevada, South Part

1001—Weiser-Wechech association

Map Unit Setting

National map unit symbol: j1dk
Landscape: Fan piedmonts
Elevation: 1,970 to 4,490 feet
Mean annual precipitation: 5 to 7 inches
Mean annual air temperature: 57 to 69 degrees F
Frost-free period: 180 to 300 days
Farmland classification: Not prime farmland

Map Unit Composition

Weiser and similar soils: 45 percent
Wechech and similar soils: 40 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Weiser

Setting

Landscape: Fan piedmonts
Landform: Fan remnants
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Alluvium derived from limestone and dolomite

Typical profile

A - 0 to 2 inches: very gravelly sandy loam
Bkq1 - 2 to 20 inches: very gravelly loam
Bkq2 - 20 to 60 inches: extremely gravelly sandy loam

Properties and qualities

Slope: 2 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 50 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: Low (about 4.8 inches)

Interpretive groups

Land capability classification (irrigated): 4s
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Ecological site: R030XB019NV - Eroded Fan Remnant Pavette 4-6 P.Z.
Other vegetative classification: LIMY 3-5" P.Z. (030XB019NV_2)
Hydric soil rating: No

Description of Wechech

Setting

Landform: Fan remnants
Landform position (two-dimensional): Summit
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Alluvium derived from limestone and dolomite

Typical profile

A - 0 to 2 inches: very gravelly sandy loam
Bk1 - 2 to 7 inches: very gravelly sandy loam
Bk2 - 7 to 13 inches: very gravelly sandy loam
Bkqm - 13 to 60 inches: cemented material

Properties and qualities

Slope: 2 to 8 percent
Depth to restrictive feature: 8 to 14 inches to petrocalcic
Drainage class: Well drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 50 percent
Maximum salinity: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: Very low (about 0.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: D
Ecological site: R030XB019NV - Eroded Fan Remnant Pavette 4-6 P.Z.
Hydric soil rating: No

Minor Components

Weiser

Percent of map unit: 10 percent
Landform: Fan remnants
Down-slope shape: Linear
Across-slope shape: Convex
Ecological site: R030XB005NV - Arid Active Alluvial Fans
Other vegetative classification: Limy 5-7 p.z. (030XB005NV_3)
Hydric soil rating: No

Arizo

Percent of map unit: 5 percent
Landform: Drainageways
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: R030XB028NV - VALLEY WASH
Hydric soil rating: No

1020—Kurstan-Wechech association

Map Unit Setting

National map unit symbol: j1ds
Landscape: Fan piedmonts
Elevation: 1,970 to 4,490 feet
Mean annual precipitation: 3 to 7 inches
Mean annual air temperature: 57 to 69 degrees F
Frost-free period: 180 to 300 days
Farmland classification: Not prime farmland

Map Unit Composition

Kurstan and similar soils: 55 percent
Wechech and similar soils: 30 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Kurstan

Setting

Landscape: Fan piedmonts
Landform: Fan remnants
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Alluvium derived from volcanic rock

Typical profile

H1 - 0 to 9 inches: gravelly sandy loam
H2 - 9 to 60 inches: gravelly sandy loam

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 30 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: Low (about 4.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: B

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Ecological site: R030XB019NV - Eroded Fan Remnant Pavette 4-6 P.Z.
Other vegetative classification: LIMY 3-5 P.Z. (030XB019NV_1)
Hydric soil rating: No

Description of Wechech

Setting

Landform: Fan remnants
Landform position (two-dimensional): Summit
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Alluvium derived from limestone and dolomite

Typical profile

A - 0 to 2 inches: very gravelly sandy loam
Bk1 - 2 to 7 inches: very gravelly sandy loam
Bk2 - 7 to 13 inches: very gravelly sandy loam
Bkqm - 13 to 60 inches: cemented material

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: 8 to 14 inches to petrocalcic
Drainage class: Well drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 50 percent
Maximum salinity: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: Very low (about 0.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: D
Ecological site: R030XB019NV - Eroded Fan Remnant Pavette 4-6 P.Z.
Hydric soil rating: No

Minor Components

Typic torriorthents

Percent of map unit: 8 percent
Landform: Rock pediments
Landform position (two-dimensional): Backslope
Down-slope shape: Convex
Across-slope shape: Convex
Ecological site: R030XB017NV - LIMY HILL 3-5 P.Z.
Other vegetative classification: LIMY HILL 3-5 P.Z. (030XB017NV_1)
Hydric soil rating: No

Seaman

Percent of map unit: 4 percent
Landform: Fan skirts
Down-slope shape: Linear

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Across-slope shape: Convex
Ecological site: R030XB005NV - Arid Active Alluvial Fans
Hydric soil rating: No

Arizo

Percent of map unit: 3 percent
Landform: Drainageways
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: R030XB028NV - VALLEY WASH
Hydric soil rating: No

1021—Kurstan-Knob Hill association

Map Unit Setting

National map unit symbol: j1dt
Landscape: Fan piedmonts
Elevation: 2,500 to 3,000 feet
Mean annual precipitation: 3 to 6 inches
Mean annual air temperature: 60 to 63 degrees F
Frost-free period: 210 to 240 days
Farmland classification: Not prime farmland

Map Unit Composition

Kurstan and similar soils: 65 percent
Knob hill and similar soils: 25 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Kurstan

Setting

Landscape: Fan piedmonts
Landform: Fan remnants
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Alluvium derived from volcanic rock

Typical profile

H1 - 0 to 9 inches: gravelly sandy loam
H2 - 9 to 60 inches: gravelly sandy loam

Properties and qualities

Slope: 2 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches

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Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 30 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: Low (about 4.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: B
Ecological site: R030XB019NV - Eroded Fan Remnant Pavette 4-6 P.Z.
Other vegetative classification: LIMY 3-5 P.Z. (030XB019NV_1)
Hydric soil rating: No

Description of Knob Hill

Setting

Landform: Inset fans
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from volcanic rock

Typical profile

H1 - 0 to 2 inches: loamy sand
H2 - 2 to 22 inches: gravelly loamy sand
H3 - 22 to 52 inches: gravelly fine sandy loam
H4 - 52 to 60 inches: gravelly loamy fine sand

Properties and qualities

Slope: 2 to 4 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 25 percent
Maximum salinity: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Sodium adsorption ratio, maximum: 12.0
Available water supply, 0 to 60 inches: Low (about 4.1 inches)

Interpretive groups

Land capability classification (irrigated): 3s
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Ecological site: R030XB019NV - Eroded Fan Remnant Pavette 4-6 P.Z.
Other vegetative classification: LIMY 3-5 P.Z. (030XB019NV_1)
Hydric soil rating: No

Minor Components

Tencee

Percent of map unit: 7 percent
Landform: Upper part fan remnants

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Down-slope shape: Linear
Across-slope shape: Convex
Ecological site: R030XB019NV - Eroded Fan Remnant Pavette 4-6 P.Z.
Other vegetative classification: LIMY 3-5 P.Z. (030XB019NV_1)
Hydric soil rating: No

Arizo

Percent of map unit: 2 percent
Landform: Drainageways
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: R030XB028NV - VALLEY WASH
Hydric soil rating: No

Riverwash

Percent of map unit: 1 percent
Landform: Drainageways
Down-slope shape: Linear
Across-slope shape: Concave
Hydric soil rating: No

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EXHIBIT G

Environmental Impact Statement

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F I N A L

Environmental Impact Statement

Volume 1

J U L Y 2 0 0 8

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

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

Coyote Springs Investment Planned Development Project

Environmental Impact Statement

July 2008

Prepared for:

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COYOTE SPRINGS INVESTMENT PLANNED DEVELOPMENT PROJECT

Environmental Impact Statement



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A C R O N Y M S

AASHTO	American Association of State Highway and Transportation Officials
ac	acres
ACECs	Areas of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
Aerojet	Aerojet-General Corporation
AESO	Arizona Ecological Services Office
afa	acre-foot per annum
AFB	Air Force Base
afy	acre-feet per year
AGFD	Arizona Game and Fish Department
AGL	above ground level
AICUZ	Air Installation Compatible Use Zone
AMP	Adaptive Management Plan
ANFO	ammonium nitrate and fuel oil
APE	Area of Potential Effect
APN	Assessor Parcel Number
ASTM	American Society for Testing and Materials
ATCAA	Air Traffic Control Assigned Airspace
ATVs	all terrain vehicles
AUM	Animal Unit Months
BA	Biological Assessment
BAQP	Bureau of Air Quality Planning
BARCASS	Basin and Range Carbonate Aquifer System Studies
BAS	Biological Advisory Subcommittee
BBS	Breeding Bird Survey
BLM	U.S. Bureau of Land Management
BMP	Best Management Practices
BO	biological opinion
BRRC	Biological Resources Research Center
CA	Conveyance Agreement
CAA	Clean Air Act
CBD	Center for Biological Diversity
CBOD	carbonaceous biochemical oxygen demand
CCRFCDD	Clark County Regional Flood Control District
CEC	Commission for Environmental Cooperation
CEQ	Council on Environmental Quality

CFR	Code of Federal Regulations
cfs	cubic feet per second
CHAMP	Chemical Application Management Plan
CHU	Critical Habitat Unit
City	City of Mesquite
CHU	Critical Habitat Unit
cm	centimeter
CO	carbon monoxide
COM	Construction, Operations and Maintenance
Corps	U.S. Army Corps of Engineers
CS	Corrected Sign
CSCC	Coyote Springs Conservation Center
CS-H-1	Coyote Springs Resort Zone
CSI	Coyote Springs Investment LLC, a Nevada limited liability company
CSLC	Coyote Springs Land Company, LLC
CS-M-U	Coyote Springs mixed use zones
CSPUD	Coyote Springs Planned Unit Development
CSPUDC	Coyote Springs Planned Unit Development Code
CSICL	Coyote Springs Investment Conservation Lands (Note: This name is used for reference throughout this document. The name ultimately assigned to this area by BLM may change.)
CWA	Clean Water Act
DA	Development Agreement
dB	decibel
dBA	A-weighting sound level
DCP	Desert Conservation Plan
DFC	Desert Fishes Council
dm	decimeter
DNWR	Desert National Wildlife Range
DOE	Department of Energy
DPS	Distinct Population Segment
DTCC	Desert Tortoise Conservation Center
DTRPAC	Desert Tortoise Recovery Plan Assessment Committee
DTSAC	Desert Tortoise Science Advisory Committee
DTSAT	Desert Tortoise Science Advisory Team
DWMAs	Desert Wildlife Management Areas
EA	Environmental Assessment
EC	Executive Committee
EIS	Environmental Impact Statement

EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act of 1973
ET	evapotranspiration
FAA	Federal Aviation Administration
FLMPA	Federal Land Policy and Management Act
FMV	fair market value
FPEMS GID	Fire Protection and Emergency Medical Service General Improvement District
fps	feet per second
FR	Federal Register
Framework Plan Amendment	Caliente Management Framework Plan Amendment and Record of Decision for the Management of Desert Tortoise Habitat (BLM 2000)
FY	fiscal year
GID	General Improvement District
GIS	geographic information system
GPS	global position system
ha	hectare
HAPs	hazardous air pollutants
HCP	habitat conservation plan
HERS	Home Energy Rating System
Hz	Hertz
IA	Implementing Agreement
IMPLAN	IMpact analysis for PLANning
in	inch(es)
in/sec	inches per second
I-O	input-output
km	kilometer
KOP	Key Observation Point
LCCRDA	Lincoln County Conservation, Recreation, and Development Act of 2004
LCLA EA	Environmental Assessment for the Lincoln County Land Act of 2000 Phase I Implementation
LCLA	Lincoln County Land Act of 2000
LCPD	Lincoln County Power Department
LCR MCP	Lower Colorado River Multi-species Conservation Program (Jones and Stokes 2004)
LCR	Lower Colorado River
LCTS	Lincoln County Telephone System
LCWD	Lincoln County Water District
Ldn	day-night sound level

LLC	limited liability company
LOS	level of service
LVFO	Las Vegas Field Office
LVVWD	Las Vegas Valley Water District
MBTA	Migratory Bird Treaty Act
MDM	Mount Diablo Meridian
MGD	million gallons per day
mm	millimeters
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
mph	miles per hour
MRRIP	Muddy River Recovery Implementation Program
MS4S	Municipal Separate Storm Sewer Systems
MSHCP	Multiple-Species Habitat Conservation Plan
msl	mean sea level
mtDNA	mitochondrial deoxyribonucleic acid
MVNWR	Moapa Valley National Wildlife Refuge
MVWD	Moapa Valley Water District
MW	megawatt
NAAQS	National Ambient Air Quality Standards
NAC	Nevada Administrative Code
NBAQP	Nevada Bureau of Air Quality Planning
NDEP	Nevada Division of Environmental Protection
NDF	Nevada Division of Forestry
NDOT	Nevada Department of Transportation
NDOW	Nevada Division of Wildlife
NEPA	National Environmental Policy Act of 1969
NESHAPs	National Emission Standards for Hazardous Air Pollutants
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NNHP	Nevada Natural Heritage Program
NO ₂	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NPDES	National Pollution Discharge Elimination System
NPS	National Park Service
NRHP	National Register of Historic Places
NRS	Nevada Revised Statutes

NSPS	New Source Performance Standards
NSR	New Source Review
NSWA	Nevada State Water Authority
NTS	Nevada Test Site
NVR 100000	NDEP General Permit
NWI	National Wetlands Inventory
NWR	National Wildlife Refuge
OHV	off-highway vehicle
PARC	Partners in Amphibian and Reptile Conservation
pc/h/ln	passenger cars per hour per lane
PM	particulate matter
PM ₁₀	10 micron particulate matter
PM _{2.5}	2.5 micron particulate matter
PMRA	Pest Management Regulatory Agency
ppm	parts per million
PSD	Prevention of Significant Deterioration
PSP	Permanent Study Plots
PUDs	Planned Unit Developments
RCI	Resource Concepts Incorporated
RCRA	Resource Conservation and Recovery Act
RESNET	Residential Energy Services Network
RIP	Recovery Implementation Program
RLFWDG	Relict Leopard Frog Working Group
RM	River Mile
RMP	Resource Management Plan
ROCs	reaction organic compounds
RODs	Records of Decision
ROW	right-of-way
Services	USFWS and NMFS, collectively
Settlement Agreement	Agreement for Settlement of all Claims to Groundwater in the Coyote Spring Basin (2002)
SHPO	State Historic Preservation Office
SIPs	State Implementation Plans
SL	standard length
SMS4	Small Municipal Separate Storm Sewer Systems
SNHBA	Southern Nevada Home Builders Association
SNPLMA	South Nevada Public Land Management Act (Public Law 105-263)
SNWA	Southern Nevada Water Authority

SPPC	Sierra Pacific Power Company
Stipulation	stipulation between LCWD/Vidler and USFWS regarding water rights
SO ₂	sulfur dioxide
SU	Single Unit Truck
SVL	snout to vent length
SWANCC	Solid Waste Agency of Northern Cook County
SWMP	Storm Water Management Plan
SWPPP	Stormwater Pollution Prevention Plan
SWReGAP	Southwest Regional Gap Analysis Project
TAC	Technical Advisory Committee
TCF	The Conservation Fund
TESS	Threaten and Endangered Species System
TL	total length
Tribe	Moapa Band of Paiutes
TRP	Tuffy Ranch Properties, LLC
TSC	Technical Steering Committee
TSS	total suspended solids
TUP	Temporary Use Permit
UNR	University of Nevada at Reno
URTD	upper-respiratory tract disease
USAF	U.S. Air Force
USBR	U.S. Bureau of Reclamation
USDA	U.S. Department of Agriculture
USDOT	U.S. Department of Transportation
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
USGS-BRD	U.S. Geological Survey Biological Resources Division
UST	underground storage tanks
VES	visual encounter survey
Vidler	Vidler Water Company
VOC	volatile organic compound
VRHCP	Virgin River Habitat Conservation Plan
VRHCRP	Virgin River Habitat Conservation and Recovery Program
VRMA	Virgin River Conservation Management Assessment
VRM	Visual Resource Management
VVWD	Virgin Valley Water District
WOUS	waters of the United States

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Executive Summary

Executive Summary

This Environmental Impact Statement (EIS) evaluates the impacts of implementing the Coyote Springs Investment LLC's (CSI) Multiple-Species Habitat Conservation Plan (MSHCP); issuance of an Endangered Species Act (ESA) Section 10(a)(1)(B) incidental take permit (incidental take permit) by the U.S. Fish and Wildlife Service (USFWS) based upon this plan; issuance of a Clean Water Act (CWA) Section 404 permit for affected waters of the United States (WOUS) by the U.S. Army Corps of Engineers (Corps); the reconfiguration of the CSI private and Bureau of Land Management (BLM) leased lands; and, as proposed by the BLM, management of the BLM leased lands in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and in accordance with the CSI MSHCP. In addition, the EIS analyzes the construction of detention basins for the CSI Development in the BLM utility corridor west of U.S. Highway 93 in Lincoln County.

Under the Preferred Alternative, USFWS would issue an incidental take permit, the Corps would issue a Section 404 permit, and BLM would reconfigure the land holdings and manage the BLM leased lands in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and the CSI MSHCP. BLM would also issue a right-of-way grant to CSI for the detention basins west of U.S. Highway 93 in Lincoln County. [Although a component of the Preferred Alternative, this right-of-way grant would not be included in the CSI MSHCP (Volume 2 of this document).] The Preferred Alternative would allow CSI to develop a new town in southern Lincoln County, Nevada, to address a need for housing and economic opportunity in the county. This town, consisting of a master planned community, would include residential, commercial, and industrial land uses and several environmental conservation features to address the presence of sensitive biological resources. Upon completion of a cadastral survey and in compliance with applicable laws, BLM would issue a final patent and amend the Land Lease Agreement to reflect the components of the Preferred Alternative.

Components of the proposed planned town include: 1) community development and construction activities, 2) recreational facilities and open space, 3) utility infrastructure, 4) water supply infrastructure and management, 5) flood control structures development and maintenance including stormwater management, and 6) resource management features.

Under the Preferred Alternative, the planned town would affect critical habitat for the desert tortoise (*Gopherus agassizii*) and may affect habitat for other species that are listed as threatened or endangered under the ESA. WOUS would also be affected by constructing this planned community. To comply with Section 10(a)(1)(B) of the ESA and to obtain a permit for incidental take of listed species because of CSI's activities, CSI has prepared a MSHCP. The CSI MSHCP's goal is to achieve a balance between 1) long-term conservation and recovery of WOUS and native species of plants and animals present on CSI lands; and 2) the orderly and beneficial use of private land in order to promote the economy, health, and well-being of the future population in the planned town on CSI lands within Lincoln County. CSI has also concurrently prepared a Section 404 permit application, which was submitted to the Corps on September 13, 2007 (Appendix P).

PURPOSE AND NEED FOR FEDERAL ACTIONS

CSI, the Applicant, proposes to develop a master planned town (CSI Development) in southern Lincoln County, Nevada. The need for the USFWS, Corps, and BLM actions is based on the potential that these activities proposed by CSI on their property and lease lands could result in the take of the Covered Species¹ (desert tortoise, banded Gila monster, western burrowing owl, Moapa dace, Virgin River chub) and effects to WOUS, thus, creating the need for incidental take and Section 404 permits. Issuance by the USFWS of an ESA Section 10(a)(1)(B) incidental take permit, issuance of a CWA Section 404 permit by the Corps, and issuance of a right-of-way grant and reconfiguration of leased federal lands by the BLM are federal actions that trigger review under NEPA (42 U.S.C 4321-4347).

¹ Species for which coverage under an incidental take permit (ESA Section 10(a)(1)(B) permit) is requested.

The USFWS is the lead agency for this EIS, and the Corps and BLM are cooperating agencies². This EIS has been developed for the following purposes: (1) evaluate the impacts of implementing the Coyote Springs Investment LLC's MSHCP by the Executive Committee (i.e., USFWS, CSI, and BLM); (2) address the issuance of an ESA Section 10(a)(1)(B) incidental take permit by the USFWS based upon this plan; (3) protect and conserve the Covered Species and their habitat for the continuing benefit of the people of the United States; (4) address the issuance of a permit pursuant to Section 404 of the CWA (33 U.S.C. 1344) and authorization to discharge dredged or fill material into WOUS (desert dry wash habitat); (5) address the reconfiguration of the public and private land holdings; (6) address the management of the BLM leased lands with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988 and implementation of the CSI MSHCP, to protect and minimize any threat to federally listed endangered or threatened species; (7) address the issuance of a right-of-way grant for detention basins on BLM lands west of U.S. Highway 93; and (8) ensure compliance with the ESA, CWA, NEPA, and other applicable federal laws and regulations. The agencies will determine whether the Preferred Alternative or another action alternative should be permitted to proceed.

PUBLIC SCOPING

Public involvement related to residential development within the CSI lands began in October 2001, when a Technical Steering Committee (TSC) was convened to obtain input from stakeholders. The USFWS and CSI also initiated a Biological Advisory Subcommittee (BAS) to work through concerns and issues relating to the desert tortoise, other species, and residential development on CSI lands.

A Notice of Intent (NOI) to prepare an EIS and begin scoping was published in the Federal Register on December 4, 2001. The comment period ended on February 4, 2002. After the 2001 scoping process, it was decided that CSI's privately owned land in Clark County would be included in the Clark County MSHCP. As a result, ESA compliance requirements for CSI activities on their private lands in Clark County are covered under the Clark County MSHCP. Therefore, the focus of the proposed CSI MSHCP is CSI's private land in Lincoln County, as well as lease land in Lincoln and Clark counties. Because the area covered by the CSI MSHCP was modified, a second NOI was published in the Federal Register on September 12, 2006 (71 CFR 53704–53706). Public scoping meetings were held in Alamo and Moapa, Nevada on September 26 and 27, 2006, respectively. The second NOI was republished in the Federal Register on November 2, 2006, (71 CFR 64555–64556) to correct contact information provided in the notice and extend the comment period to December 4, 2006. Public comments received during the 2001 and 2006 scoping processes were considered and incorporated, as appropriate, into the Draft EIS and Draft CSI MSHCP.

On November 2, 2007, the USFWS published the Draft EIS, Draft CSI MSHCP, and Draft Implementation Agreement. The 60-day public comment period closed on January 2, 2008. When requested, individual extensions until January 14, 2008, were granted. Responses to public comments can be found in Appendix Q; and have been incorporated into the EIS, CSI MSHCP, and Implementation Agreement, as appropriate.

AGENCY CONSULTATION

Of the agencies involved in this project, the Corps has been designed the lead agency for Section 106 and tribal consultation. The Corps is currently in the process of the Section 106 and tribal consultation. A final decision will not be made until the Section 106 consultation is completed.

ALTERNATIVES

No Action Alternative

Under the No Action Alternative, the proposed CSI MSHCP would not be adopted, USFWS would not issue an incidental take permit, and the Corps would not issue a Section 404 permit to CSI for the master planned community under Section 10(a)(1)(B) of the ESA and Section 404 of the CWA, respectively. Under the No

² The BLM has independently reviewed this EIS and has concurred with the USFWS' alternatives, analysis, and conclusions.

Action Alternative, BLM would not reconfigure the land holdings or issue a right of way for detention basins on BLM land west of U.S. Highway 93.

The existing land configuration of CSI private and lease lands would be maintained. Lease lands would remain an island within the privately-owned land. Land leased by CSI from BLM in Lincoln County (7,548 acres) would be available for the full suite of activities authorized in the Land Lease Agreement (Appendix G). If development occurred under the existing configuration, the lease lands would likely need to be used for roads and utilities to support and connect the projects that would occur on both the east and west sides of the leased area. As a result of choosing the No Action Alternative, CSI private lands in Lincoln County, totaling 21,454 acres, could be sold to individual landowners, who would be responsible for obtaining required incidental take permits. If development were to occur, then the individual owners would be responsible for developing infrastructure, including roads and water, sewer, and power facilities.

Preferred Alternative – Restricted and Phased Development of a New Town Consisting of a Planned Community with Resource Management Features

Under the Preferred Alternative, the USFWS would issue an incidental take permit and the Corps would issue a Section 404 permit to CSI for the master planned community under Section 10(a)(1)(B) of the ESA and Section 404 of the CWA, respectively, based upon the Covered Activities and conservation measures described below. The BLM would reconfigure the land holdings and manage the leased lands in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and the CSI MSHCP, to protect and minimize any threat to federally listed endangered or threatened species. In addition, BLM would issue a right-of-way to CSI for detention basins west of U.S. Highway 93 in Lincoln County. These detention basins would not be addressed by the MSHCP; instead, separate Section 7 consultation would occur.

The Development Area is located on the east side of U.S. Highway 93 and straddles the Pahranaagat Wash, extending to the Lincoln County-Clark County line to the south.

COVERED ACTIVITIES

The proposed phased CSI Development on 21,454 acres of private land would include residential housing, mixed-use urban villages and public buildings (Figure ES-1). The new town consisting of a planned community would eventually include approximately 111,000 residential dwelling units at a density of 5.0 units per gross acre. Approximately 70,000 afa of water would be needed to support the development at build out. The master planned community in the Development Area would include the following features:

- Residential areas including homes, residential villages, mixed-use urban villages, and various other types of residential villages;
- Public buildings such as schools, library, and public services (e.g., government, fire, police);
- Hotels, resorts, casinos;
- Commercial and light industrial development areas;
- Agriculture (nursery operations – trees, plants and sod farm[s]);
- Roads: (1) Existing roads would be maintained and improved (widening of U.S. Highway 93 and/or State Route 168); and (2) New roads would be constructed and maintained within the Development Area;
- Heli-port(s); and
- Up to four bridges spanning the Pahranaagat Wash and additional bridges or crossings would likely be required.

Recreational facilities and open space areas would serve residents and visitors. Utilities and other infrastructure would be developed to serve the master planned community. The water supply infrastructure and management activities would include construction and maintenance of water treatment, wells, storage facilities, and other infrastructure.

The existing desert dry washes within the Development Area do not have the capacity to adequately convey floodwaters through the Development Area and could endanger the health, safety, and welfare of residents during a flood event. Some of the desert dry washes would be relocated, enlarged and expanded to meet acceptable flood conditions and comply with EPA and State of Nevada regulations. Resource management features would include the easements for WOUS, land ownership realignment, creation and management of the Coyote Springs Investment Conservation Lands (CSICL), and collection and salvage of native plants. Subsequent to completion of the land adjustments described herein, the BLM leased land would be managed by BLM in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and the CSI MSHCP. Approximately 7,548 acres of land in Lincoln County would be included in the CSICL and would be adjacent to approximately 6,219 acres of conserved lease land within Clark County, totaling 13,767 acres of land to be preserved. Any activities that occur within this area would be consistent with passive recreational use (e.g., passive or non-motorized recreation such as hiking, wildlife viewing, rock climbing, mountain biking, and horseback riding using existing trails) or scientific research uses.

Conservation Measures

MOAPA DACE AND VIRGIN RIVER CHUB CONSERVATION COMMITMENTS

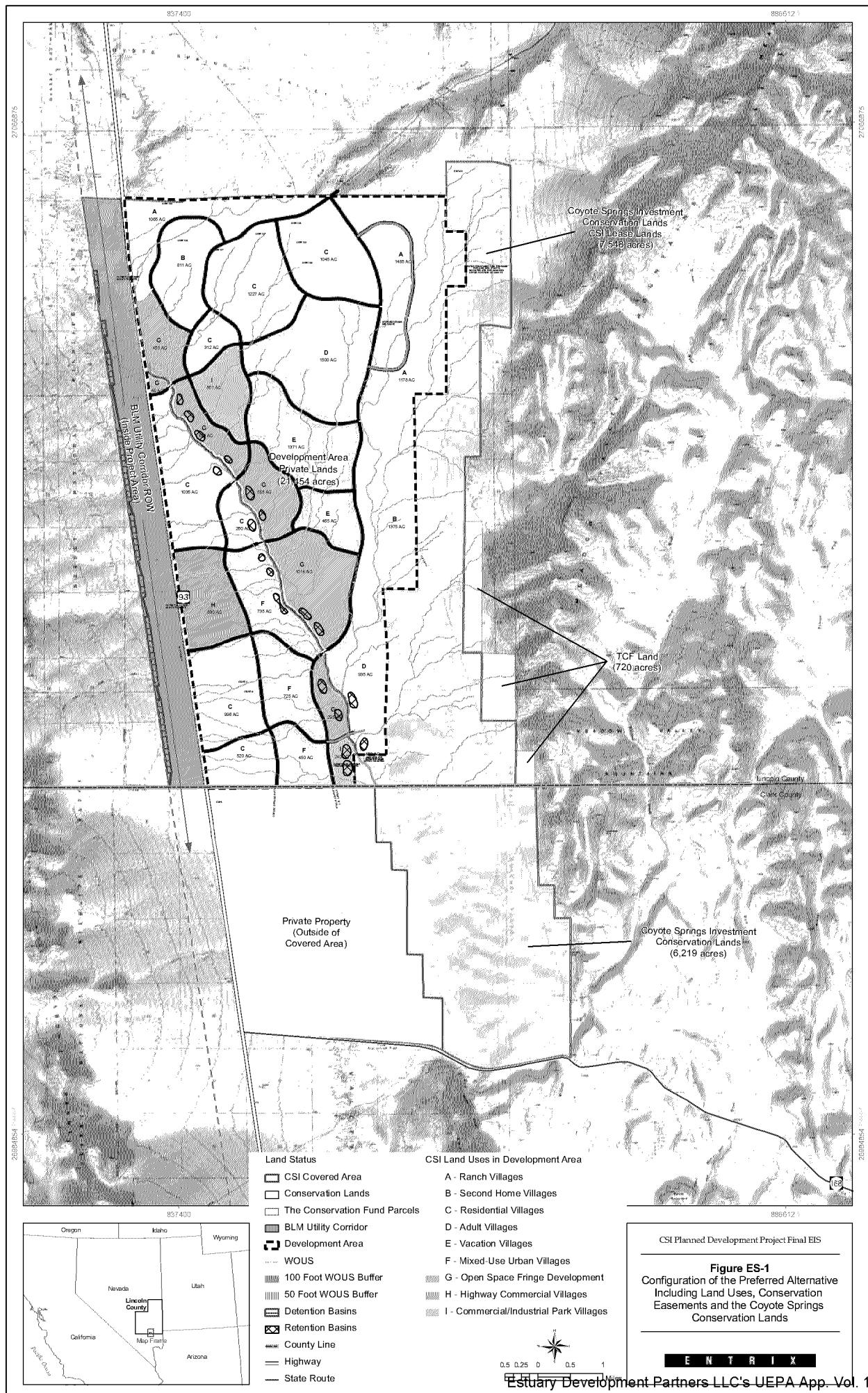
Avoidance and minimization measures to protect habitat in WOUS for Moapa dace and Virgin River chub are identical to measures proposed for WOUS in the Mitigation Plan (Appendix J) and include the following:

- Avoidance of construction activities on upland buffers and protected WOUS. Upland buffers and protected WOUS would be included in a Perpetual Conservation Easement Grant, and restored WOUS protected in a Drainage and Maintenance Easement.
- Avoidance of construction activities within the CSICL.
- Temporary construction fencing around preserved desert dry washes.
- Implementation of stormwater plan and erosion control measures.
- Implement conservation measures related to stormwater and wastewater treatment, Chemical Application Management Plan (CHAMP), weed management, and regional fire rehabilitation.
- Restoration of 63.4 acres of WOUS and avoid and protect 32.1 acres of existing WOUS.
- Establishment of a monitoring and maintenance period of five years for each restored WOUS. The Drainage and Maintenance Easement on each of these WOUS would include ongoing, annual monitoring of wash conditions and maintenance as necessary.
- Development of a Long-term Protection Plan and associated funding.

DESERT TORTOISE, BANDED GILA MONSTER, AND WESTERN BURROWING OWL CONSERVATION COMMITMENTS

Conservation measures to benefit desert tortoise, banded Gila monster, and western burrowing owl, include the following:

- Desert tortoise clearance surveys in the Development Area and translocation of displaced tortoises to suitable sites as directed by the USFWS's Desert Tortoise Recovery Office.
- Surveys conducted for the western burrowing owl and use of the USFWS's recommendations on protecting burrowing owls at construction sites (USFWS 2007).
- Use of Nevada Division of Wildlife's protocol for the banded Gila monster at construction sites (NDOW 2007).
- Phased approach to development – development would be limited to 2,000 acres per year for the first eight years.



- Best management practices for construction, operations and maintenance activities, which include general site measures for ground disturbance activities, sediment and erosion control, water quality measures, fire conservation measures, trash management, and conservation education.
- Pet restrictions and management.
- Temporary and permanent desert tortoise exclusion fencing.
- Weed management plan.
- Mitigation fee of \$800 per acre of disturbance plus a \$750,000 fee to be used for implementation of the CSI MSHCP.

Under the Preferred Alternative, an adaptive management plan (AMP) would be implemented for the length of the 40-year incidental take permit. The AMP would monitor the effectiveness of conservation actions and management prescriptions in meeting established biological goals, recommend alternative actions to pursue in the event that the goals are not being met, and incorporate any other information, including third-party scientific research, that has bearing on how best to meet the biological goals.

The phased approach to development (including up to 2,000 acres of disturbance per year for the first eight years) would ensure that for the first eight years, there would be timely effectiveness monitoring of implementation of the proposed avoidance, minimization, and conservation measures for the Covered Species in the CSI MSHCP. Recommendations for alternative conservation actions could be made and implemented through the AMP if necessary, before the next 2,000 acres would be disturbed.

Alternative 1 – Immediate Issuance of Permits and Development of a New Town Consisting of a Community without Resource Management Features

Alternative 1 would include the issuance of an ESA Section 10(a)(1)(B) incidental take permit, a Section 404 permit for the CSI Development in Lincoln County, Nevada, conservation measures based on a Regional Habitat Conservation Plan, land reconfiguration pursuant to the Land Lease Agreement and to the Nevada-Florida Land Exchange Act of 1988, and construction of detention basins within the BLM utility corridor west of U.S. Highway 93. The detention basins would not be addressed under a Regional Habitat Conservation Plan; instead, separate Section 7 consultation would occur. Activities would be similar to those described for the Preferred Alternative, with the following exceptions.

A total of approximately 29,002 acres of land (21,454 acres of private land plus 7,548 acres of lease land with a 99-year lease with an automatic 99-year extension) would be available for development or other authorized uses. Approximately 7,548 acres of land leased by CSI from the BLM in Lincoln County would be subject to some of the covered activities described under the Preferred Alternative, as authorized in the Land Lease Agreement. Additionally, construction of detention basins would occur on up to 244 acres in the BLM utility corridor west of U.S. Highway 93 in Lincoln County. The uses for leased land could include constructing and operating roads, utility lines, storage facilities and wells, and any other lawful purpose that the Secretary of the Interior may authorize, subject only to the requirements of the Nevada-Florida Land Exchange Authorization Act of 1988 and to reasonable requirements of the Secretary of the Interior for the protection of the desert tortoise and any other species of fish, wildlife, or plants. These lands would not be included as part of the CSICL. Substantially fewer acres of private and lease lands would be conserved compared to the Preferred Alternative, which would reduce opportunities for on-site mitigation on private land and increase the need for off-site mitigation on adjacent federal land (as is the case with other Habitat Conservation Plans [HCPs] in Nevada).

Approximately 29,002 acres of CSI private and lease lands would be available for development and authorized activities immediately upon issuance of an incidental take permit and other required regulatory permits. New town development and construction activities would be similar as described under the Preferred Alternative, but the extent of activities would be greater than the Preferred Alternative to support a higher density and an increased area of development. A new town consisting of a planned community would eventually include approximately 131,879 residential dwelling units at a density of 6.5 units per gross acre. Approximately 85,000 afa of water would be needed to support the development at build out.

Full project build out would be implemented immediately rather than the phased approach described under the Preferred Alternative. Therefore, some components of the adaptive management process proposed for the Preferred Alternative would not be implemented under Alternative 1. Effectiveness of conservation measures would be evaluated as part of an overall AMP, but a phased approach for implementation and monitoring of conservation measures would not be used under Alternative 1. Adaptive management activities for habitat within the Development Area for terrestrial species would be more limited, as fewer opportunities for comparison of the Development Area with other undeveloped areas would exist because the leased lands would be developed, not protected.

The private and lease lands would be reconfigured. The reconfigured layout would consolidate the private land to the west and the leased land along the east and north side of the property. A series of conservation measures for the Covered Species and WOUS would be implemented. Conservation measures for the desert tortoise, banded Gila monster, and western burrowing owl would include the following key avoidance, minimization, and mitigation measures:

- Desert tortoise clearance surveys in the Development Area and translocation of displaced tortoises to suitable sites as directed by the USFWS's Desert Tortoise Recovery Office.
- Surveys conducted for the western burrowing owl and use of the USFWS's recommendations on protecting burrowing owls at construction sites (USFWS 2007)
- Use of Nevada Division of Wildlife's protocol for the band Gila monster at construction sites (NDOW 2007)
- Regional fencing, refuse disposal, and education programs would be designed to protect covered species from the potential effects associated with the interaction of the development of a new town.
- Mitigation fees of \$550 (consistent with a regional HCP) for each acre of desert tortoise habitat developed.
- Conservation measures related to stormwater and wastewater treatment, Chemical Application Management Plan (CHAMP), weed management, and regional fire rehabilitation would be developed and implemented, which would benefit terrestrial wildlife and plant species.

Conservation measures for WOUS (desert dry washes) and Moapa dace and Virgin River chub would be implemented for this alternative. However, because CSI leased land in Lincoln County would not be protected in the CSICL, the potential for impacts to WOUS would be greater than what would occur on additional land, approximately 7,548 acres in size. Covered Species would be the same as described under the Preferred Alternative. An AMP similar to that described for the Preferred Alternative would be implemented.

Table ES-1 Summary of Effects for the Coyote Springs Planned Development Project EIS

Impact Topic	No Action Alternative	Preferred Alternative Restricted and Phased Development of a New Town Consisting of a Planned Community with Resource Management Features	Alternative 1 Immediate Issuance of Permits and Development of a New Town Consisting of a Community without Resource Management Features
Biological Resources			
Vegetation	No effects to vegetation would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, then up to 21,454 acres of vegetation could be permanently lost or altered due to construction activities. However, given the lack of infrastructure in the area, it would be unlikely that all the private lands would be developed. Lands leased by CSI (7,548 acres) could also be developed for roads or utilities, which would result in additional disturbance and loss of vegetation.	Development of the planned community would result in the loss of native vegetation of 20,716 acres in the Development Area and up to 244 acres in the BLM utility corridor. Because of cluster development design and setbacks from all preserved WOUS, total acreage affected within the 21,454-acre Development Area would be minimized. The CSICL would set aside 13,767 acres where construction activities would not occur. Vegetation would be preserved in the reserve area. Overall, potential vegetation lost because of development activities in the Development Area would be a small portion of total vegetation available within Lincoln County.	Direct effects would be similar to those described for the Preferred Alternative, except the loss of vegetation would occur on 21,087 acres of CSI private land, 7,548 acres of lease land, and up to 244 acres of detention basins in the BLM utility corridor. In addition, no benefits from adding lands to the CSICL would occur.
Wildlife	No effects to wildlife would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, then up to 21,454 acres of wildlife habitat could be permanently lost or altered due to construction activities. However, given the lack of infrastructure in the area, it would be unlikely that all the private lands would be developed, which would also limit increases in traffic and resulting wildlife mortality. Lands leased by CSI (7,548 acres) could also be developed for roads or utilities, which would result in additional disturbance and loss of habitat.	Migration measures such as in-chamnel construction occurring when there is no surface flow would offset direct effects to aquatic species from construction and restoration of ephemeral dry wash habitats. Community development within the Development Area would result in the direct loss of 20,716 acres of habitat and up to 244 acres in the BLM utility corridor. Establishment of the CSICL would protect over 13,767 acres of creosote-bursage scrub habitat. The land configuration under Preferred Alternative would also maintain habitat connectivity between these 13,767 acres and BLM Areas of Critical Concern to the east and north. CSI would avoid all known nests and nesting colonies of migratory birds to prevent any negative direct effects to migratory birds from construction.	For aquatic species, effects would be similar in nature to those described for the Preferred Alternative, although a larger amount of land would be impacted. Terrestrial species that depend on this habitat may be displaced or lost within the 21,087 acres of CSI private land, 7,548 acres of lease land, and up to 244 acres of detention basins in the BLM utility corridor, greater than what would occur under the Preferred Alternative.
Special Status Species	No effects to special status species would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, then up to 21,454 acres of habitat for desert tortoise, banded Gila monster, and western burrowing owl could be permanently lost or altered due to construction activities. However, given the lack of infrastructure in the area, it would be unlikely that the entire private lands would be developed. Lands leased by CSI (7,548 acres) could also be developed for roads or utilities, which would result in additional disturbance and loss of habitat. Section 10 permits would be required for any activities that occurred and would result in mitigation to compensate for any effects to federally listed species, such as the desert tortoise.	Land development activities would eliminate up to approximately 20,716 acres of designated desert tortoise critical habitat in the Development Area (21,454 less 25.2 acres of protected, existing WOUS and 712.5 acres of adjacent upland buffer habitat) and up to 244 acres of designated desert tortoise critical habitat in the BLM utility corridor. This loss would be the result of conversion of land from desert scrub to human residential, commercial, recreational, and light industrial use and areas of WOUS restoration. The loss of up to 20,960 acres of critical habitat within the 427,900-acre Mormon Mesa CHU represents approximately 5 percent of the critical habitat unit. These lands also provide habitat for banded Gila monster and western burrowing owl. Clearance surveys, translocation, and fencing conservation measures would avoid and minimize incidental take of desert tortoise, banded Gila monster, and western burrowing owl to the maximum extent possible. Mitigation fees and lands conserved in the CSICL (13,767 acres in Lincoln and Clark counties) would count as mitigation for effects to desert tortoise habitat and critical habitat, along with effects to banded Gila monster habitat. Adverse effects could also occur to Moapa dace, Virgin River chub, Evaluation Species, and Watch List Species, but these effects would be offset by avoidance, minimization, and mitigation measures.	Direct effects to the desert tortoise, banded Gila monster, and western burrowing owl would be similar to those described for the Preferred Alternative, although the magnitude of habitat loss and other effects would be larger, given that the effects from Covered Activities would occur on 21,087 acres of CSI private land, 7,548 acres of lease land, and up to 244 acres of detention basins in the BLM utility corridor. Mitigation fees would count as mitigation for effects to desert tortoise habitat and critical habitat, along with effects to banded Gila monster and western burrowing owl habitat. Less monitoring information on desert tortoise, banded Gila monster, and western burrowing owl would be available under this alternative, as all private lands would immediately be built out upon project implementation. Adverse effects could also occur to Moapa dace, Virgin River chub, Evaluation Species, and Watch List Species, but these effects would be offset by avoidance, minimization, and mitigation measures. Adverse effects to terrestrial Evaluation and Watch List Species would be greater than under the Preferred Alternative.
Waters of the United States	No effects to WOUS would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, this could potentially result in development affecting WOUS associated with the Pahranagat Wash. Lands leased by CSI could be developed for roads or utilities, which would also result in effects to WOUS. Section 404 permit(s) would be required and mitigation would offset any adverse effects to WOUS.	Under the Preferred Alternative, 31.7 acres of WOUS would be impacted in order to meet flood control standards when constructing the CSI Development in the Development Area and the BLM utility corridor. Impacts to 25.2 acres of WOUS in the Development Area and BLM utility corridor would be avoided. Within the CSICL, all 6.9 acres of WOUS would be protected from future disturbances. An additional 59.8 acres of WOUS in the Development Area and 3.6 acres in the CSICL would be restored. The 59.8 restored acres and 25.2 acres of existing WOUS in the Development Area would be protected in a conservation easement, along with 712.5 acres of upland habitat that would provide a 100-foot buffer on each side of all preserved WOUS including the Pahranagat Wash incised ephemeral channel and a minimum range of 40- to 80-foot buffer on each side of other desert dry washes within the Development Area. Overall, the Preferred Alternative would ensure that the WOUS within the project area would be protected and/or restored.	Of the 63.8 acres of delineated WOUS in the Development Area and BLM utility corridor, 22.6 acres of WOUS would be avoided. A conservation easement totaling 437.2 acres would protect all avoided WOUS, all restored WOUS, and upland buffer habitat adjacent to existing, preserved WOUS within the Development Area. Activities occurring on the lease lands in Lincoln County in accordance with the Land Lease Agreement could result in additional adverse impacts to WOUS through the construction of road crossings and other activities.

Table ES-1 Summary of Effects for the Coyote Springs Planned Development Project EIS

Impact Topic	No Action Alternative	Preferred Alternative Restricted and Phased Development of a New Town Consisting of a Planned Community with Resource Management Features	Alternative 1 Immediate Issuance of Permits and Development of a New Town Consisting of a Community without Resource Management Features
Hydrology and Water Quality	No effects to hydrology and water quality would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, Section 404 permits would be required for any alterations of surface water hydrology, which would mitigate any adverse effects. Groundwater could be affected if individual residences were established and domestic wells were installed. The amount removed for each residence would be of a smaller amount of water (up to 2.0 afa). Effects to groundwater, if individual residences were to be developed, and use domestic wells, would be expected to be minimal. However, if a large number of individual residences were developed (e.g., 10,000 residences), which would be unlikely given a lack of infrastructure, a potentially significant amount of water (e.g., 22,000 afa) could be removed from the alluvial aquifer.	Flood control operations inherent in the proposed alteration of wastes, construction of bank stabilization structures, and construction of detention basins have the potential to alter stream flow and sediment transport. These effects would be considered adverse but would not be significant due to the limited changes in hydrology anticipated within a system with very infrequent flows and because of project design. The new conveyance channels through the Development Area would be designed to accommodate the anticipated stormwater flows released from the detention basins following applicable standards. Therefore, the Preferred Alternative would result in slight positive direct effects to the hydrology of the WOUS within the Development Area by controlling flooding in the human environment. In the long term, natural buffers, stormwater systems and regulations regarding management of golf courses and other manicured landscape areas would limit the potential for nutrient-rich runoff to enter surface waters. Ground disturbance, alteration of WOUS, and increased impervious surfaces could potentially affect water quality through sedimentation and pollution. A Stormwater Management Plan and other mitigation measures would minimize adverse effects.	Alternative 1 would produce greater negative direct and indirect effects as compared to the Preferred Alternative because activities would occur on 21,087 acres of CSI private land, 7,548 acres of lease land, and up to 244 acres of detention basins in the BLM utility corridor. Activities on the 21,087 acres of private lands available for development in the Development Area, after creation of a Perpetual Conservation Easement Grant and Drainage and Maintenance Easement, would be of a greater density resulting in lower infiltration rates than for the Preferred Alternative. Potential effects to water quality would be greater than under the Preferred Alternative due to lack of a phased development approach and a greater extent of land disturbed and developed. However, a Stormwater Management Plan and other mitigation measures would minimize adverse effects.
Cultural Resources	No effects to cultural resources would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, individual incidental lake and Section 404 permits could be issued, which could make 23,002 acres of private and leased land available for development. Of the 23,002 acres, only 22,174 acres has been surveyed for the presence of cultural resources. All 23,002 acres would be subject to Section 106 Consultation under NHPA should development occur on these properties.	Concept plans indicate that most, if not all, historical and prehistorical resources within the Development Area and BLM utility corridor could be adversely affected by development activity, namely the ground disturbing activities associated with the Preferred Alternative. To avoid, minimize, and/or mitigate any potential adverse effects, avoidance and mitigation measures would be implemented through an existing MOU, or through a newly developed PA or MOU, if the existing MOU does not serve the needs of all the entities involved (Corps, CSI, Nevada SHPO, BLM, USFWS). These effects would be mitigated through Section 106 consultation with the Nevada SHPO. This consultation will be completed and the agreement would be consummated prior to issuance of a decision.	The potential for adverse effects would be greater under Alternative 1 than the Preferred Alternative, because ground disturbance would occur in the leased lands, in addition to the BLM utility corridor and Development Area. To avoid, minimize, and mitigate any potential adverse effects, avoidance and mitigation measures would be implemented through an existing MOU, or through a newly developed PA or MOU, if the existing MOU does not serve the needs of all the entities involved.
Soils and Geologic Resources	No effects to soils and geologic resources would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, direct effects to soils on up to 21,494 acres could occur. Lands leased by CSI could be developed for roads or utilities, which would result in soil loss and disturbance on up to an additional 7,548 acres. It would be unlikely that all of these lands would be disturbed, due to a lack of infrastructure. Soil disturbances and loss would be minimized by mitigation measures required by individual permits. Thus, no effects to geological resources would occur.	Although soils would be superficially disturbed over large areas (approximately 16,000 acres initially and up to 20,960 acres in the project area), mitigation measures would minimize soil loss and disturbance. Long-term adverse effects would result from the development of impervious surfaces on top of soils. Other areas would eventually return to normal productivity and fertility through revegetation with native plants. Geological resources would not be affected.	Direct effects to soils and geological resources would be similar to the Preferred Alternative, although the magnitude would be greater as development would occur across a greater area (23,002 acres) and all development would occur immediately. Because of this, the potential for soil loss through wind erosion would be greater than for the Preferred Alternative.
Ecologically Critical Areas	No effects to ecologically critical areas would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, only indirect effects would occur to Ecologically Critical Areas, as residents of the development would be likely to use the nearby BLM lands (including the ACECs). This could introduce the potential for increased social trails, increased use of OHVs, and other effects of recreation on these ecologically critical areas. However, it is assumed that future incidental lake permits would include provisions to minimize these adverse effects on adjacent ACECs.	Only indirect effects would occur to Ecologically Critical Areas. Coordinated, phased development of Development Area would result in loss of desert tortoise habitat near three Areas of Critical Concern. The land reconfiguration that would occur under the Preferred Alternative would ensure the maximum connectivity of the CSICL with the adjacent Mormon Mesa ACEC. Protecting 13,767 acres of land in this CSICL would minimize the effects of habitat fragmentation on these Areas of Critical Concern. Conservation and mitigation measures would minimize increases in social trails and adverse effects to desert tortoise and other wildlife. Existing BLM regulations for ACECs would address the expected increased uses of OHVs.	Under Alternative 1, a new land configuration would occur, which would place the lease lands to the north and east of the private CSI lands to be developed. However, the CSICL would not protect lands in Lincoln County; therefore, while conservation and mitigation measures would have the same effect as described for under the Preferred Alternative, no land would be protected adjacent to the ACECs.
Wilderness Areas	No effects to wilderness areas would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, such development could decrease wilderness quality in adjacent wilderness areas. Increases in social trails, illegal OHV use, and reduction in solitude are some of the effects that could occur.	Only indirect effects to wilderness areas could occur under the Preferred Alternative. The land reconfiguration would ensure the maximum connectivity of the CSICL with the adjacent Meadow Valley Range Wilderness area, minimizing potential effects to wilderness through limiting direct access to the wilderness, except on foot. CCRs for maintaining a dark sky and the distance from the Development Area to the wilderness and wilderness study areas would help minimize effects from the Development Area (e.g., noise, light pollution, social trails) on these areas.	Only indirect effects to wilderness areas could occur under Alternative 1. Under Alternative 1, no land would be protected adjacent to the wilderness areas. This could potentially allow further development near these wilderness areas in the future. Noise levels would have the potential to effect one or more of the wilderness areas if construction activities on the lease lands occurred near these areas. Light pollution from the development and the lease lands could also be an adverse effect, but CCRs for maintaining a dark sky would help minimize some of these potential effects from the Development Area.
Visual Resources	No effects to visual resources would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, development on individual landowners' lands could affect the local viewshed. However, the Coyote Springs Planned Unit Development Code, already in place for the area, would ensure that no substantial adverse effects to visual resources would occur.	Under the Preferred Alternative, development would be limited to the 21,454-acre Development Area, which is located along U.S. Highway 93 at the same elevation as the road. The CSICL would protect higher elevations to the east through a conservation easement, thereby limiting the effects of development to a smaller viewshed (area viewable from a given site). Changes would all occur in compliance with the Coyote Springs Planned Unit Development Code. Modifications would also occur in the BLM utility corridor through the construction of detention basins.	Increased housing units and development of the lease lands would also result in greater alterations to visual resources than under the Preferred Alternative. This would result in a greater effect to the area's viewshed, as the development would be more noticeable from passersby on U.S. Highway 93. However, all development would occur in compliance with the Coyote Springs Planned Unit Development Code. Modifications would also occur in the BLM utility corridor through the construction of detention basins.

Table ES-1 Summary of Effects for the Coyote Springs Planned Development Project EIS

Impact Topic	No Action Alternative	Preferred Alternative Restricted and Phased Development of a New Town Consisting of a Planned Community with Resource Management Features	Alternative 1 Immediate Issuance of Permits and Development of a New Town Consisting of a Community without Resource Management Features
Air Quality	No effects to air quality would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, individual landowners would be responsible for obtaining project development permits that would contain mitigation measures. Because mitigation measures would reduce effects, any increases in particulate matter and hydrocarbon-based contaminants from construction would be temporary in nature and unlikely to exceed air quality criteria.	Temporary effects to air quality from particulate matter and hydrocarbon emissions from construction activities would be likely to occur. Screening results show that in no case would individual NAAQS for any pollutant and averaging time be exceeded solely due to emissions from construction. Construction emissions alone would not violate any air quality standard or contribute substantially to an existing air quality standard violation (i.e., PM10). Thus, there would be no significant air quality impact from construction since none of the significance criteria defined above would be met. Indirect effects from local vehicle traffic, commuter traffic, and OHV use would be minor. Air quality modeling indicates that these effects would be less than significant.	Because the full buildout of the planned community could occur without time restrictions, it would be more likely that large areas of soil would be exposed during construction than under the Preferred Alternative. While this would result in greater effects than under the Preferred Alternative due to the greater amount of acres cleared and developed per year, mitigation measures would reduce the potential for particulate matter to be released into the air. Indirect effects from local vehicle traffic, commuter traffic, and OHV use would be minor. Air quality modeling indicates that these effects would be less than significant, although effects would be slightly greater than under the Preferred Alternative due to a larger population in the area.
Transportation and Circulation	No effects to transportation and circulation would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, then new roads would be constructed by individual landowners. A lack of coordination could result in localized adverse effects on circulation. However, a traffic plan in the adjacent development in Clark County would likely effectively manage any adverse effects to transportation due to the likely limited development in the project area from a lack of infrastructure.	CSI's commitment to maintaining a LOS of C on all internal roads would ensure that roadway capacity would be designed commensurate to the land use it serves. The Preferred Alternative does not currently include any measures to minimize construction-related traffic impacts to off-site traffic. However, the off-site traffic improvements triggered by thresholds of actual traffic monitoring results for their implementation may potentially mitigate short-term construction related traffic effects. The phasing and limit on acres developed per year would additionally moderate the amount of construction related traffic added to off-site highways. The indirect effects of the Preferred Alternative would be the addition of traffic trips to off-site highways. Combined with the development agreement between Lincoln County and CSI, measures have been designed to maintain the off-site highways to operate at a LOS of C on U.S. Highway 93 and LOS of D on SR 168. The western perimeter of the Development Area follows U.S. Highway 93 and the southern perimeter follows State Route 168; NDOT will force these roadways, using fees from CSI MSHQP.	Direct effects would be similar to those described for the Preferred Alternative, although without phasing, higher temporary adverse effects to circulation could occur. The indirect effects of Alternative 1 would be the addition of traffic trips to off-site highways. Alternative 1 includes off-site traffic improvements triggered by thresholds of actual traffic monitoring results. Combined with the development agreement between Lincoln County and CSI, these measures are designed to maintain the off-site highways to operate at a LOS of C on U.S. Highway 93 and LOS of D on SR 168.
Noise	No effects to noise would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, short-term and long-term noise levels would increase because of construction activities and human residence in the area. These noise levels would likely be similar to, but of a smaller intensity, than noise effects described in more detail in the Preferred Alternative, as it would be likely that less development would occur due to a lack of infrastructure.	Development of the CSI lands would result in long-term increased noise levels in these areas equivalent to quiet residential areas. Short-term increases in noise levels would result from the use of heavy equipment in construction efforts on the CSI lands. No noise regulations are included in the Lincoln County Code for Lincoln County, Nevada. Workers employed for construction activities associated with the alteration of the washes would be exposed to increased noise levels during construction; however, the exposure would be short-term and temporary.	Direct effects of Alternative 1 would be expected to be similar to those of the Preferred Alternative, as the same types of activities would occur. However, the short-term potential for noise creation could be greater if construction activities would occur all at once. In addition, long-term noise levels would be higher from increased residents.
Land Use, Planning, and Zoning	No effects would occur because of this alternative.	No effects would occur because of this alternative.	No direct effects would occur because of this alternative.
Recreation Resources	No effects to recreation resources would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, future development of individual parcels may or may not add recreational parks and facilities to the area. If recreational parks and facilities were developed, this could result in direct beneficial effects on recreational resources, through adding recreational opportunities. If such facilities were not developed, adverse indirect effects of increased demand on outlying BLM lands could occur, although such facilities would be less than for the other alternatives, due to the expected lower level of development and residents.	New recreational resources would provide for the varied interests of the future residents of the CSI planned community and would result in long-term benefits. Off-site impacts could be expected to increase due to recreation use by the increased population from the development on adjacent public lands and resources.	Direct effects would be less beneficial than the Preferred Alternative, as trails would not be developed in a Coyote Springs Investment Conservation Lands on Lincoln County lands. Off-site impacts could be expected to increase due to recreation use by the increased population from the development on adjacent public lands and resources. This effect may be more pronounced than in the Preferred Alternative due to a larger population in the area.
Public Services and Utilities	No effects to public services and utilities would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, this may result in the lack of adequate public services provided in the area.	Buildings and utilities would be constructed in compliance with all regulations and would not burden any existing public service or utility; therefore, no adverse effects would occur.	The public services and utilities that would occur under Alternative 1 would be constructed in compliance with all regulations and would not burden any existing public service or utility; therefore, no adverse effects would occur.
Socioeconomics	No effects to socioeconomics would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, the effects on population, socioeconomic conditions, and economic activity are unknown, as the size and timing of the development is unknown. It is unlikely though that the development would proceed as quickly and on as large a scale as the CSI Development, so it is not expected that the region would experience as high a rate of growth in terms of population and economic activity as under the action alternatives.	The economic benefits of the project are projected to increase from 80 jobs and \$4.0 million in labor income on average per year during the first five years of project development, to an average of over 32,300 jobs and \$1.4 billion in labor income annually during the last five years of project development. After project development is completed, average annual economic benefits to Lincoln County are estimated to continue at approximately 32,300 jobs and \$1.4 billion in labor income. After project completion, estimated annual surpluses are \$59 million for the General Fund, \$16 million for the Library Fund, and \$17 million for the Capital Projects Fund. Additionally, annual sales tax revenues to Lincoln County after project completion are estimated at \$34 million. Due to the distance of communities from the proposed CSI development, no direct effects to communities and social groups would be expected from implementing the Preferred Alternative.	The economic benefits of the project are projected to increase from 70 jobs and \$3.4 million in labor income on average per year during the first five years of project development, to a peak of 33,100 jobs and \$1.7 billion in labor income annually during project development years 25 to 30. After project development is completed, the average annual economic benefits to Lincoln County are estimated to continue at approximately 32,300 jobs and \$1.4 billion in labor income. After project completion, estimated annual surpluses are \$27 million for the General Fund, \$22 million for the Library Fund, and \$23 million for the Capital Projects Fund. Additionally, annual sales tax revenues to Lincoln County following project completion are estimated at \$40 million. Due to the distance of communities from the proposed CSI development, no direct effects to communities and social groups would be expected from implementing the Preferred Alternative.

Table ES-1 Summary of Effects for the Coyote Springs Planned Development Project EIS

Impact Topic	No Action Alternative	Preferred Alternative Restricted and Phased Development of a New Town Consisting of a Planned Community with Resource Management Features	Alternative 1 Immediate Issuance of Permits and Development of a New Town Consisting of a Community without Resource Management Features
Environmental Justice	No effects to environmental justice would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, environmental justice effects would largely depend upon the effect of the development on environmental quality, the affordability of housing, the creation of jobs, and the provision of public services. As these factors are not known, it is not possible to predict whether potential adverse impacts would disproportionately affect low income or minority communities.	While there are potential benefits to disadvantaged groups associated with the project, such as an increase in the availability of affordable housing, the project also has the potential to negatively affect low-income communities in Lincoln County if housing costs rise due to the CSI Development. However, this would be unlikely given the distance of the proposed CSI Development from other communities in Lincoln County. Additionally, the Moapa Band of Paiute Indians and potentially other tribes could be adversely affected by the proposed CSI Development if their cultural resources are disturbed, but consultation with tribes prior to project implementation would minimize any potential adverse effects.	Compared to the Preferred Alternative, Alternative 1 would increase the environmental justice considerations related to implementation of the proposed CSI Development. Since there would be an additional 11,000 housing units in the development as compared to the Preferred Alternative, any effects on the housing market, transportation, air quality, or integrity of cultural resources would likely be magnified.
Hazardous Materials	No effects to hazardous materials would occur under the No Action Alternative. If private CSI lands were sold to individual landowners for development, then compliance with hazardous materials regulations would be required. As a result, no adverse effects from the use of hazardous materials would be expected.	Compliance with state and federal regulations would control the release of hazardous materials, hazardous waste and regulated substance into WOUS, and would reduce the potential for impacts from these hazardous materials to less than significant levels.	Compliance with state and federal regulations would control the release of hazardous materials, hazardous waste and regulated substance into WOUS, and would reduce the potential for impacts from these hazardous materials to less than significant levels.

SECTION 1

Introduction

Section 1: Introduction

This Environmental Impact Statement (EIS) evaluates the impacts of implementing the Coyote Springs Investment LLC's (CSI) Multiple-Species Habitat Conservation Plan (MSHCP); the U.S. Fish and Wildlife Service (USFWS) issuing an Endangered Species Act (ESA) Section 10(a)(1)(B) incidental take permit (incidental take permit) based upon this plan; the U.S. Army Corps of Engineers (Corps) issuing a Clean Water Act (CWA) Section 404 permit for affected waters of the United States (WOUS); and the Bureau of Land Management (BLM) reconfiguring the CSI private and BLM leased lands; and BLM managing the leased lands in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988 and the CSI MSHCP. In addition, the EIS analyzes the construction of detention basins for the CSI Development in the BLM utility corridor west of U.S. Highway 93 in Lincoln County.

The MSHCP, a component of the Preferred Alternative in this EIS, is intended to avoid, minimize, and mitigate the incidental take of Covered Species (i.e., those species covered, or addressed, under the MSHCP) from the implementation of the Covered Activities to the maximum extent practicable. The MSHCP also is intended to contribute to the recovery of species listed as threatened or endangered under the ESA of 1973, as amended, and reduce the likelihood of future listing of unlisted species covered by the associated incidental take permit. Measures to avoid, minimize, and mitigate unavoidable effects to WOUS are also a component of the Preferred Alternative. The MSHCP would not address the construction of detention basins for the CSI Development in the BLM corridor west of U.S. Highway 93 in Lincoln County; instead, the detention basins would be subject to separate Section 7 consultation.

Under the Preferred Alternative, the CSI MSHCP would be implemented, the USFWS would issue an incidental take permit, the Corps would issue a Section 404 permit, and BLM would reconfigure the land holdings and manage the BLM leased lands in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Authorization Act of 1988 and the CSI MSHCP. BLM would also issue a right-of-way for detention basins in the BLM utility corridor west of U.S. Highway 93 in Lincoln County. The Preferred Alternative would allow CSI to develop a new town in southern Lincoln County, Nevada to address a need for housing and economic opportunity. This town, consisting of a master planned community, would include residential, commercial, and industrial land uses, and several environmental conservation features to address the presence of sensitive biological resources. With 98 percent of Lincoln County's lands in federal ownership, little private land has historically been available for development, and as a result, the county's economy has been constrained. Furthermore, with a steady increase in population in neighboring Clark County, developable land in Clark County is becoming unavailable, and it is anticipated that the population will spread into Lincoln County. The proposed project would support planned economic growth in Lincoln County and would provide residential dwelling units to meet the housing needs of the growing southern Nevada area. Commercial development components of the proposed town, as well as an increased tax base, would support economic growth in Lincoln County.

Land currently owned and leased by CSI considered in this EIS consists of approximately 7,548 acres of land leased from the BLM in Lincoln County, 6,219 acres of land leased from the BLM, and approximately 21,454 acres of privately-owned land in Lincoln County (Figure 1-1). Activities considered in this EIS would occur on these lands, as well as on 244 acres of the 0.5-mile-wide utility corridor (BLM utility corridor) west of U.S. Highway 93 in Lincoln County.

Components of the proposed planned town include: 1) community development and construction activities, 2) recreational facilities and open space, 3) utility infrastructure, 4) water supply infrastructure and management, 5) flood control structures development and maintenance including stormwater management, and 6) resource management features.

Under the Preferred Alternative, the planned town would affect critical habitat for the desert tortoise (*Gopherus agassizii*) and may affect habitat for other species that are listed as threatened or endangered under the ESA. WOUS would also be affected by constructing this planned community. To comply with Section 10(a)(1)(B) of the ESA and to obtain a permit for incidental take of listed species because of CSI's activities, CSI has prepared a MSHCP. The CSI MSHCP's goal is to achieve a balance between 1) long-term

conservation and recovery of WOUS and native species of plants and animals present on CSI lands; and 2) the orderly and beneficial use of private land in order to promote the economy, health, and well-being of the future population in the planned town on CSI lands within Lincoln County. CSI has concurrently prepared a Section 404 permit application for submission to the Corps (Appendix P).

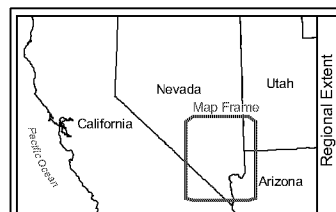
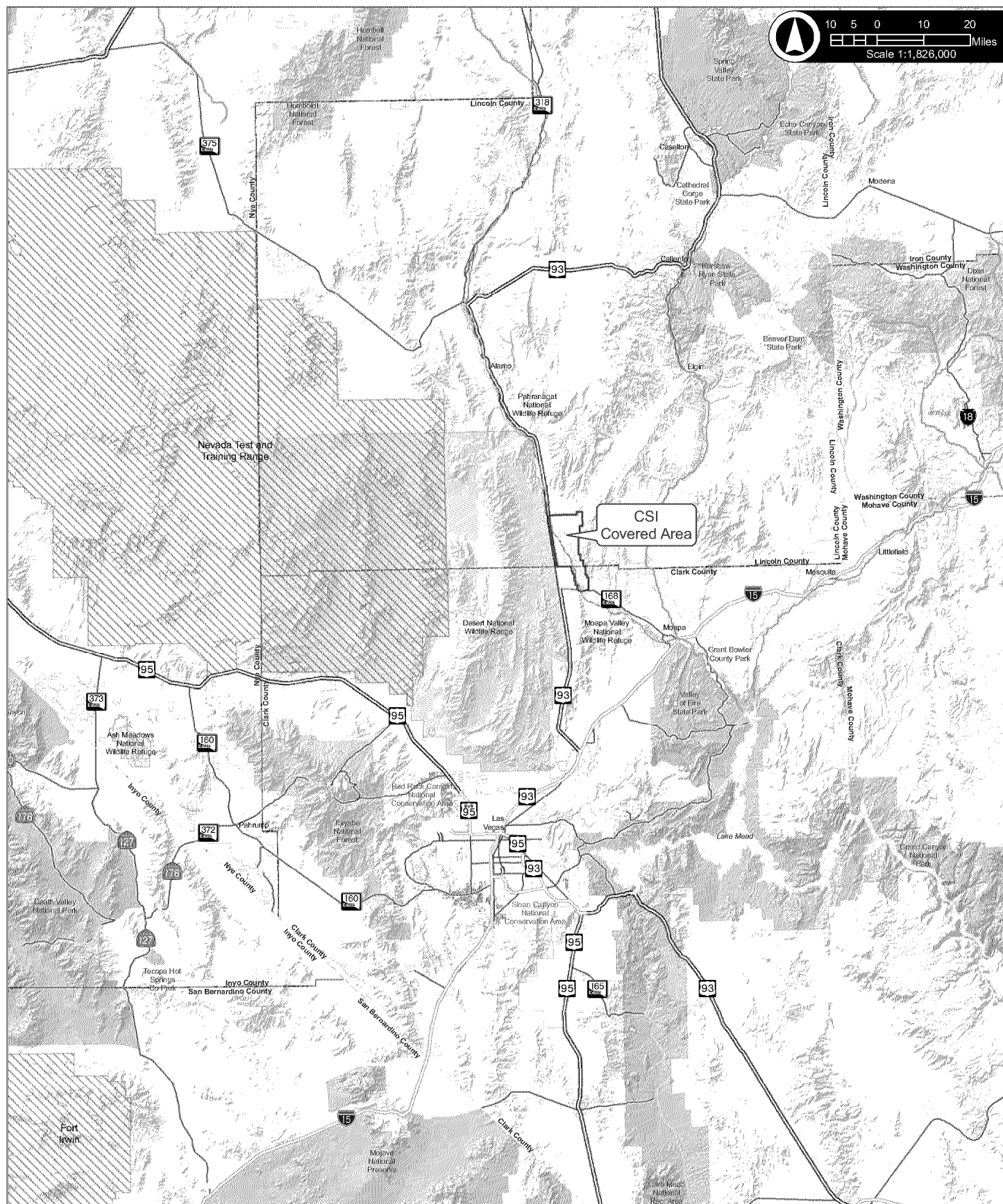
Under the National Environmental Policy Act of 1969 (NEPA), any federal action, including granting a federal permit, approval or permitting of an action occurring on federal lands, or an action involving federal funding, must analyze the environmental effects occurring as a result of implementing the action. Issuance of an incidental take permit under the ESA by the USFWS and a Section 404 permit under the CWA by the Corps are considered major federal actions and require the preparation of an EIS prior to approval. Because BLM actions are necessary to implement the CSI MSHCP, those actions (reconfiguration of the land holdings and management of the BLM leased lands in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and the CSI MSHCP) are also addressed in the EIS. In addition, detention basins are required for addressing flood control associated with the CSI Development and would be constructed within the BLM utility corridor. The EIS serves as the NEPA compliance document for the USFWS, the Corps, and the BLM in their analysis of the proposed CSI Development and two other alternatives, including a No Action Alternative. This process will also involve compliance with other applicable federal laws and regulations, including Public Law 100-275, or the Nevada-Florida Land Exchange Authorization Act of 1988; Section 106 of the National Historic Preservation Act; Section 7 of the ESA; and Section 401 of the CWA. Refer to Section 1.5: Regulatory Framework for further details on these laws and regulations.

1.1 BACKGROUND INFORMATION

1.1.1 Project History

Prior to 1988, the lands currently owned by CSI were federal lands administered by the BLM. In 1988, Congress enacted Public Law 100-275, or the Nevada-Florida Land Exchange Authorization Act of 1988. This act authorized the exchange of approximately 29,055 acres of BLM-administered lands in Coyote Spring Valley, Clark and Lincoln counties, Nevada, together with approximately 10,040 acres in Mineral County, Nevada (these lands are not part of CSI's lands) for approximately 5,000 acres of private land in the Florida Everglades owned by Aerojet-General Corporation (Aerojet). The purpose of the land trade was to provide habitat protection for environmentally sensitive areas needed for recovery of ESA-protected species in Florida. The United States did not impose any use restrictions on the fee lands when conveyed to Aerojet. The Nevada-Florida Land Exchange Authorization Act of 1988 also entitled Aerojet to lease approximately 13,767 acres of BLM-administered land in Coyote Spring Valley for 99 years, with an automatic 99-year lease renewal term unless terminated by the lessee. Aerojet initially intended to use approximately 2,760 acres of the conveyed fee lands for the construction of rocket manufacturing, assembly, and testing facilities. The remaining lease lands were to remain substantially undeveloped and serve as a conservation area and buffer for the rocket facilities. Under the original configuration, the lease land was an island surrounded by CSI private land (Figure 1-2). This configuration was designed to meet the needs of the Aerojet facilities. Aerojet never built the facilities intended for this land, and in 1998, the fee lands changed ownership. In accordance with the Nevada-Florida Land Exchange Authorization Act of 1988, the Secretary of the Interior approved the assignment of the lease and all its rights from Aerojet to Harich Investments LLC in 1996 and then again to CSI in 1998. Prior to the lease assignment, CSI informed the Secretary of Interior of the plan to build a community at the site.

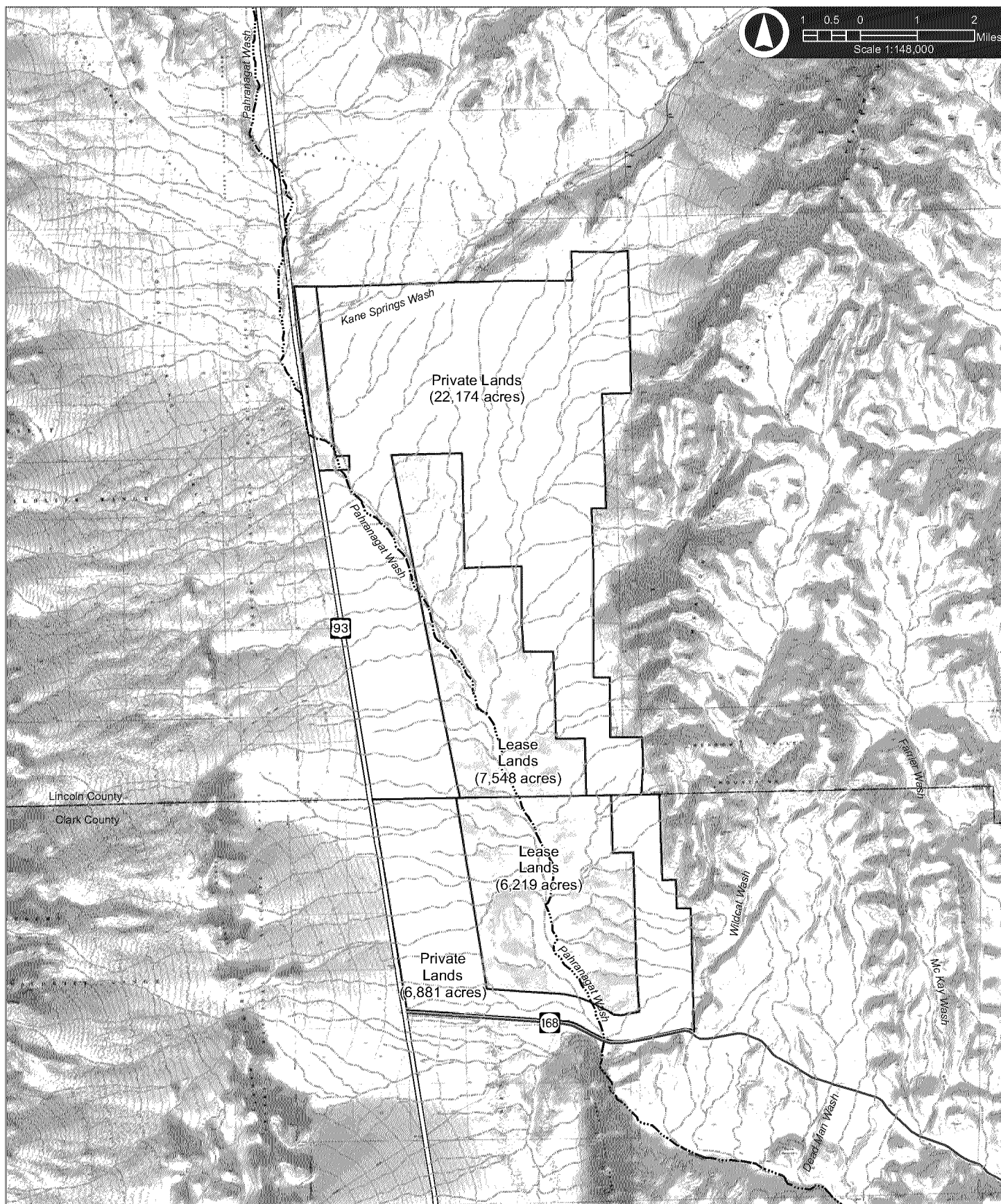
Included in the Nevada-Florida Land Exchange Authorization Act of 1988 was a provision for a federally reserved electrical transmission line right-of-way corridor (Corridor) on 10,735 acres of the fee lands in southern Lincoln and northern Clark counties. The Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424) (LCCRDA) authorized and directed BLM to relinquish the reserved transmission corridor upon CSI's payment of the fair market value (FMV), and to relocate the corridor to an area adjacent to and west of U.S. Highway 93. Relinquishment of the transmission corridor in Clark County has been completed; however, relinquishment of that portion of the transmission corridor encompassing CSI's Lincoln County lands is pending. This action expanded development opportunities on CSI existing fee lands.



- Coyote Springs Covered Area
- Private Land
- County Boundary
- Interstate
- Highway
- State Route
- Stream
- Ephemeral Channel
- State Boundary
- Wildlife Refuge
- Military Installation
- Park or Forest

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Figure 1-1
Location of Coyote Springs
Investment Property in
Southern Nevada



- | | |
|--------------------|-------------------|
| Land Status | Highway |
| Private Lands | State Route |
| Lease Lands | Ephemeral Channel |
| | Desert Dry Wash |

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Figure 1-2
Coyote Springs Investment
Private and Leased Lands - Original Aerojet
Land Configuration

In 2005, CSI and BLM, in consultation with the USFWS, reconfigured the private and lease lands in Clark County (ENTRIX et al. 2005). The purpose of this reconfiguration was to: 1) allow for the establishment of the Coyote Springs Investment Conservation Lands (CSICL) in Clark County, and 2) maintain connectivity between the lease lands and the adjacent BLM lands to the east, which have been designated as Areas of Critical Environmental Concern (ACECs) (Figure 1-3). These actions were consistent with the reasonable and prudent measures stipulated in the Biological Opinion (BO, File No. 1-5-05-FW-536-Tier 01) for issuance of a Section 404 permit by the Corps to CSI in conjunction with development activities on private land in Clark County (see Section 1.2.3). This reconfiguration is currently in litigation.

Additionally, CSI has conveyed approximately 720 acres of property in Lincoln County to The Conservation Fund (TCF), a Maryland non-profit corporation. This is a separate action from the project addressed in this EIS. The transfer of 720 acres leaves approximately 21,454 acres of CSI private land available for development in Lincoln County.

1.1.2 Site Location

CSI private land is located in southern Lincoln County and extends nine miles north from the Lincoln County-Clark County line. Currently, the CSI private and lease lands in Lincoln County are located in portions of Township 11 South, Range 63 East and Township 12 South, Range 63 East (Mount Diablo Meridian [MDM]). The lease lands in Clark County are located in Township 13 South, Range 63 East and in Township 13 South, Range 64 East (MDM). The land ownership surrounding the project area is primarily public land managed by the BLM and the USFWS.

To minimize impacts to the desert tortoise, the layout of the leased and private lands would be reconfigured from the existing configuration (Figure 1-4). Under the existing configuration, CSI lease lands are an island within the CSI private land. The reconfigured layout would consolidate the private land to the west and the lease land to the east side of the property.

Species occurring within an area outside of the CSI lands, including but not limited to the Muddy Springs area of the Muddy River and various tributaries of the Muddy River, may be affected indirectly from development activities on CSI lands in Lincoln County and will be considered in the analyses of effects to Covered Species in this EIS. The Muddy River area is not part of the project area. The Muddy River is located approximately 14 miles downstream from the project area and approximately 17 miles from the Development Area.

The project area analyzed in this EIS includes the environment affected by Covered Activities and conservation measures included in the action alternatives. The project area under the Preferred Alternative includes the environment affected by Covered Activities and conservation measures. It includes lands owned by CSI in Lincoln County and CSI's lease lands in Coyote Spring Valley in both Lincoln and Clark counties. The subject land leased and owned by CSI is located in portions of Coyote Spring Valley (Figure 1-1). It consists of approximately 13,767 acres of land to be included in the CSICL (approximately 7,548 acres in Lincoln County and 6,219 acres in Clark County leased from the BLM), 21,454 acres of developable private land in Lincoln County, and 3,331 acres of the BLM utility corridor adjacent to the Development Area, west of U.S. Highway 93. The total acreage within the project area is 38,552 acres. Under the Preferred Alternative, only the developable private land and lands to be included in the CSICL would be addressed in the CSI MSHCP.

1.1.3 Consultation and Regulatory Compliance History

1.1.3.1 CSI Memorandum of Agreement and MSHCP

CSI, USFWS, and BLM signed a Memorandum of Agreement (MOA) on March 31, 2001, to establish a MSHCP under Section 10(a)(1)(B) of the ESA (Appendix A). The CSI MOA explains the ownership history of the CSI lands and provides guidance for development of a mutually agreeable MSHCP and land adjustments as appropriate to benefit the desert tortoise, with the subsequent issuance of an incidental take permit. In signing the MOA, CSI agreed to develop a MSHCP for the desert tortoise and other Covered Species for activities occurring on CSI lands within Lincoln County. Since the MOA was signed, CSI, USFWS, and BLM

have been engaged in an iterative, cooperative process to develop an EIS, MSHCP, Implementation Agreement, and ESA Section 7 Biological Assessment (BA).

The CSI MSHCP has been prepared in accordance with Section 10(a)(2)(A) of the ESA as part of the application for the incidental take³ permit of Covered Species on CSI private lands in Lincoln County. Under the CSI MOA, it was agreed that CSI development on private land in Clark County would be covered by a 1995 and 2000 incidental take permit issued by the USFWS to Clark County, thus not subject to the CSI MSHCP. Since 2001, when this initial NOI was issued and public meetings were held, CSI's privately owned land in Clark County was excluded from the Development Area covered in the CSI MSHCP.

The CSI MOA outlined the establishment of an Executive Committee (EC), a Technical Steering Committee (TSC) and a Biological Advisory Subcommittee (BAS). The EC is comprised of one representative from each of the following: USFWS, BLM, and CSI. The TSC included representatives from the USFWS, Nevada Department of Wildlife (NDOW), Nevada Department of Transportation (NDOT), BLM, the Board of Lincoln County Commissioners, the Clark County Department of Comprehensive Planning, the Southern Nevada Water Authority (SNWA), U.S. Geological Survey (USGS) Water and Biological Resources Divisions, the Moapa Town Advisory board, the Sierra Club, and the Audubon Society. The BAS was initiated by the USFWS and CSI to research and address concerns and issues related to the desert tortoise and other sensitive species within CSI lands. These committees provided significant guidance during the early development phase of the CSI MSHCP.

In 2002, the State Engineer issued Order 1169 (Appendix B), which held in abeyance carbonate-rock aquifer system groundwater applications pending or to be filed in Coyote Spring Valley and other specified hydrographic basins, and required further study of the effects of groundwater production from the Coyote Spring Valley Basin. CSI is currently working with SNWA, Las Vegas Valley Water District (LVVWD), Moapa Valley Water District (MVWD), and Nevada Power Company, under the direction of the State Engineer, to conduct pump testing and monitoring activity within the basin and surrounding basins in accordance with State Engineer Order 1169.

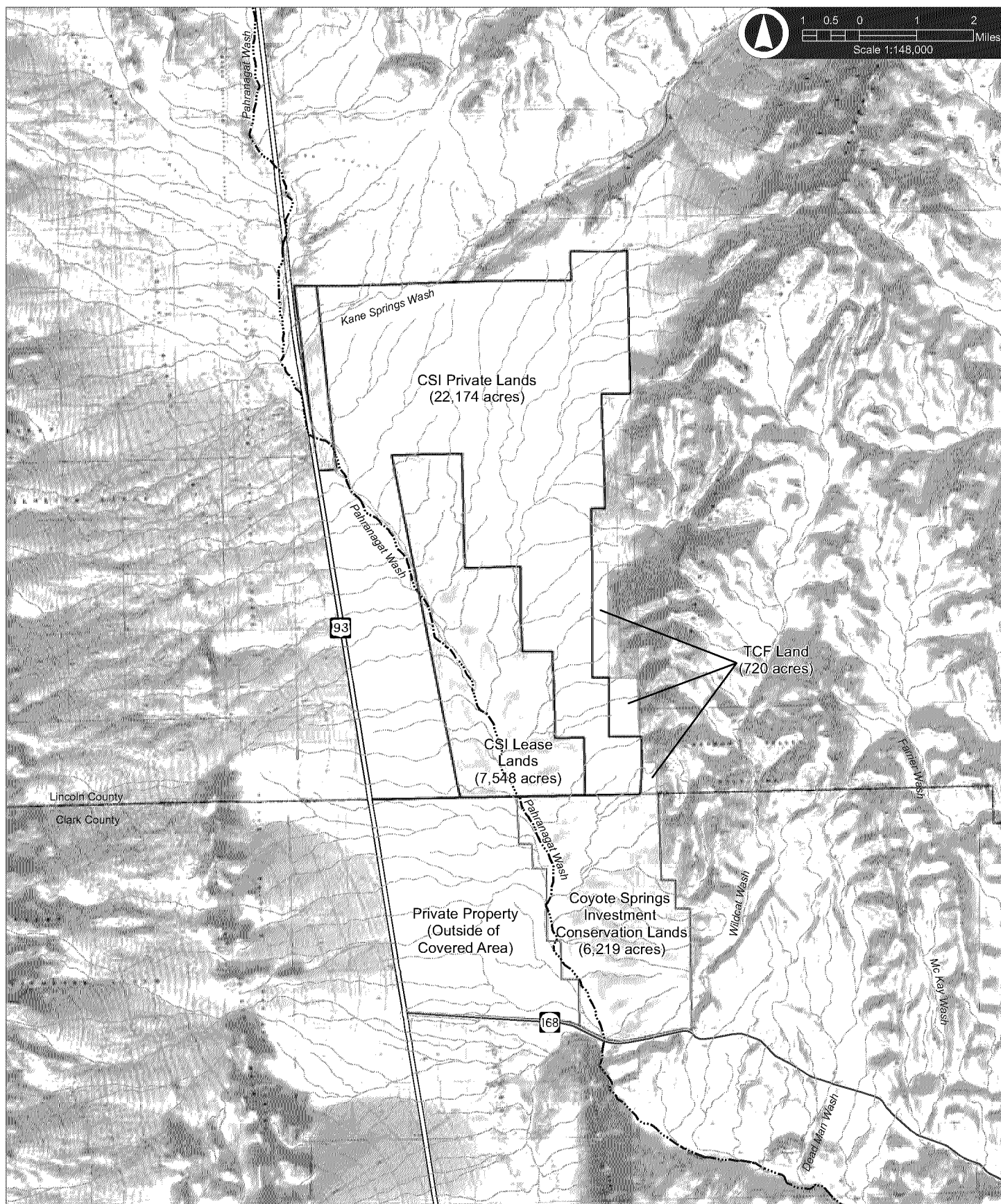
CSI also agreed to develop a Water Monitoring Plan under the CSI MOA. The Regional Water Monitoring Plan was approved by the Nevada State Engineer on March 14, 2005, and is being implemented under the direction of the Nevada State Engineer.

In May 2005, based upon a series of meetings between USFWS and CSI, an informal consultation letter was issued by USFWS outlining the framework for development of the CSI MSHCP (Appendix C). Continuing consultations with USFWS during development of the CSI MSHCP resulted in modifications to some of the concepts set forth in 2005. Those modifications are reflected in this document.

1.1.3.2 Muddy River Memorandum of Agreement and Moapa Dace Biological Opinion

On April 20, 2006, the SNWA, USFWS, CSI, the Moapa Band of Paiutes (Tribe), and the MVWD signed the Muddy River MOA (Appendix D). The Muddy River MOA established conservation measures and monitoring and management criteria to be implemented concurrently with development of water projects within certain groundwater basins, including the Coyote Spring Valley and the California Wash hydrographic basins. The Muddy River MOA outlines specific conservation actions that each party would complete to minimize potential impacts to the federally endangered Moapa dace (*Moapa coriacea*) if water levels decline in the Muddy River system as a result of cumulative withdrawal of 16,100 acre-feet per year (afy) from the Regional Carbonate Aquifer in Coyote Spring Valley and California Wash Basins. The parties agreed to establish a Muddy River Recovery Implementation Program (MRRIP) as a conservation measure for the protection and recovery of Moapa dace and its habitat. CSI agreed to dedicate a portion of its current and future water rights for the survival and recovery of the Moapa dace and agreed to provide funding for the restoration of Moapa dace habitat. The parties to the MOA have started developing the MRRIP and anticipate completion of the MRRIP in 2008.

³ Incidental take is defined as take of listed fish or wildlife species that results from, but is not the purpose of carrying out an otherwise lawful activity conducted by a federal agency or applicant.



Land Status

- Private Lands
- Conservation Lands Area or Lease Lands
- The Conservation Fund Parcels

— Highway

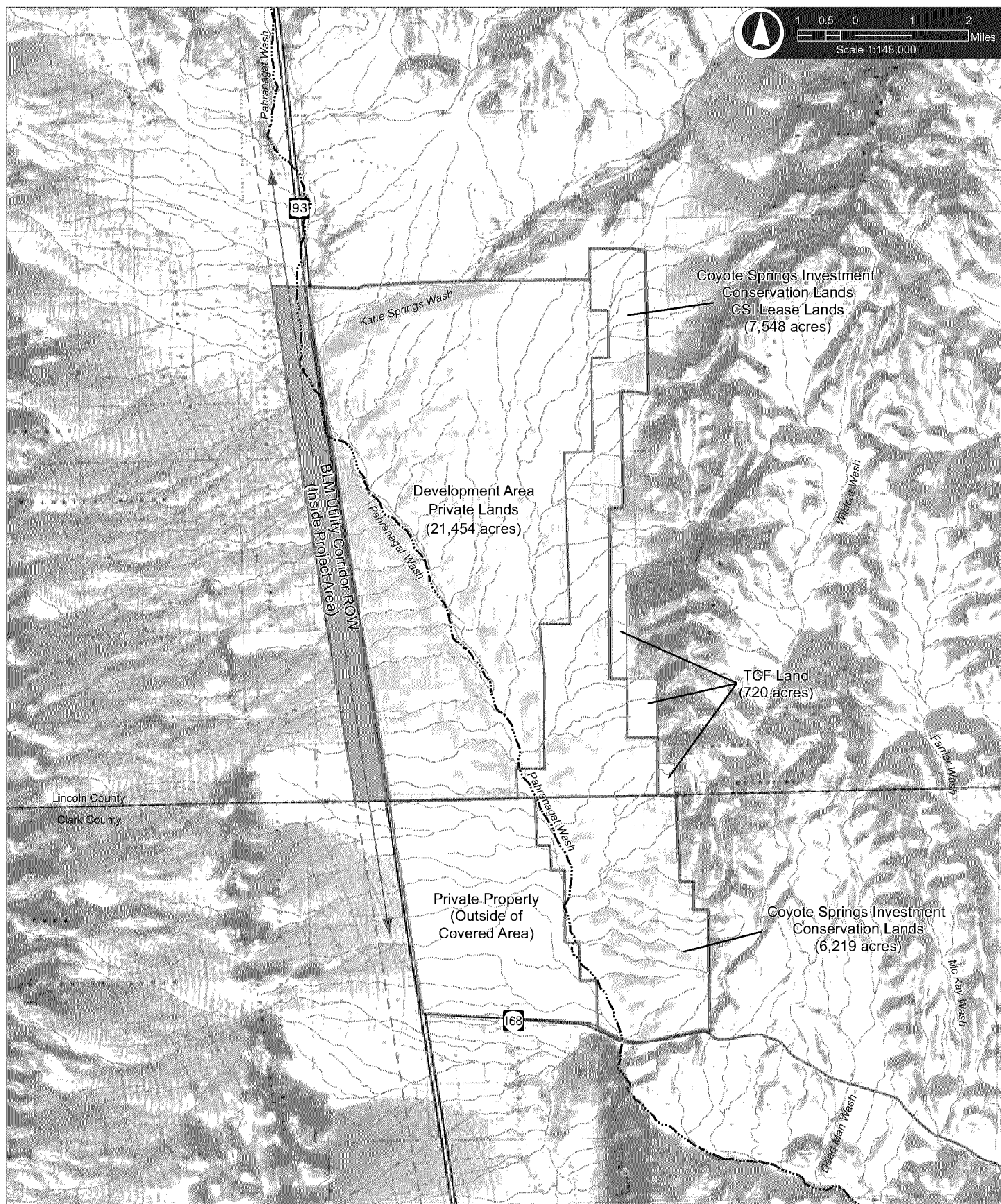
— State Route

--- Ephemeral Channel

--- Desert Dry Wash

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Figure 1-3
Coyote Springs Investment Private and Leased Lands
Existing Land Configuration



- Land Status**
- CSi Covered Area
 - CSi Development Area
 - Conservation Lands
 - Highway
 - State Route
 - The Conservation Fund Parcels
 - BLM Utility Corridor
 - Private Property (in Clark County)
 - Ephemeral Channel
 - Desert Dry Wash

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Figure 1-4
Coyote Springs Investment
Private and Leased Lands Proposed Land
Configuration under the Preferred Alternative

The USFWS completed an intra-service, programmatic BO for the proposed Muddy River MOA regarding the groundwater withdrawal and associated conservation measures for the Moapa dace (1-5-05-FW-536, USFWS 2006, Appendix D). ESA consultation for project-specific activities included in the MOA is tiered off the 2006 programmatic BO.

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

Additional development of water in excess of 16,100 acre-feet per annum (afa) analyzed in the intra-service, programmatic BO would require reinitiation of Section 7 consultation.

1.1.4 Biological Opinion for CSI 404 Permit in Clark County

A record of decision (ROD) for issuance of a Section 404 permit associated with development of private CSI lands in Clark County (Figure 1-1) was issued on May 22, 2006. The issuance of this ROD was based on compliance with NEPA and ESA (ENTRIX et al. 2005), including a BO from the USFWS.

The primary findings and directives of the BO issued by the USFWS (1-5-05-FW-536-Tier 1) included the following:

1.1.4.1 Findings

- The effects of the proposed action and the cumulative effects, as proposed and analyzed, are not likely to jeopardize the continued existence of the desert tortoise and not likely to adversely modify its critical habitat based on the action area falling within the coverage and acreage calculation of the Clark County MSHCP and the Corps intends to minimize the effects of the proposed action on the desert tortoise by requiring the applicant to comply with the terms and conditions of the incidental take permit under the ESA for the Clark County MSHCP and implementation of additional minimization and conservation measures described below.
- The effects associated with the cumulative groundwater withdrawal by multiple parties analyzed in the Muddy River MOA BO, the project-specific effects associated with CSI's proposed action, and the cumulative effects is not likely to jeopardize the continued existence of the endangered Moapa dace based on implementation of the project's conservation actions described below.
- The USFWS concurred with the Corp's determination that the project may affect, but is not likely to adversely affect southwestern willow flycatcher, Yuma clapper rail, and the yellow-billed cuckoo (a candidate species that does not require consultation under Section 7 of the ESA).

1.1.4.2 Conservation Measures

- Coyote Springs Investment Conservation Lands Perpetual Conservation Easement: subject to BLM's consent, setting aside 6,219 acres that permanently protects the Pahrangat Wash incised ephemeral channel (WOUS) and all adjacent WOUS associated with the uplands to the east of Pahrangat Wash incised ephemeral channel, within the project area, from development activities (except for conservation purposes).

CONSERVATION MEASURES SPECIFIC TO THE DESERT TORTOISE

- A \$550-per-acre development fee, as required under the Clark County MSHCP.
- CSI has agreed to pay \$750,000 to fund research and activities that will further conservation efforts for the desert tortoise in Coyote Spring Valley and Mormon Mesa CHU.

- All lands surveyed and cleared of desert tortoise prior to ground disturbing activities.
- Permanent tortoise exclusion fencing provided on the northern and eastern perimeter of the developed area (the western perimeter of the Development Area follows U.S. Highway 93 and the southern perimeter following State Route 168; NDOT will fence these roadways). The fence on the eastern side of the Development Area is on the western side of Pahrangat Wash incised ephemeral channel and would also assist in minimizing impacts to the wash.
- Research studies will be conducted as directed by a Scientific Advisory Team and may include surveys to evaluate the status of the tortoise within the Mormon Mesa Critical Habitat Unit; assessment of weed control and habitat restoration measures; and establishment of a juvenile tortoise “head starting program.”

CONSERVATION MEASURES SPECIFIC TO THE MOAPA DACE

- Participation in the establishment of a RIP and employ the principles of adaptive management to outline and carry out conservation measures necessary to protect and recover the Moapa dace and allow for development and operation of regional water facilities.
- Dedication of an amount equal to 10 percent (460 afy) of the CSI water rights within the Coyote Spring Valley Basin to the survival and recovery of the Moapa dace and its habitat.
- Dedication of an additional 5 percent of any water rights above 4,600 afy that CSI may be entitled to withdraw in the future from Coyote Spring Valley or import into the basin.
- CSI has agreed to provide \$50,000 annually for four (4) years to be used for habitat restoration to promote the recovery of the Moapa dace.

1.1.5 Listed Species Potentially Affected by Activities in the CSI MSHCP

A summary of federally listed species with the potential to be affected by the proposed CSI Development in Lincoln County was requested from the USFWS on October 14, 2004, on behalf of CSI. A letter from the USFWS dated January 7, 2005 (File No. 1-5-05-SP-410) listed the following species as those that may occur within the project area:

- Desert tortoise (*Gopherus agassizii*), Mojave population, threatened
- Moapa dace (*Moapa coriacea*), endangered
- Yuma clapper rail (*Rallus longirostris*), endangered
- Southwestern willow flycatcher (*Empidonax traillii extimus*), endangered
- Yellow-billed cuckoo (*Coccyzus americanus*), candidate

Covered Species are those species which coverage under an incidental take permit (ESA Section 10(a)(1)(B) permit) is requested. CSI, in cooperation with the USFWS, BLM, and the TSC (in meetings during 2001-2003), considered 40 species for coverage in the CSI MSHCP. Two additional categories of species are proposed for the CSI MSHCP and Preferred Alternative: Evaluation Species and Watch List Species. Evaluation Species are those for which additional biological information is required to adequately assess the potential effect of Covered Activities and/or assess the benefits of conservation measures. Watch List Species are those for which adequate information is not available to assess population range, current status, or conservation potential or those that are not considered to be at risk during the planning horizon of the MSHCP, which is the period of the incidental take permit requested. Watch List Species are not anticipated to need coverage under the incidental take permit during the 40-year permit length. Of the 40 species assessed, five (5) are designated as Covered Species, eight (8) as Evaluation Species, and twenty-seven (27) as Watch List Species. Covered Species and Evaluation Species are listed in Table 1-1 and further described in Section 4: Affected Environment.

Table 1-1 List of Proposed Covered Species and Evaluation Species in the Coyote Springs Investment Multiple-Species Habitat Conservation Plan

Common Name	Scientific Name	Federal Protection	BLM Status	State Protection
COVERED SPECIES				
Potential to occur within the project area				
Desert tortoise	<i>Gopherus agassizii</i>	FT	Yes	Yes
Banded Gila monster	<i>Heloderma suspectum cinctum</i>	XC2	Yes	Yes
Western burrowing owl	<i>Athene cunicularia hypugaea</i>	XC2	Yes	Yes
Occur outside of the project area and may be indirectly affected by Covered Activities				
Moapa dace	<i>Moapa coriacea</i>	FE	Yes	Yes
Virgin River chub	<i>Gila seminuda</i>	FE, Virgin River population only	Yes	Yes
EVALUATION SPECIES				
Potential to occur within the project area				
Three-corner milkvetch	<i>Astragalus geyeri</i> var. <i>triquestrus</i>	XC2	Yes	CE
Sticky buckwheat	<i>Eriogonum viscidulum</i>	XC2	Yes	CE
Las Vegas buckwheat	<i>Eriogonum corymbosum</i> var. <i>nilesii</i>	FC	Yes	
Occur outside of the project area and may be indirectly affected by Covered Activities				
Moapa White River springfish	<i>Crenichthys baileyi moapae</i>			Yes
Moapa speckled dace	<i>Rhinichthys osculus moapae</i>		Yes	Yes
Relict leopard frog	<i>Rana onca</i>	FC		Yes
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	FE	Yes	Yes
Yuma clapper rail	<i>Rallus longirostris yumanensis</i>	FE		Yes
The species status under the federal ESA is based on five listing factors. Based upon the level of threat (five listing factors), the species status may warrant protection under the ESA. The ESA listing status was obtained from the NNHP Rare Animal List (March 18, 2004) and the Rare Plant and Lichen List (April 1, 2005). The ESA status was then cross-referenced with the USFWS Threatened and Endangered Species System (http://ecos.fws.gov). Codes that were used to delineate the level of protection are defined as: FE = Federal Endangered; FT = Federal Threatened; FC = Federal Candidate; and XC2 = Former Category 2 Candidate Species, now Species of Concern. Some species warrant additional protection by the State of Nevada. The Nevada status was obtained from the NNHP Rare Animal List (March 18, 2004) and the Rare Plant and Lichen List (April 1, 2005). The Nevada status was then cross-referenced with a NatureServe (2006) species comprehensive report (available from http://www.natureserve.org/explorer/). Nevada faunal species either warrant protection or not under Nevada Revised Statute (NRS) 501. Flora species are designated per: [NRS ch. 527] CE = Critically Endangered, CY = Protected as cactus, yucca, or Christmas tree, P = Proposed for state listing.				

1.2 ISSUES

Internal scoping from TSC meetings and public scoping from public workshops and comments resulted in identification of a number of issues related to the CSI Development.

1.2.1 Issues Retained for Further Analysis

Based on input from the public, government agencies, and the TSC, several major issues have been identified for further analysis in this EIS:

- **Biological Resources.** Activities described in the alternatives would result in impacts to special-status species, including desert tortoise, banded Gila monster, and western burrowing owl, and may result in impacts to Virgin River chub and Moapa dace. Thus, incidental take of desert tortoise would occur. Impacts to vegetation and other wildlife could also occur from development activities.
- **Waters of the United States.** Although no wetlands have been identified, other WOUS in the form of desert dry washes have been found in the project area. Impacts to desert dry washes and floodplains from components of the alternatives such as flood control management activities could also occur.

- **Hydrology and Water Quality.** The alternatives could result in impacts to water quality and quantity from large-scale water withdrawals, dredging, and watercourse alignments. Natural or depletable resource requirements and resource potential (43 FR 55994 Section 1502.16) will be analyzed under the hydrology and water quality issue.

A Preferred Alternative Needs Assessment prepared for the CSI Development in Lincoln County identified a maximum build out scenario of 70,000-afa water demand. However, the long-term demand for golf courses, parks and common area landscape irrigation is not included in this 70,000-afa estimate⁴. Under the Preferred Alternative, the planned development has been designed and constructed to allow the use of treated effluent for irrigation, once a sufficient supply of treated effluent is available to serve each respective area. Approximately 50 percent (35,000 afa at full buildout) of the water used to serve the development would be reclaimed. Water supply development will not be included as a component of this alternative, although timing and extent of the CSI Development will depend upon the availability of water.

Water rights and associated groundwater development are not included as Covered Activities within the CSI MSHCP or covered in this EIS. Environmental concerns associated with the use and transport of existing and future water rights to the Development Area will be addressed in separate environmental documents, as specific water rights and pipeline routes are determined in the future. Because of the location of CSI lands in Lincoln County, surrounded by federal land on all sides, providing water to the town outside of Coyote Spring Valley basin would involve pipelines that would cross federal lands. Therefore, separate NEPA analyses would need to be conducted for these actions. Because of this, no groundwater development is included in the Preferred Alternative. Effects of groundwater development associated with the planned community are addressed in Section 5.21: Cumulative Effects.

However, production of existing permitted rights within the Coyote Spring Valley Basin from within the Development Area in lieu of the existing production locations is a Covered Activity. The production of these water rights is covered under the Muddy River MOA and associated BO, pursuant to which the parties agreed to relocate their production if warranted.

- **Cultural Resources.** Cultural resources are known to occur on the CSI lands. Impacts from the alternatives could occur.
- **Soils and Geological Resources.** Impacts to soils and geological resources could occur as a result of the alternatives.
- **Ecologically Critical Areas.** Pursuant to 40 CFR 1508.27, agencies must include an analysis of effect to ecologically critical areas if applicable. The CSI lands are located adjacent to two BLM-designated ACECs, established for the further protection of the desert tortoise and its critical habitat. Effects from activities associated with development on CSI lands could affect these ecologically critical areas.
- **Wilderness Areas.** Effects from activities associated with development on CSI lands could affect adjacent and nearby wilderness areas.
- **Visual Resources.** Effects to visual resources could occur from constructing a planned development in a rural area.
- **Air Quality.** Effects to air quality could be affected by development activities considered in the alternatives.
- **Transportation and Circulation.** Development activities could have impacts on transportation and circulation.
- **Noise.** Effects from noise as a result of the alternatives could occur.
- **Land Use, Planning, and Zoning.** Effects on land use, planning, and zoning could occur from developing a planned town.
- **Recreational Resources.** Impacts to recreational resources could result from components in the alternatives.

⁴ For calculating water supply demand, 0.71 afa per single family was assumed. This calculation was based upon discussions with the Las Vegas Valley Water District for assessing demand for CSI private lands in Clark County, a separate project. It is assumed that Lincoln County will adopt the same standard. Once a metered history is available, estimates of the water supply demand may be reduced from this initial estimate.

- **Public Services.** Effects to public services could occur from construction of a planned development.
- **Socioeconomics and Environmental Justice.** The alternatives could have economic impacts to Lincoln and Clark counties. Components of the alternatives, including residential development, could affect population and housing in and near Lincoln County, Nevada. The potential for effects to low-income and/or minority populations also exists.
- **Hazardous Materials.** Construction activities under the action alternatives could use flammable hydrocarbons and other potentially hazardous materials. As required by 43 FR 55994 Section 1508.27, alternatives must be compared to their effects on public health and safety; thus, this section will include effects to public health and safety.
- **Other Issues.** The proposed project may also result in issues relating to:
 - development consistency with state and local land use plans,
 - water development and availability,
 - the area of effect analyzed cumulatively (White Pine, Lincoln, and Clark counties), and
 - the effect of the retention basins on the designated utility corridor addressed in the Ely RMP.

The issues described above have been addressed in the alternatives development process, and potential impacts are evaluated in this EIS.

1.2.2 Issues Dismissed from Further Analysis

1.2.2.1 Indian Trust Resources

Secretarial Order 3175 requires that any anticipated impacts to Indian trust resources from a proposed project or action by the Department of Interior agencies be explicitly addressed in environmental documents. The federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal lands, assets, resources, and treaty rights, and it represents a duty to carry out the mandates of federal law with respect to Native American and Alaska Native tribes. No Indian trust resources occur within the project area considered in this EIS (K&LA 2006).

1.2.2.2 Prime and Unique Farmland

Prime and unique farmland is a required element for analysis in EISs (43 FR 55994 Section 1508.27). However, no prime and unique farmland would be removed from agricultural production under the action alternatives of this EIS, as no prime and unique farmland, either historically or currently, occurs on lands proposed for development under the proposed action. For these reasons, prime and unique farmland was not retained for full analysis.

1.2.2.3 Wetlands

According to field surveys conducted in 2005 and 2006, no wetlands are present within the CSI lands (HBG and RCI 2006). Therefore, wetlands were not retained for analysis.

1.2.2.4 Wild and Scenic Rivers

The alternatives being considered would not affect any designated wild and scenic rivers, as referenced in the Wild and Scenic Rivers Act and 40 CFR 1508.27. Therefore, wild and scenic rivers were not retained for analysis.

1.3 OTHER PLANNING EFFORTS

Ongoing planning at the federal, state, and local levels on other issues may affect or guide decisions on how to implement the federal actions described in this document and may serve as NEPA documentation for disclosure of certain aspects of the Covered Activities identified in CSI MSHCP and the action alternatives of

this EIS. Efforts were taken to maintain consistency between alternatives of this EIS and other ongoing planning and resource management efforts, both directly related to this project and other relevant planning efforts within Lincoln and Clark counties. Plans and projects that were considered in the preparation of this EIS are summarized below.

1.3.1 Related Planning Efforts

1.3.1.1 Environmental Assessments - Coyote Springs Project, Clark County, Nevada

A CSI development on private land in Clark County is covered by a 1995 and 2000 incidental take permit issued by the USFWS to Clark County and is not subject to the CSI MSHCP. Therefore, it is not addressed in this EIS. In 2005, an Environmental Assessment was prepared for the CSI development in Clark County. Thereafter, a CWA Section 404 permit was issued by the Corps (Corps File No. 200125042) and a BO was issued by the USFWS (File No. 1-5-05-FW-536-Tier 01).

In June 2007, the Corps amended the Section 404 permit for the CSI development to include the new location of potable water reservoir facilities and detention basins on BLM-administered land. In coordination with the Corps and USFWS, through reinitiation of the Section 7 consultation and completion of an EA, BLM approved the CSI and Pardee Homes of Nevada right-of-way application for the construction and operation of potable water reservoir facilities and detention basins in the BLM utility corridor located west of U.S. Highway 93 in Clark County, Nevada. This project has been described in greater detail above in Section 1.1.3: Consultation and Regulatory Compliance History.

1.3.1.2 ESA Compliance of Groundwater Development and Distribution Activities near CSI Lands

Existing local and regional water rights and future local or regional water rights for which ESA consultations have been completed and for which consultation is yet to be completed include the following:

ESA CONSULTATION COMPLETED

- Use of 4,600 afa of Coyote Spring Valley Basin water rights owned by CSI authorized under the Muddy River MOA BO and subsequent project level BO for CSI development in Clark County, Nevada (File No. 1-5-05-FW-536-Tier 01, Cross Reference 1-5-00-FW-575).
- Use of 9,000 afa of Coyote Spring Valley Basin water rights owned by SNWA was authorized under the BO issued January 30, 2006 (File No. 1-5-05-FW-536).
- Permit 18437 (Cert. 5683) – indirectly addressed under the BO issued January 30, 2006 (File No. 1-5-05-FW-536) because it is covered under the Back-up Water Rights Agreement dated April 20, 2006, which is one of the Muddy River Agreements entered into pursuant to the Muddy River MOA. The Muddy River MOA was covered by the BO.
- Use of 2,500 afa of California Wash Basin water rights owned by the Tribe authorized under BO.
- Use of 9,000 afa of groundwater from Coyote Spring Valley in northeastern Clark County, using new and existing facilities for the Coyote Spring Well and Moapa Transmission System Project N-76493. A project-specific BO for the Coyote Spring project was issued on May 9, 2007 (File No. 1-5-05-FW-536-Tier 2).

ESA CONSULTATION TO BE COMPLETED

- Any additional water rights that are appropriated within the Coyote Spring Valley Basin and made available for use by or within the Development Area.
- Kane Springs Water Rights–Lincoln County Water District /Vidler Water Company Right-of-Way LCWD/Vidler ROW Application No. N-79734. Construction and maintenance of wells, pumps, motors, valves, meters, reservoirs, electric power lines, telemetry, pipelines and all related appurtenances as may be authorized under Application No. N-79734. The Final EIS for this project was released by BLM on

February 8, 2008. The BO for this project is currently being developed (File Nos. 84320-2008-F-007 and 84320-2008-I-0216).

- Lake Valley Water Rights – Transmissions facilities will be covered under a Section 7 consultation after a ROW application is or applications are filed with the BLM seeking authorization to connect wells with the SNWA regional pipeline system or another regional system that is proposed for construction within congressionally designated BLM utility corridors.
- Meadow Valley Wash groundwater rights that are proposed for use as mitigation of potential impacts to the Muddy River. These may be covered under a Section 7 consultation depending upon USFWS's acceptance of the water for mitigation purposes and the selected manner of delivery to the Muddy River.
- Clark, Lincoln, and White Pine Counties Groundwater Development Project would convey up to approximately 200,000 afa of groundwater from six hydrographic basins in northern Clark, central Lincoln, and eastern White Pine counties. The BLM is preparing an EIS for the project.
- Transmission of any other water rights acquired or appropriated from the alluvial or regional aquifer and made available for use by or within the Development Area.

1.3.1.3 Environmental Permitting of Activities Related to Utility Infrastructure near CSI Lands

Certain activities that will be implemented within BLM utility corridors are addressed under separate ESA consultations for desert tortoise, Moapa dace, and other ESA-listed species, as described below.

ESA CONSULTATION TO BE COMPLETED

- Construction and maintenance of utilities and related appurtenances within the BLM utility corridors between the Kane Springs area and the Development Area, located within the BLM utility corridors parallel to the Kane Springs Road and U.S. Highway 93, will be covered under a Section 7 consultation.
- Lincoln County Power District (LCPD) 138 kV transmission line project – LCPD proposes to upgrade its existing 69 kV transmission line, located within the BLM utility corridor west of U.S. Highway 93, to 138 kV. This project may serve the CSI Development in addition to other areas in Lincoln County. LCPD also will construct and operate the electric utility facilities for the Kane Springs Valley Groundwater Development Project.
- L&S Power BLM application for one 500 kV-AC line – This project may indirectly serve the CSI Development.
- Nevada Power Company and Sierra Pacific Power Company – Ely Energy Center. One of the 500 kV lines may serve the CSI Development indirectly.
- Natural gas pipeline expansion – Coyote Springs Gas Transmission, LLC has filed a right-of-way application and a Temporary Use Permit (TUP) application with BLM for the construction of a 12-inch-diameter natural gas pipeline within an existing BLM utility corridor, extending from a Kern River Interstate Transmission Line in the vicinity of Apex, Nevada, to the southwestern portion of the CSI Clark County project. The line will be designed for future capacity expansion. This activity will be covered under a separate ESA Section 7 consultation resulting from processing Application N-82066 and TUP Application N-82066-01.

1.3.2 Relevant Planning Efforts Occurring within Lincoln and Clark Counties

1.3.2.1 Lincoln County Land Act (2000)

Congress passed the Lincoln County Land Act (LCLA) on October 13, 2000, in order to allow some of the rapid growth in Mesquite, Clark County, to benefit Lincoln County and help alleviate the disparity between federal and non-federal land. This disparity (98 percent federal, 2 percent non-federal) is one of the largest in

the state of Nevada. Lincoln County is predominantly federally administered land, and under the LCLA, 13,500 acres of federally administered lands would be available for disposal by the BLM by October 1, 2005.

1.3.2.2 Lincoln County Conservation, Recreation, and Development Act (2004)

The LCLA was amended through the LCCRDA (November 30, 2004; Public Law No: 108-424). Through the LCCRDA, the BLM was required to sell the land identified in the LCLA within 75 days after the date of enactment of the LCCRDA. The lands sold on February 9, 2005, for approximately \$47 million. The purpose of this act was the same as the LCLA. The revenue generated from the sale of the lands may be used for the following:

- 5 percent for the State of Nevada for use in the general education program of the state;
- 10 percent for Lincoln County for use as determined through normal budgeting procedures; and
- The remainder to be deposited in a special account available as follows:
 - Inventory, evaluation, protection, and management of unique archaeological resources;
 - Development of a MSHCP in Lincoln County;
 - Reimbursement of costs incurred by the BLM in preparing sales under the LCCRDA;
 - Processing public land use authorizations; and
 - Acquisition of environmentally sensitive land.

Under the LCLA, the Secretary of Interior must cooperate with Lincoln County and the City of Mesquite, and must adhere to the Federal Land Policy and Management Act of 1976, as amended (FLPMA) and other applicable laws in the disposal of these lands by a competitive bidding process for FMV, at a minimum.

Development of the disposed lands would be conducted in accordance with a Development Agreement (DA) and Conveyance Agreement (CA) between the developer(s) and Lincoln County. Lincoln County and the developer(s) would be required to enter into a DA within 30 days of the sale. In addition, the developer(s) would be required to prepare and obtain Lincoln County approval of a land use map identifying a general concept for master planning and development of the property.

All purchasers would be required to indicate their intent to comply with Lincoln County zoning ordinances and any master plan for the area developed and approved by Lincoln County in coordination with the City of Mesquite. This means all development on lands lying adjacent to Mesquite will have to comply with the City of Mesquite's Long Range Comprehensive Master Plan, which is currently being developed.

Title III: Utility Corridors of the LCCRDA directs the Secretary of Interior to establish 2,640-foot wide utility corridors on public lands in Lincoln and Clark counties. One of these utility corridors is along State Route 168, between U.S. Highway 93 and Moapa Valley. Under the LCCRDA, the Secretary of Interior must grant nonexclusive rights-of-way to SNWA and Lincoln County for any facility or system necessary for the construction and operation of a water conveyance system within the corridors, subject to compliance with NEPA.

The LCCRDA of 2004 also provided for the relocation of an existing utility corridor from the east to the west side of U.S. Highway 93 between the U.S. Highway 93–State Route 168 junction and the Kane Springs Road–U.S. Highway 93 junction.

1.3.2.3 Desert Tortoise (Mojave Population) Recovery Plan (USFWS 1994)

The *Desert Tortoise (Mojave Population) Recovery Plan* (USFWS 1994) delineates reasonable actions believed to be required to recover and/or protect the desert tortoise. Criteria for future downlisting, recovery units, and proposed Desert Wildlife Management Areas (DWMAs) were also identified. The Desert Tortoise Recovery Plan is currently being updated and a public draft of the plan should be available in late 2008.

In 1998, the BLM Las Vegas Field Office Resource Management Plan (RMP) was approved and implemented, incorporating management recommendations set forth in the Desert Tortoise Recovery Plan. The RMP

established four ACECs, affording protection to designated critical tortoise habitat within the Nevada Recovery Units. Two of these ACECs, the Coyote Spring and the Mormon Mesa, are adjacent to the CSI lease lands to the south and east in Clark County.

1.3.2.4 Designation of Critical Habitat for the Mojave Population of Desert Tortoise

On February 8, 1994, the USFWS designated approximately 6.4 million acres of critical habitat for the Mojave population of the desert tortoise, which became effective on March 10, 1994, (59 FR 5820). The proposed actions analyzed in this EIS would occur within the 402,500-acre Mormon Mesa Critical Habitat Unit.

1.3.2.5 Clark County Desert Conservation Plan

In 1995, the Clark County Desert Conservation Plan (DCP) was created to minimize, monitor and mitigate the impacts to the desert tortoise on non-federal land in Clark County, Nevada.

1.3.2.6 Clark County MSHCP and EIS

In 2000, Clark County, Nevada and other applicants and participants completed a MSHCP for a series of Covered Activities that would occur in Clark County over the next 30 years. Activities include development, recreation, agriculture, flood control, mineral activities, off-highway vehicle use, solid waste, transportation, utilities, and sewer and water. Seventy-nine species are covered under the Clark County MSHCP with an additional 103 species as evaluation or watch list species. The CSI development in Clark County is covered by the Clark County MSHCP.

1.3.2.7 Approved Caliente Management Framework Plan Amendment and Final EIS for the Management of Desert Tortoise Habitat (BLM 2000)

The Plan Amendment and Final EIS for the Caliente Management Framework Plan implemented management goals and actions for BLM-administered desert tortoise habitat in Lincoln County, Nevada. The Caliente Management Framework Plan outlines how 754,600 acres of public lands administered by the BLM Ely Field Office will be managed to aid in the recovery of the desert tortoise, in compliance with the USFWS *Desert Tortoise Recovery Plan* (USFWS 1994). These goals and actions, some of which are recommended in the Desert Tortoise (Mojave Population) Recovery Plan, will assist the recovery and delisting of the desert tortoise in the Northeastern Mojave Recovery Unit. This amendment was required to comply with the ESA of 1973, which mandates that all federal agencies conserve and recover listed species within their administrative units.

The Caliente Management Framework Plan Amendment for Desert Tortoise Habitat established three ACECs. Two of these ACECs, the Kane Springs and Mormon Mesa, are adjacent to CSI lands to the north and east in Lincoln County (BLM 2000). Casual OHV use will be limited within the ACECs to roads and vehicle trails designated for OHV use. Organized OHV use within the ACEC will be prohibited until further understanding of how these activities affect the desert tortoise and its habitat. Non-consumptive recreational activities that do not disturb desert tortoise habitat is allowed, however, the effects of these recreational activities on desert tortoise habitat will be monitored. Wilderness areas within the ACEC will be managed according to the Interim Management Plan until further notice. Vehicles are limited to roads designated “open.”

1.3.2.8 Ely Proposed Resource Management Plan and Final Environmental Impact Statement (BLM 2007)

The Ely Proposed Resource Management Plan (RMP) provides programmatic direction for management of BLM-administered public lands within the Ely RMP planning area and analyzes the environmental effects resulting from implementing the alternatives addressed in this Proposed RMP/EIS. This plan supersedes the Caliente Management Framework plan, which originally implemented management goals and actions for BLM-administered desert tortoise habitat in Lincoln County, Nevada. The Ely RMP outlines how 11.5 million acres of public lands administered by the BLM Ely Field Office will be managed to aid in the recovery of the desert tortoise, in compliance with the *Desert Tortoise Recovery Plan* (USFWS 1994). The BLM Ely RMP and associated Final EIS were released in November 2007, and the associated Biological Assessment is currently in progress.

The Ely RMP recognizes a management action to “manage leased public lands in the Coyote Springs area in accordance with Public Law 100-275 dated March 31, 1988, and the Land Lease Agreement signed July 14, 1988” (BLM 2007).

1.3.2.9 BLM Las Vegas Field Office Programmatic Biological Assessment

The Las Vegas Field Office (LVFO) of the BLM is in the process of completing a programmatic BA for activities that may affect federally listed species on all lands within its jurisdiction. This BA will provide required information for the Section 7 consultation under the ESA.

1.3.2.10 Route Designation in Selected ACECs Located in the Northeast Portion of Clark County Environmental Assessment

The Las Vegas Field Office recently added an alternative to this EA regarding roads and trails in ACECs in northeast Clark County. This alternative would designate all routes that existed prior to 1998 as open, except for specific routes listed in the “commonalities” statement.

1.3.2.11 Virgin River Habitat Conservation and Recovery Program

The City of Mesquite initiated development of the Virgin River Habitat Conservation Plan (VRHCP) in June 2004, with the intent of obtaining an incidental take permit. In April 2005, an agreement was reached between the City of Mesquite, USFWS, and Clark County to expand the scope of the VRHCP by providing an opportunity for ESA compliance associated with activities beyond the discretion of the City of Mesquite as well as implementing recovery actions. This resulted in the proposal to develop the Virgin River Habitat Conservation and Recovery Program (VRHCRP). Guidance and direction for development of the VRHCRP was sought from other cooperating agencies/entities including the SNWA, Virgin Valley Water District, BLM, National Park Service (NPS), and NDOW. The VRHCRP will serve as the primary mechanism for implementing conservation measures associated with aquatic and riparian species in the Virgin River Basin. Additionally, the framework for administration of the VRHCRP, as well as the technical, stakeholder and public involvement processes would be adapted and modified to include the Virgin River Conservation Management Assessment (VRCMA) process. The VRCMA is broader in scope than the VRHCRP. It includes: 1) assessing the status of, including potentially conducting presence/absence surveys, and developing objectives and a monitoring program for approximately 108 additional species; 2) involvement by more entities in plan development decision making processes; 3) coordination with the Clark County MSHCP process; 4) integration of potential recreational and cultural resource issues, and 5) the production of a document structured for a resource conservation assessment based on the Clark County format.

1.3.2.12 Toquop Energy Power Project

Toquop Energy, LLC (a subsidiary of Sithe Global Power, LLC) is proposing to construct a 750 megawatt, coal-fired power plant in southeastern Lincoln County. In April 2003, the BLM Ely Field Office issued an EIS for the Toquop Energy Power Project, proposed by Toquop Energy, Inc. (Proposed Toquop Land Disposal Amendment to the Caliente Management Framework Plan and EIS for the Toquop Energy Power Project, March 2003). The project analyzed in the 2003 EIS was a 1,100-megawatt (MW) natural gas-fired electric power generation plant and associated facilities in Lincoln County in southern Nevada. Toquop Energy, Inc., proposed the project in order to generate electrical power at competitive costs for use by consumers and to meet the needs of forecasted electric load growth.

The BLM has determined that, although an EIS for the original gas-fired power plant has been completed, the currently proposed coal-fired power plant has a number of components that are different from the previously proposed gas-fired technology. Public scoping meetings were held in March of 2006, and an EIS has been completed. The BLM recently released an updated Draft EIS for this project on October 12, 2007. Public meetings were held in November 2007, and the comment period closed on December 11, 2007. Public scoping meetings were held in March of 2006 and an EIS is forthcoming. This Draft EIS addresses impacts of developing the power plant on the Toquop parcel.

The footprint of the proposed coal-fired plant is larger than what was analyzed in the 2003 EIS; the power plant, ash disposal, and topsoil storage areas would occupy a total of 475 acres. Additional acreage of desert tortoise habitat would also be disturbed due to construction of the rail spur. Fencing off the entire 640-acre area would make it all unavailable to desert tortoises.

1.4 REGULATORY FRAMEWORK

1.4.1 National Environmental Policy Act

This EIS was prepared to meet the requirements of NEPA (42 U.S.C. 4321–4347), the basic charter of the U.S. for protection of the environment. NEPA establishes the nationwide policy, goals, and legal authority for federal agencies regarding the environment (40 CFR 1500.1[a]). It requires federal agencies to study the environmental consequences of their actions and to use an interdisciplinary framework for environmental decision-making.

The NEPA process helps federal agencies make informed decisions with respect to the environmental consequences of their actions and ensures that measures to protect, restore, and enhance the environment are included, as necessary, as a component of their actions.

1.4.2 Endangered Species Act of 1973, as Amended

The ESA (16 U.S.C. 1531 et seq.) was passed by Congress in 1973 and amended multiple times between 1976 and 2004. The stated purpose of the ESA is “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and to act on specified relevant treaties and conventions” (16 U.S.C. 1531 (b)).

USFWS, acting on behalf of the Secretary of Interior, oversees administration of the ESA. However, the Secretary of Commerce, acting through National Marine Fisheries Service (NMFS), is the listing authority for marine mammals and most anadromous fish species. With several exceptions, Section 9 of the ESA (16 U.S.C. 1538(a)(1)(B)) prohibits the take of any endangered species and defines take as follows: “[t]he term ‘take’ means to harass, harm, pursue, hunt, shoot, kill, trap, capture, collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532(19)). USFWS has further defined “harm” to mean “an act which actually kills or injures wildlife. Such acts may include significant habitat modification or degradation, where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR 17.3). The term “harm” is defined by NMFS administrative rule to include “significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering” (64 FR 215).

1.4.2.1 Section 10 and Habitat Conservation Plans

Amendments to Section 10 of the ESA in 1982 allowed non-federal parties that engage in otherwise lawful activities that are likely to result in the “take” of ESA-listed species to obtain incidental take permits. This would be necessary if their actions are not otherwise covered by an incidental take statement under Section 7 of the ESA. Under Section 10(a)(2)(A) of the ESA, applicants for an incidental take permit are required to develop and submit a habitat conservation plan (HCP). HCPs are developed by project applicants and/or state and local government entities with advice and guidance from USFWS. The HCP defines the activities to be addressed, characterizes the extent to which activities may affect ESA-listed species and their habitat, and then specifies measures to minimize and mitigate for impacts to the ESA-listed species.

In 1982, Congress amended the ESA to allow for take of ESA-listed species “if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity” (16 U.S.C. 1539(a)(1)(B)). In approving the 1982 amendments to the ESA, created under Section 10, Congress also expressed that HCPs be long-term, multiple-species plans that cover not only ESA-listed species, but also unlisted species, as long as those species are treated as if they were ESA-listed (H.R. Rep. No. 835, 97th Cong., 2d Sess. 29 [1982]). Congress also recognized that HCPs should provide non-federal property owners seeking incidental take

permits under Section 10, economic and regulatory certainty regarding the overall cost of species mitigation over the life of the permit, but that HCPs should also make provisions for circumstances and information that could change over time and that might require revisions to an HCP (H.R. Rep. No. 835, 97th Cong., 2d Sess. 29 [1982]). This regulatory certainty has often been referred to as ‘no surprises.’

The *Habitat Conservation Planning Handbook* (HCP Handbook) indicates an HCP submitted in support of an incidental take permit application must include the following information:

- Impacts likely to result from the proposed taking of the species for which the permit coverage is requested;
- Measures the applicant will undertake to monitor, minimize, and mitigate such impacts, the funding that will be made available to undertake such measures, and the procedures to deal with unforeseen circumstances;
- Alternative actions the applicant considered that would not result in take, and the reasons why such alternatives are not being utilized; and
- Additional measures USFWS or National Marine Fisheries Service (NMFS) (collectively referred to as the Services) may require necessary or appropriate for purposes of the plan (USFWS and NMFS 1996).

On March 9, 1999, the USFWS and NMFS published a Notice of Availability for a “Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process” (64 FR 11485-11490), which provides additional guidance for HCPs and incidental take permits. The draft addendum emphasizes five points for the preparation of HCPs, including the need for:

- adequate monitoring based on measurable biological goals;
- incorporation of adaptive management to allow for changes in mitigation strategies;
- development of biological goals (based on habitat or species);
- appropriate terms for the duration of HCPs; and
- increased public participation.

In summary, an HCP is a plan authorized under Section 10 of the ESA (16 U.S.C. 1539) to conserve the habitat of species listed as threatened and endangered under the ESA or unlisted species also covered by the plan. Section 10 authorizes a non-federal applicant to negotiate a conservation plan with USFWS to minimize and mitigate any impact to threatened and endangered species, while conducting otherwise lawful activities for the general welfare of the public. Section 10 authorizes incidental take of individuals of species’ populations covered by an incidental take permit, including those caused by disturbance of the habitat of such species, provided that an incidental take permit has been issued. Through recent rulings and guidance, the Services have stated that an HCP is intended not only to provide regulatory certainty to applicants, but also to include provisions that will work in the manner intended and meet the conservation goals of the plan through incorporation of clear goals, monitoring, and adaptive management strategy.

1.4.2.2 Section 7 Consultation

Although non-federal entities obtain an incidental take permit under Section 10 of the ESA, intra-service Section 7 consultation on the federal action of issuing the incidental take permit is still required, which results in the issuance of an incidental take statement on the federal action. In the intra-service consultation, USFWS or NMFS evaluates the potential effects relative to baseline conditions to determine whether the Proposed Action is likely to jeopardize the continued existence of the species under consultation. USFWS or NMFS then prepares a BO. The BO contains an assessment of the effects of issuance of the incidental take permit under the MSHCP on listed species and their habitat. If federal agencies other than the USFWS or NMFS are involved in the HCP process, a single BO issued by USFWS or NMFS would include an incidental take statement that authorizes any incidental take by the federal agency and an incidental take permit that authorizes any incidental take by the Section 10 permittee. The BO would include take limits, reasonable and prudent measures, and other terms and conditions.

In addition, the BO would determine whether the Proposed Action is likely to jeopardize the continued existence of an ESA-listed species or destroy or adversely modify critical habitat. A conclusion of “likely to

adversely affect” will be reached if any individual of an ESA-listed species could be harmed by the Proposed Action, even if the risk of an adverse effect to the overall population is low. Such a conclusion would mean that one or more individuals might be harmed by the Proposed Action. Incidental “take” may be authorized by USFWS through issuance of an incidental take permit. The Section 7 consultation on the issuance of an incidental take permit also requires that indirect effects of the Proposed Action, the potential for jeopardy to listed plants and effects on critical habitat be addressed in the HCP process.

1.4.3 Clean Water Act

The principal law governing pollution of the nation’s surface waters is the Federal Water Pollution Control Act. Originally enacted in 1948, it was totally revised by amendments in 1972. The 1972 legislation spelled out ambitious programs for water quality improvement that have since been expanded and are still being implemented by industries and municipalities. As amended in 1977, this law became commonly known as the CWA. The CWA established the basic structure for regulating discharges of pollutants into WOUS. It gave the U.S. Environmental Protection Agency (EPA) the authority to implement pollution control programs such as setting wastewater standards for industry. The CWA also continued requirements to set water quality standards for all contaminants in surface waters. The CWA made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. It also funded the construction of sewage treatment plants under the construction grants program and recognized the need for planning to address the critical problems posed by nonpoint source pollution (EPA 2007).

1.4.3.1 Section 402

The CWA established the basic structure for regulating discharges of pollutants into WOUS. Section 402 regulates the discharge of relatively homogeneous pollutants (i.e., chemicals) through National Pollutant Discharge Elimination System (NPDES) permits. These traditional wastewater permits were expanded in 1987, when Congress amended the CWA to require the EPA to address stormwater runoff [CWA 402(p)]. Federal regulations were promulgated in 1990 as 40 CFR 122.26 with the first general permits issued in 1992. The CWA stormwater program is delegated to Nevada Division of Environmental Protection (NDEP) in Nevada.

1.4.3.2 Section 404

Federal jurisdictional authority over WOUS, including desert dry washes, is derived from Section 404 of the CWA, 1972, as amended in 1979 (“waters of the United States” is defined in 33 CFR Part 328.).

The goal of the CWA is to restore and maintain the chemical, physical and biological integrity of the Nation’s waters. These waters include navigable waters and other waters (including desert dry washes) as defined in 33 CFR Part 328 of the United States and are the waters where permits are required for the discharge of dredged or fill material pursuant to Section 404 of the CWA. Under Section 404 of the CWA, the Corps was established as the federal agency responsible for permitting, with oversight by the EPA. The USFWS serves in an advisory role to the Corps with respect to potential wildlife or threatened and endangered species issues as authorized in the Fish and Wildlife Coordination Act 1934, as amended.

The Section 404(b)(1) Guidelines were developed by the Administrator of the EPA in conjunction with the Secretary of the Army acting through the Chief of Engineers under Section 404(b)(1) of the CWA (33 U.S.C. 1344), which provide specifications for disposal sites for discharges of dredged or fill material into WOUS. Sites may be specified through the Corps’ regulatory program under Sections 404(a) and (e) of the Act (33 CFR Parts 320, 323 and 325).

1.4.3.3 Section 401

As indicated above, prior to the Corps issuing permit authorization (under Section 404 of the CWA) for the unavoidable placement of project-related fill material into WOUS (desert dry wash habitat), the Corps is required under Section 7 of the ESA to consult with the USFWS. In addition, the Corps must receive evidence of state 401 water quality certification from NDEP.

1.4.4 Federal Land Policy and Management Act

The Federal Land Policy Management Act (FLPMA) was enacted in 1976. This federal law governs the way in which the public lands administered by the BLM are managed. Through the FLPMA, Congress recognized the intrinsic value of public lands, and declared that these lands would remain in public ownership. Congress used the term “multiple use” management, which is defined as “management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people.”

1.4.5 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 701-711) was enacted in 1918 between the United States and Great Britain (representing Canada as well), and Mexico in 1936, Japan in 1972 and the area previously known as the Union of Soviet Socialist Republics in 1976. The definition of migratory birds includes virtually all birds found in the United States with the exception of the domestic pigeon, the European starling, the house sparrow and various species of upland game birds. The MBTA established provisions regulating take, possession, transport and import of migratory birds, including nests and eggs. The MBTA prohibits the take of migratory birds, several of which would be included as evaluation or watch list species under the CSI MSHCP, if the proposed action were implemented. However, the MBTA includes permitting authority provisions for incidental take of migratory birds. To relieve permittees from liability under the MBTA for HCP Covered Species, the incidental take permit may also serve as a Special Purpose Permit authorized under MBTA regulations for the take of migratory birds. Any species to be covered by this type of Special Purpose permit must be listed under the ESA, and the incidental take of such species must be authorized, subject to applicable terms and conditions, under Section 10(a)(1)(B) of the ESA.

1.4.6 National Historic Preservation Act of 1996, as Amended

This act outlines the National Historic Preservation Plan and establishes the National Register of Historic Places (NRHP), Advisory Council on Historic Preservation (ACHP), and State Historic Preservation Office (SHPO). It requires federal agencies to locate, document and evaluate, under the National Register, all cultural resources within its jurisdiction. Section 106 requires that, prior to an undertaking, federal agencies identify eligible properties and assess the effects of the undertaking in consultation with the SHPO and ACHP.

1.4.7 Other Cultural Resource Protection Laws

Additional laws and regulations provide protection for cultural resources. The Antiquities Act of 1906 and Archaeological Resource Protection Act of 1979 make damage or removal of objects of antiquity located on federal property illegal unless permitted. The Historic Sites Act established the Historic American Buildings Survey, Historic American Engineering Record and National Survey of Historic Sites and Buildings and authorized the designation of National Landmarks. The American Indian Religious Freedom Act of 1978 and Native American Graves and Repatriation Act of 1990 mandates federal agencies be aware of and sensitive to Indian religious freedoms, identify culturally affiliated Native American groups, prepare summaries as to the disposition of Native American skeletal materials, funerary, and ceremonial objects that may be subject to repatriation and consult with Native Americans as to activities that may disturb sites.

1.4.8 Clean Air Act

In 1993, the EPA adopted regulations implementing Section 176 of the Clean Air Act as amended. Section 176 requires that federal actions conform to state implementation plans for achieving and maintaining the national standards. Federal actions must not cause or contribute to new violations of any standards, increase the frequency or severity of any existing violation, interfere with timely attainment or maintenance of any standard, delay emission reduction milestones, or contradict state implementation plan requirements. Federal actions that are subject to general conformity regulations are required to mitigate or fully offset the emissions caused by the action, including both direct and indirect emissions that the federal agency has some control over.

1.4.9 Executive Order 11990, Protection of Wetlands

Executive Order (EO) 11990 (1977), Protection of Wetlands, requires federal agencies to avoid, where possible, adversely impacting wetlands.

1.4.10 Executive Order 11988, Floodplain Management

EO 11988, Floodplain Management (1977), requires all federal agencies to avoid construction within the 100-year floodplain unless no other practicable alternative exists.

1.4.11 Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

EO 12898 (1994), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing the disproportionately high and/or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities. According to the EPA, environmental justice is the:

“...fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.”

The goal of “fair treatment” is not to shift risks among populations, but to identify potentially disproportionately high and adverse effects and identify alternatives that may mitigate these impacts.

1.4.11.1 Nevada-Florida Land Exchange Authorization Act of 1988

On March 31, 1988, President Ronald Reagan signed the bill authorizing the exchange of federal lands in Nevada for privately-owned wetlands in Florida for wildlife conservation. The measure called for the federal government to sell the Nevada lands to the state and use the proceeds to fund the acquisition of additional lands for two national wildlife refuges in Florida.

Under the exchange agreement, Aerojet received title to 29,055± acres of public lands in Nevada managed by the BLM. An additional 13,767± acres were leased to the firm for 99 years. In return, the federal government received approximately 5,000 acres of wetlands owned by Aerojet in Florida. The Florida land was then sold to the South Florida Water Management District for its use in managing the water resources of southeastern Florida and the Everglades. The proceeds from that sale would then be used by the USFWS to buy additional lands and inholdings at existing elements of the National Wildlife Refuge system in the State of Florida (USFWS 1998b).

1.4.12 State of Nevada Legislation and Regulations

1.4.12.1 Nevada Water Law

Nevada water law is founded on the doctrine of prior appropriation, or “first in time - first in right.” Nevada law explicitly states that all waters of Nevada are public property and that a water right is a right to put that water to beneficial use. Beneficial use is the basis of a water right in Nevada. Nevada water law is set forth in the Nevada Revised Statutes (NRS), Chapters 532 through 538.

The Nevada Division of Water Resources, headed by the State Engineer, is responsible for the administration and enforcement of Nevada’s water law. This includes overseeing the appropriation, distribution, and management of the state’s surface and groundwater.

The general groundwater policy of the State Engineer is to limit water withdrawals from a basin to the average annual recharge for that basin. However, in basins where an outside source of supply is assured, the State Engineer may allow withdrawals in excess of the annual recharge. To do this, the State Engineer designates the basin and issues temporary permits subject to revocation at a later date when water becomes available from an outside source. For example, in the Las Vegas Artesian Basin, “temporary revocable permits” have been issued and may be revoked when Colorado River water becomes available.

As part of the duties of the office, the State Engineer reviews applications for new water rights appropriations. In approving or rejecting an application, the State Engineer considers the following questions as set forth in NRS 533.370: “1) is there unappropriated water in the proposed source?; 2) would the proposed use impair existing rights?; and 3) will the proposed use prove detrimental to the public interest? Public interest is not defined by statute and the State Engineer can consider different issues, depending upon the individual application.”

For applications for interbasin transfers, the State Engineer considers the following per NRS 533.370.6: “1) Whether the applicant has justified the need to import the water from another basin; 2) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out; 3) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported; 4) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and 5) Any other factor the State Engineer determines to be relevant.”

For applications requesting a temporary change, the State Engineer considers the following, per NRS 533.345: “1) The application is accompanied by the prescribed fees; 2) the temporary change is in the public interest; and 3) the temporary change does not impair the water rights held by other persons. A temporary change can be granted for up to a year’s length of time.” If the State Engineer determines that the application for a temporary change is not in the public interest or has the potential to impair water rights held by other persons, a notice of the application will be given and a hearing held. A decision will be made as provided for in NRS 533.360.

Further explanation of Nevada Water Law and its administration is included in Appendix K: Summary of Nevada Water Law and Its Administration.

1.4.12.1.1 State Engineer Order 1169

In 1985, the Nevada Legislature authorized a program, a cooperative effort between the State of Nevada and the federal government, to study the carbonate-rock aquifer system of eastern and southern Nevada. Preliminary findings indicated that large-scale development (sustained withdrawals) have the potential to result in water-level declines in the aquifer system, deplete stored water, reduce flow of warm-water springs that discharge from regional aquifers, and deplete storage in nearby aquifers. However, confidence in prediction of the effects of development was low (Dettinger 1989). It was recommended that development be staged gradually and hydrologic conditions be monitored.

In State Engineer Order 1169, the Nevada State Engineer held in abeyance carbonate-rock aquifer system groundwater applications pending or to be filed in specified hydrogeographic basins, including the Coyote Spring Valley Basin “... until further information is obtained by stressing the aquifer by those water rights already permitted for the appropriation of water from the carbonate-rock aquifer system (Basin 210).” State Engineer Order Number 1169 specifies that a study must be conducted to provide information on the effect of pumping permitted rights that are not yet in production within the Coyote Spring Valley Basin on prior existing rights and the environment. The results of this study will be used to assess long-term impacts to the aquifer and down-gradient flows. No additional water rights will be issued to appropriate waters from the Coyote Spring Valley Basin until after the required pump test and report are completed and the Nevada State Engineer has determined that he has sufficient data to support the granting of additional permits. Development within Lincoln County will not occur without additional water resources being brought to the new town.

CSI is currently working with SNWA, LVVWD, MVWD, and Nevada Power Company, under direction of the Nevada State Engineer, to conduct the pump test and monitoring activity within the basin and surrounding basins in accordance with State Engineer Order 1169.

1.4.12.2 Nevada Revised Statutes that Address Wildlife and Plants

Nevada Revised Statutes (NRS) were amended, most recently in 1991, to expand the State's requirement to classify wildlife (NRS 501.110). The classification of species occurs through administrative regulation by the Nevada Board of Wildlife Commissioners (NRS 501.105 and 501.181) and is codified in the Nevada Administrative Code (NAC).

NDOW is the entity vested with statutory authority, through the NRS, to protect and manage resident wildlife in the state. The Nevada Board of Wildlife Commissioners establishes policy and regulations for the protection, propagation, transplanting, introduction and management of wildlife (NRS 501.105, 501.181, 501.331, 501.337). The desert tortoise is listed as protected and further classified as threatened in Nevada (NAC 503.080). Gila monster (*Heloderma suspectum*) is listed as a State Protected reptile (NAC 503.080). Specific regulations providing protection for all wildlife species classified as protected are set forth in NAC 503.090 and 503.093.

Plant species that may occur within the project area of the Proposed Action and that are listed as critically endangered by the State of Nevada are listed in NRS 527.270 and 527.050. As such, "no member of its kind may be removed or destroyed at any time by means except under special permit issued by the state forester." The Nevada Division of Forestry (NDF) also regulates the collection of cactus and yuccas through permit requirements under NRS 527.070.

NRS Chapter 278 gives Lincoln County authority to carry out a plan for infrastructure financing through the negotiation of DAs.

1.4.12.3 Stormwater Management

NDEP has adopted the General Permit for Stormwater Discharges Associated with Construction Activity (NVR100000), which supersedes the now-expired General Permit GNV0022241. This permit is administered and enforced by NDEP, with cooperation from local municipalities that have their own ordinances controlling discharges to the drainage system. The General Permit for Construction Activity establishes a number of stormwater management requirements for construction site owners and operators.

1.4.13 Lincoln County Legislation and Regulations

1.4.13.1 Lincoln County Master Plan

The Lincoln County Master Plan describes land uses throughout the County, provides for regional services and facilities, and governs development within unincorporated areas (Lincoln County 2006). The purpose of the plan is to guide the county's growth, management of natural resources, provision of public services and facilities, and the protection of the public's health, safety, and welfare. Goals and policies are established for growth, the plan's relationship with zoning ordinances, identifying lands for development, public services and facilities, parks and facilities, suitable housing, agriculture, transportation, and the county's economy. Land use guidance has been prepared specifically for the Coyote Springs Planning Area. The master plan is updated every five years. The most recent plan was released for the public on December 4, 2006.

1.4.13.2 Lincoln County Code Title 12, Flood Damage Prevention

The purpose of Title 12 of the Lincoln County Code (1983 Code § 15.08.010) is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas. It includes methods and provisions that, among others, control the alteration of natural floodplains, stream channels, and natural protective barriers that help accommodate or channel floodwaters; control filling, grading, dredging and other development that may increase flood damage; and regulate construction of flood barriers.

1.4.13.3 Lincoln County Code Title 15, Coyote Springs Planned Unit Development Code

Ordinance 2004-04 created the Coyote Springs Planned Unit Development Code (Coyote Springs PUD Code). The purpose of the Coyote Springs PUD Code, adopted by Ordinance No. 2004-04, is for the regulation and maintenance of planning and zoning within the Coyote Springs Planning Area, as authorized under NRS Chapter 278 (Planning and Zoning) and NRS Chapter 278A (Planned Development). The Coyote Springs PUD Code establishes a Planned Village Development Land Use Plan, which creates land use zones and the land uses allowed within these zones. The Coyote Springs PUD Code specifies minimum development and design standards for all buildings, streets, open space, and infrastructure (i.e., storm drainage, natural gas, etc.). The Coyote Springs PUD Code establishes a procedure to approve development as it occurs in phases. Planned Unit Development plans will be submitted to Lincoln County for approval or denial.

Ordinance 2005-07 authorized creation of the Coyote Springs – Lincoln County General Improvement District (GID). In accordance with NRS 318.1177, the Coyote Springs – Lincoln County GID is authorized to, among other things, establish an area or zone for the preservation of one or more species or subspecies of wildlife that has been declared endangered or threatened pursuant to the ESA. This authorization will allow the GID to establish, control, manage and operate or provide money for the establishment, control, management and operation of any such area or zone that is created.

Ordinance 2005-06 authorized creation of the Coyote Springs-Lincoln County Fire Protection and Emergency Medical Service General Improvement District (FPEMS GID). In accordance with NRS 318.1181 and 318.1185, the FPEMS GID is authorized to provide fire protection and emergency medical equipment and services.

1.4.13.4 Coyote Springs Development Agreement [DA]

The Coyote Springs DA between Lincoln County and CSI for the Coyote Springs Master Planned Community was conditionally approved on December 20, 2004, and unconditionally approved on June 6, 2005 (County and CSI 2005, Appendix E). The agreement details how the development will be implemented for the following components: public facilities; water conservation, reuse and sanitation; parks, open spaces, and schools; transportation; flood control; and review and financing.

Under the Coyote Springs DA, master plans will be developed for certain aspects of development. A Master Parks Plan for each park development will be created if Lincoln County adopts a Residential Construction Tax for construction of parks in accordance with NRS. CSI would assist in the development of a Master Plan for Schools. A traffic study and technical drainage study will be required with each Tentative Planned Unit Development plan. Under the Coyote Springs DA, CSI agreed to apply for a temporary stormwater construction permit and dust mitigation permit according to NDEP requirements.

1.4.13.5 Lincoln County Public Land Management and Use Plan

This plan, adopted by the Lincoln County Board of Commissioners in December 1997, guides the use of public lands and public resources in Lincoln County. The plan established a Lincoln County Public Lands Commission, which is no longer in existence. Instead, Lincoln County's Planning Commission now serves in this role. This plan developed policies for each of the following resources: water resources, forestry/desert products, agriculture, cultural resources, recreation, wildlife and fisheries, endangered species, wilderness, wild horses, grazing, wetlands, and access and transportation. It is intended to enhance coordination of public land management in the county prior to actions taken by federal agencies. Areas of concern addressed by the plan include private property rights, free market economy, local authority in land use decisions for local communities and individuals, and future viability of Lincoln County's rural communities.

1.4.13.6 Master Declaration of Covenants, Conditions and Restrictions, and Reservations of Easements for Coyote Springs Master Planned Community

On March 31, 2005, a Master Declaration of Covenants, Conditions and Restrictions and Reservations of Easements for Coyote Springs Master Planned Community was recorded in Official Records, Lincoln County, Nevada in Book 199, as Document No. 124249. It is anticipated that the Master Declaration will be amended

and restated during the third quarter of 2007. All private property within the CSI Development in Lincoln County will be held and conveyed subject to the covenants, conditions, restrictions, reservations, easements and equitable servitudes, liens and charges contained in the amended document.

Included in this document are conditions, easements and restrictions that may help protect sensitive species and their habitat. These include, among others, conditions and restrictions related to water use, reuse and waste, endangered species, landscaping control, open range/critical environmental lands, nuisances (e.g. restrictions on rubbish, noise, motorcycles, dirt bikes or other mechanized vehicles), weed control, drainage, paths and trails, fire, mining and drilling, and hazardous and toxic substances. Provisions are made for violations of these conditions and restrictions. Additional detail for conditions and restrictions that have the potential to benefit special-status species are provided in Chapter 6: Conservation Measures of the CSI MSHCP.

1.5 DOCUMENT STRUCTURE

The overall structure of the document is as follows:

- **Section 1: Introduction** provides an initial overview of the proposed federal actions and planned community, as well as background on project origins and development.
- **Section 2: Purpose of and Need for Action** further explains the purpose and need for these federal actions and CSI's purpose of developing the planned community.
- **Section 3: Description and Comparison of the Alternatives** lays out the proposed action, the No Action Alternative, and an additional action alternative. This section also describes alternatives considered and dismissed and provides a comparison of the retained alternatives.
- **Section 4: Affected Environment** describes the affected environment for each issue retained for analysis.
- **Section 5: Environmental Consequences** describes the environmental effects of each of the three alternatives considered in the EIS. It also presents additional sections required for EIS documents, such as unavoidable and irretrievable commitment of resources, unavoidable adverse effects, and the relationship between short term uses of the environment and maintenance and enhancement of long-term productivity. Cumulative effects of other actions in the past, present, and foreseeable future are also described.
- **Section 6: Compliance and Coordination** presents public and agency involvement in the process and lists of preparers, contributors, and to whom the EIS will be distributed.
- **Section 7: References Cited** provides a list of references cited throughout the main body of this document. References cited in the appendices will be listed at the end of the appropriate appendix.

Appendices of various materials supporting the analyses presented in this EIS are located in Volume 3: Appendices.

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Purpose and Need for Action

Section 2: Purpose and Need for Action

2.1 BACKGROUND

The action that triggers a need to apply for an incidental take permit is the Applicant's proposal to develop a new town in Lincoln County that would meet local housing needs and allow for economic development. The need for such a project in Lincoln County is driven by the economic needs of the county, which is 98 percent federally owned and as a result suffers economically due to the lack of sufficient revenues to provide adequate housing and services for its residents. Currently housing and services are substandard as compared to other areas within southern Nevada.

Concerns also have been raised by Lincoln County residents that the county's population is aging and younger people are forced to leave because of lack of economic opportunity (Lincoln County 1991, 2006; Gibbons 2004). U.S. Census data indicate that these concerns are valid. Between the 1990 and 2000 censuses, the population in Lincoln County within the 20 to 24 and 25 to 34 age groups decreased by 16.67 percent (U.S. Census Bureau 2000). Rural counties often see declines in the population sizes of these age groups, because these age groups often leave rural areas to seek better opportunities (Harris et al. 2004). Harris et al. (2004) suggest encouraging these age groups to stay should always be a goal for rural economic development.

Based on information from 1970 through 2003, Lincoln County has the fourth most unstable economy of Nevada's 19 counties. This indicates a dependency on a single economic sector, such as mining. Economic diversification would stabilize the county's economy (Harris et al. 2004). This instability index encapsulates a time frame when mining employment and real earned income declined by 95 percent (between 1980 and 1994) from the closure of several mining operations (Borden et al. 1996). Development of additional commercial and industrial facilities within the county can provide diversification and increased employment opportunities.

According to the U.S. Census Bureau, Nevada was the fastest growing state between 2000 and 2005, with a population increase of 20.8 percent (U.S. Census Bureau 2007). The Las Vegas Valley has seen the majority of this growth, with a net increase of 28.2 percent during the same time period (Clark County Comprehensive Planning 2007). Consistent with these data, the Las Vegas Valley has experienced a greater influx of people to the area than current housing and available land for development can support. Large parcels for development are scarce. The lack of available land has greatly impacted the land supply-demand chain in southern Nevada causing rapid increases in home prices over the past few years. The lands owned and leased by CSI are within a driving distance of the Las Vegas Valley (approximately 50 miles) and could contribute a housing supply for both Lincoln County and the Las Vegas Valley in Clark County.

The Clark County economy is driven by tourism/gaming, and the associated employment base is consequently weighted towards lower to mid-level paying service jobs in the entertainment and retail sectors. In general, the desirable ratio for home affordability is not more than three times income. The median price of a house in Las Vegas in 2003 was \$166,630, nearly four times the median family income of \$44,078 (U.S. Census Bureau 2008). The most recent data from January 2008 lists the median price at \$280,000, which is almost five times the median income of \$57,471 from the same time period (U.S. Census Bureau 2008).

The applicant's project is anticipated to benefit socioeconomic conditions within the region through 1) the development of additional affordable housing in southern Nevada with home prices starting anywhere from 10 to 35 percent less than current home prices within the Las Vegas Valley and 2) the development of increased economic opportunities and tax base for Lincoln County.

2.2 NEED FOR PROJECT AND FEDERAL ACTIONS

CSI, the Applicant, proposes to develop a master planned town (CSI Development) in southern Lincoln County, Nevada. The need for the USFWS and Corps actions is based on the potential that these activities

proposed by CSI on their property and lease lands could result in the take of Covered Species and effects to WOUS, thus, the need for incidental take and Section 404 permits. Issuance by the USFWS of a Section 10(a)(1)(B) incidental take permit, issuance of a CWA Section 404 permit by the Corps, and issuance of a right-of-way grant and reconfiguration of leased federal lands by the BLM are federal actions that trigger review under NEPA (42 U.S.C 4321-4347). Because BLM actions are necessary to implement the CSI MSHCP, those federal actions (reconfiguration of the land holdings and management of the BLM leased lands in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and the CSI MSHCP) are also analyzed in this EIS.

2.3 PURPOSE OF PROJECT AND FEDERAL ACTIONS

As noted in Section 1.0, this EIS has been developed for the following purposes:

- To evaluate the impacts of implementing the Coyote Springs Investment LLC's MSHCP by the Executive Committee (i.e., USFWS, CSI, and BLM);
- To address the issuance of a Section 10(a)(1)(B) incidental take permit (incidental take permit) by the USFWS based upon this plan;
- To protect and conserve the Covered Species and their habitat for the continuing benefit of the people of the United States;
- To address the issuance of a permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), to authorize the discharge of dredged or fill material into WOUS (desert dry wash habitat);
- To address the reconfiguration of the public and private land holdings;
- To address the management of the BLM leased lands with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and implementation of the CSI MSHCP, to protect and minimize any threat to federally listed endangered or threatened species;
- To address the issuance of a right-of-way grant for detention basins on BLM lands west of U.S. Highway 93; and
- To ensure compliance with the ESA, CWA, NEPA, and other applicable federal laws and regulations.

The USFWS is the acting lead agency, with the Corps and BLM⁵ as cooperating agencies. These agencies have determined these actions to be major federal actions requiring an EIS under NEPA and its implementing regulations (40 CFR 1500-1508). The agencies will determine whether the Proposed Action, or another alternative, should be permitted to proceed.

2.4 DECISIONS REQUIRED

2.4.1 U.S. Fish and Wildlife Service

Before issuing a 40-year incidental take permit for the Covered Species, the USFWS must affirmatively answer each of the following questions, as required by Section 10(a) of the ESA:

- Is the proposed take incidental to an otherwise lawful activity?
- Are the impacts of the proposed take minimized and mitigated to the maximum extent practicable?
- Has the applicant ensured that adequate funding will be provided to implement the measures proposed in the HCP?
- Is the proposed take such that it will not appreciably reduce the likelihood of the survival and recovery of the species in the wild?
- Are there any other measures that should be required as a condition of the permit?

⁵ The BLM is a cooperating agency because it holds the title to the lease lands under consideration in this project.

After reviewing the MSHCP and responding to these questions as required by ESA, the USFWS may issue a permit conditioned on implementation of the MSHCP submitted by the applicant; issue a permit conditioned on implementation of the submitted MSHCP together with other measures specified by the USFWS; or deny the permit application.

The USFWS must also conduct an internal consultation under Section 7 of the ESA to ensure that actions relative to the incidental take permit will not jeopardize the continued existence of threatened, endangered, or Covered Species or result in destruction or adverse modification of designated critical habitat. The internal Section 7 consultation on the USFWS's action of issuance of the incidental take permit would be completed before the Record of Decision is issued under NEPA.

2.4.2 U.S. Army Corps of Engineers

Before issuing a Section 404 permit for the proposed action, the Corps must answer each of the following questions as required by Section 404 of the CWA:

- Does the proposed action comply with the requirements of Section 404 guidelines, with or without inclusion of appropriate and practicable discharge conditions to minimize pollution or adverse effects to the affected aquatic ecosystems?
- Does the proposed action contribute to or cause significant degradation of the WOUS?
- Does the proposed action cause or contribute to violations of any applicable State of Nevada water quality standard?
- Does the proposed action violate any applicable toxic effluent standard or prohibition under Section 307 of the Clean Water Act?
- Does the proposed action jeopardize the continued existence of species listed as endangered or threatened under the ESA of 1973?
- Does the proposed action violate any requirement imposed by the Secretary of Commerce to protect any marine sanctuary designated under Title III of the Marine Protection, Research, and Sanctuaries Act of 1972?

After reviewing the EIS and other permit application materials and responding to these questions as required by the CWA, the deciding official (Corps) would decide whether to issue or deny permit authorization to allow for the placement of fill material into WOUS as proposed by the project and issue a permit as proposed, or deny the application at this time.

2.4.3 Bureau of Land Management

After reviewing the EIS, the deciding official (BLM) would decide whether or not to implement a reconfiguration of land holdings and manage the BLM leased lands in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and the CSI MSHCP, to protect and minimize any threat to federally listed endangered or threatened species. The BLM will also make decisions on the approval for the flood control structures and detention basins in the utility corridor west of U.S. Highway 93 in Lincoln County.

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Description and Comparison of the Alternatives

Section 3: Description and Comparison of the Alternatives

Consistent with NEPA requirements, this chapter presents a summary of the Preferred Alternative, one other action alternative, and a No Action Alternative. USFWS and BLM review projects in accordance with their respective and applicable regulations and policies. Additionally, the Corps reviews projects in accordance with its 404 regulations, including EPA's 404(b)(1) Guidelines, which also require an alternatives analysis. According to the 404(b)(1) Guidelines, "[o]n occasion, . . . NEPA documents . . . may not have considered the alternatives in sufficient detail to respond to the requirements of these Guidelines. In [such cases], it may be necessary to supplement these NEPA documents with this additional information." [40 CFR § 230.10(a)(4)] Appendix L is intended to provide the necessary supplementation to satisfy the alternatives analysis requirements of EPA's 404(b)(1) Guidelines.

Under the two action alternatives considered in this EIS, varying amounts of land would be developed, resulting in different levels of incidental take of federally listed species and different impacts to WOUS. Under the No Action Alternative, the proposed CSI MSHCP would not be adopted, permits pursuant to Section 10 (a)(1)(B) of the ESA and Section 404 of the CWA would not be issued by the USFWS and Corps, respectively, and the BLM would not reconfigure the land holdings, alter management of the BLM leased lands, or grant a right-of-way for detention basins in the BLM utility corridor west of U.S. Highway 93. The No Action Alternative provides a baseline against which to assess the environmental impacts of the Preferred Alternative and other action alternative.

Additional alternatives were considered during the development of the EIS, but rejected because they did not meet stated goals or objectives of CSI or the USFWS, or were not reasonable or feasible. These are described in Section 3.4: Alternatives Considered But Dismissed, after the section describing the alternatives retained for analysis. Off-site as well as on-site configurations to minimize effects to WOUS were analyzed for the associated Section 404 permit and are also included in Appendix L of this document. Alternatives considered were also compared in Section 3.5: Comparison of the Alternatives. A table indicating effects of each alternative that was fully analyzed has been included here.

3.1 ALTERNATIVES DEVELOPMENT

Pursuant to NEPA, an EIS is required to discuss the potential environmental impacts of a Preferred Alternative and alternatives (40 CFR 1508.9). A range of reasonable alternatives for activities within CSI lands that could reduce the impacts on sensitive species were evaluated with respect to feasibility and benefit gained.

The USFWS and NMFS *Habitat Conservation Planning Handbook* states that at least two types of alternatives need to be addressed in the HCP: (1) "any specific alternative, whether considered before or after the HCP process was begun, that would reduce such take below levels anticipated for the project proposal" and (2) "a no-action alternative, which means that no permit would be issued and take would be avoided or that the project would not be constructed or implemented." (USFWS and NMFS 1996). These same alternatives are analyzed in this EIS. In this EIS, the alternative analyzed that reduces take below levels anticipated for the project proposal is the No Action Alternative.

This section and Appendix L: Alternate Sites and Scenarios provides a description of the process used to develop alternative approaches to mitigate impacts on species addressed in the CSI MSHCP and impacts to WOUS, as well as a comparison of alternatives selected.

Various measures to avoid, minimize, and compensate for impacts on species addressed by the CSI MSHCP and potentially affected WOUS were evaluated. Several of these measures were grouped together to form alternatives. The alternatives were compared with the Preferred Alternative based on the evaluation criteria.

The criteria⁶ used to evaluate measures and alternatives in this EIS are as follows and described more fully below:

- conservation measures for MSHCP Covered Species,
- effects to WOUS,
- costs, and
- other impacts on the human or natural environment.

3.1.1 Conservation Measures for MSHCP Covered Species

Measures that would not result in substantial minimization of take or enhancement of numbers or habitat for MSHCP Covered Species would not meet project objectives for mitigating impacts and therefore were considered not effective. The Desert Tortoise Recovery Plan was reviewed when developing conservation measures, so they would be consistent with the recovery actions of the plan (USFWS 1994, USFWS in review).

For analyzing land configuration options within the project area, CSI conducted an intensive, science-driven process to identify a development configuration that would meet multiple resource conservation criteria and achieve consistency with or exceed conservation efforts in southern Nevada. CSI engaged science advisors, which included expert representatives from USFWS, University of Nevada–Reno (UNR), USGS, USFWS, and NDOW to assess alternative open space and reserve design options. The science advisors used site information, data from pertinent studies at other locations, and generally accepted principles of conservation planning in an effort to define and then refine reserve boundaries. They used an iterative process that considered all resident species and those that used portions of the property as dispersal corridors as well as minimizing disturbance to aquatic resources. An array of development and open space options were vetted; those involved development footprints that varied substantially in the number of reserved land patches, their sizes and distances apart, their edge and interior ratios, and their locations in relation to presumed landscape linkages that might be used as wildlife corridors. Biological assessments and other pertinent information were reviewed by the science advisors in light of local and regional species status, trends, and resource needs. Following additional discussions and site visits with resource agencies, including the USFWS, Corps, and EPA in 2006 and early 2007, the proposed land configuration was modified to the form as it appears in the Preferred Alternative (Figure 1-4). Earlier versions of land configurations considered are described in Section 3.4: Alternatives Considered but Dismissed.

Some of the minimization and mitigation measures discussed in the development of alternatives during TSC meetings from 2001 to 2004 included fences, soft-bottomed culverts, reserve areas, islands of habitat, pets, dust control, education, and landscaping.

3.1.2 Effects to Waters of the United States

Impacts to WOUS were considered when determining the feasibility of alternatives and mitigation measures. Loss or alteration of ephemeral surface water drainages and flow could potentially occur. Measures that would not result in minimization of effect to WOUS do not meet project objectives and therefore were not considered effective.

3.1.3 Cost

The estimates of the costs of implementing mitigation measures include capital, operations and maintenance. Conservation measures that were unduly costly, especially if the costs did not result in substantial added benefits to MSHCP Covered Species, were considered economically infeasible.

⁶ Somewhat different criteria are used to evaluate impacts to WOUS under the 404(b)(1) Guidelines, and those are discussed in Appendix M.

3.1.4 Other Impacts on the Human or Natural Environment

Impacts on the human or natural environment were considered in the determination of the feasibility of mitigation measures and alternatives. Potential impacts include the effects on cultural resources, the local economy, and actions beneficial to natural resources. If implementation of a mitigation measure or alternative would result in potentially significant and adverse direct or indirect effects on the human or natural environment, it was considered infeasible. Such impacts and measures discussed in the development of alternatives included light pollution, noxious weeds, resident-wildlife interactions, islands of habitat, OHV use, affordable housing, CCRs, managing predators and urban wildlife, golf course design, smart growth measures, and transportation issues.

3.2 ALTERNATIVES CONSIDERED FOR THE EIS

3.2.1 No Action Alternative

Under the No Action Alternative, the proposed CSI MSHCP and creation of the Coyote Springs Investment Conservation Lands (CSICL) would not occur, and permits pursuant to Section 10 (a)(1)(B) of the ESA and Section 404 of the CWA would not be issued for development of the CSI lands in Lincoln County. The BLM also would not reconfigure the land holdings or alter existing management of the BLM leased lands. No right-of-way grant for detention basins in the BLM utility corridor would be issued by BLM. Thus, CSI's project purpose, as defined in the Section 404 application (Appendix P), would not be met under the No Action Alternative.

The existing land configuration of CSI private and lease lands would be maintained. Lease lands in Lincoln County would remain an island within the privately-owned land (Figure 3-1).

Because of the proximity of private CSI lands in Lincoln County to ongoing development on adjacent private CSI lands in Clark County, development of the private land in Lincoln County would likely occur in the future. If the No Action Alternative is chosen, it is anticipated that private CSI lands in Lincoln County, totaling approximately 21,454 acres, would be sold to individual landowners, who would be responsible for obtaining required incidental take and Section 404 permits. Individual landowners would be responsible for SHPO coordination if development of their properties were to potentially impact known cultural resources. Individual landowners would also be responsible for negotiating mitigation measures with the appropriate regulatory agencies.

If CSI lands in Lincoln County were sold to individual landowners, these individual owners would be responsible for developing infrastructure, including roads and water, sewer, and power facilities. Because of the lack of existing infrastructure, development of the CSI private lands by individual landowners would likely not occur across the entire 21,454 acres of land. Detention basins within the BLM utility corridor west of U.S. Highway 93 would likely not occur as a result of development by individual landowners under the No Action Alternative.

Land leased by CSI from BLM in Lincoln County (approximately 7,548 acres) would be available for the full suite of activities authorized in the Land Lease Agreement. The uses for this land could include constructing and operating roads, utility lines, storage facilities and wells, and for any other lawful purpose which the Secretary of the Interior may authorize, subject only to the requirements of the Nevada-Florida Land Exchange Authorization Act of 1988 and to reasonable requirements the Secretary of Interior may establish for the protection of the desert tortoise and any other species of fish, wildlife, or plants. Under the No Action Alternative, CSI could retain the lease in full or could assign one or more small areas to a third party for use specifically to support activities on the private lands. If development occurred under the existing configuration, the lease lands would likely need to be used for roads, utilities, and other approved uses to support and connect the projects that would occur on both the east and west sides of the leased area.

Under the No Action Alternative, the 6,219 acres of CSI lease land in Clark County would not be counted as a mitigation measure for activities on lands in Lincoln County to desert tortoise. The 6,219 acres would still be added to the CSICL, as described in ENTRIX et al. 2005, but would not be managed for the conservation of desert tortoise and other Covered Species. Therefore, the No Action Alternative would not result in the

creation of conservation lands that would be permanently managed for the conservation of the desert tortoise and other Covered Species.

Under the No Action Alternative, funding mechanisms afforded by the CSI MSHCP would not be available to the USFWS, unless individual Section 10 permits with similar provisions were issued to individual landowners. No oversight or coordination afforded by the CSI MSHCP would be available. Under the No Action Alternative, no adaptive management plan or coordinated monitoring program for special status species would be developed or implemented.

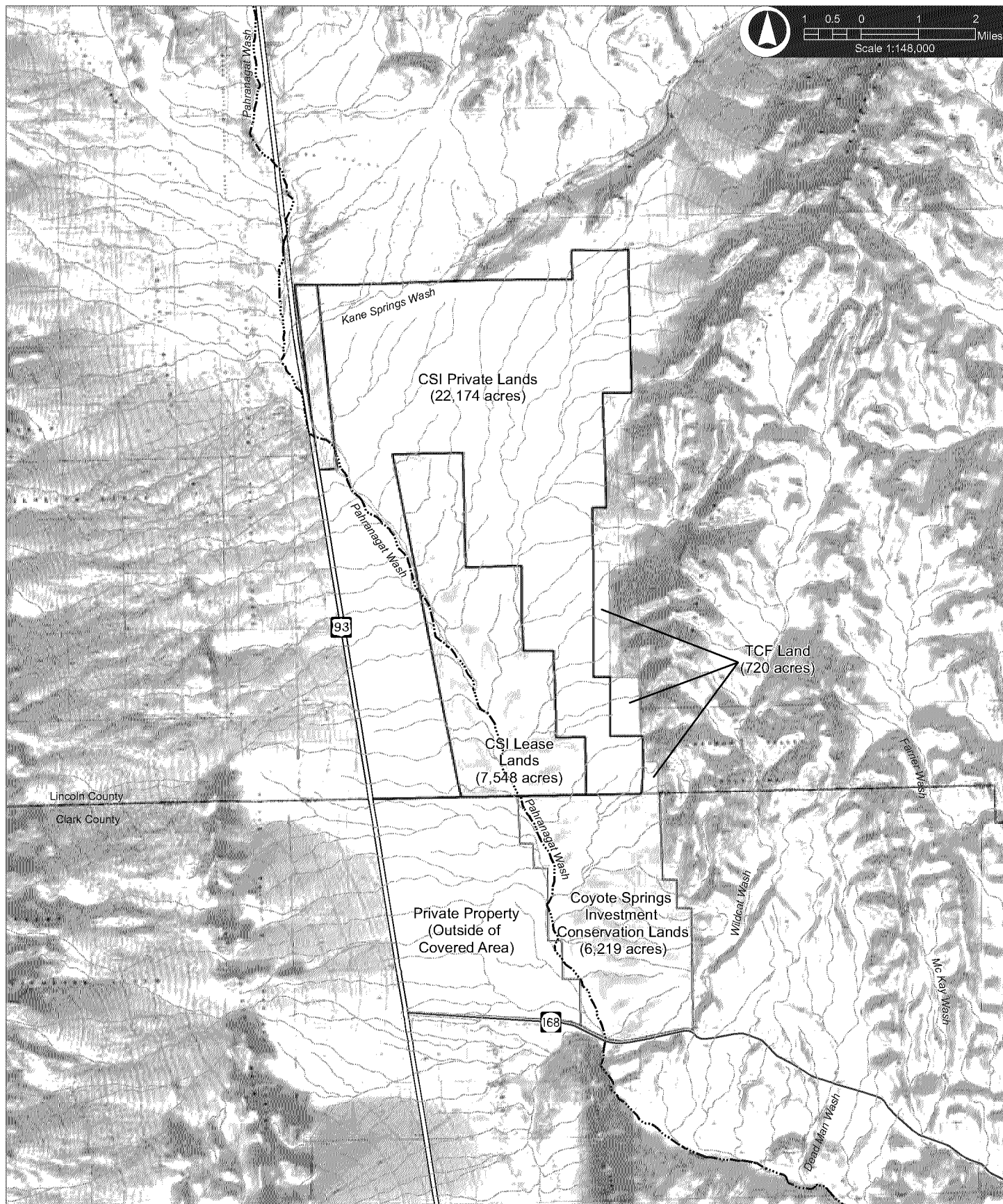
3.2.2 Preferred Alternative – Restricted and Phased Development of a New Town Consisting of a Planned Community with Resource Management Features

Under the Preferred Alternative, a CSI MSHCP would be implemented for the Development Area and CSICL; the USFWS would issue a 40-year incidental take permit to CSI for activities specified in the CSI MSHCP; the Corps would issue a Section 404 permit to CSI for the CSI Development, including activities in the BLM utility corridor; and the BLM would reconfigure the land holdings, manage the BLM leased lands in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and the CSI MSHCP, and grant a right-of-way for detention basins in the BLM utility corridor west of U.S. Highway 93 for flood control purposes. This alternative would allow CSI to develop a town in southern Lincoln County, Nevada, and to implement conservation measures, as described below. Covered and Evaluation Species that would be addressed under the CSI MSHCP and the incidental take permit are described in Table 1-1. Activities would be implemented under the Preferred Alternative (as a result of issuance of these two permits) within the project area. Activities related to the CSI MSHCP would only occur within the Development Area and CSICL, while activities related to the Section 404 permit would also occur within the BLM utility corridor.

Components of the CSI Development include: 1) community development and construction activities, 2) recreational facilities and open space, 3) utility infrastructure, 4) water supply infrastructure and management, 5) flood control structures and maintenance, and 6) resource management features.

The proposed town would include residential housing, mixed-use urban villages, public buildings, and other public facilities. Commercial and light industrial development would occur to support the local community. Hotels, resorts, and casinos would be built. Roads and bridges would be constructed. Recreational facilities (e.g., golf courses, amusement parks, parks, playfields, trails and open space areas) would serve residents and visitors. Utilities and other infrastructure would be developed to serve the town. These would include power facilities, possible renewable energy production facilities, sanitary sewer and wastewater treatment facilities, stormwater facilities, solid waste disposal transfer stations, and telecommunications facilities. Water supply treatment facilities, monitoring wells, production wells, storage facilities, and transmission and distribution facilities would also be Covered Activities under this alternative. Treated effluent storage, distribution and discharge facilities would be constructed. Flood control structures would be developed and operated. Resource management features would be an important component of the Preferred Alternative. These features would include a re-alignment of the existing land ownership (to protect special status species and their habitat and to minimize and avoid impacts to WOUS) and designation of conservation lands.

CSI owns approximately 21,454 acres of land in Lincoln County. Additionally, CSI has a 99-year lease (with an automatic renewal for 99 years unless terminated by CSI) from the BLM on approximately an additional 7,548 acres in Lincoln County and 6,219 acres in Clark County. Total build out of the proposed CSI Development would cover approximately 21,454 acres of privately-owned land (Development Area). Full build out may occur over a period of up to 40 years. Detention basin facilities could be sited within the BLM utility corridor west of U.S. Highway 93, which would impact up to 244 acres of public land alongside the Development Area in Lincoln County. This activity would not be included in the CSI MSHCP.



Full build out may occur over a period of up to 40 years. The timing and ultimate extent of construction activities under the Preferred Alternative would be limited by the availability of water for the community. An estimated 70,000 afa of water is needed to reach a full build out of the Development Area in Lincoln County. Currently, CSI and its affiliates (specifically Tuffy Ranch Properties, LLC) hold approximately 36,000 afa in certificated groundwater rights in various basins within Lincoln County. Tuffy Ranch Properties, LLC also holds approximately 7,670 afa of surface water in three different basins in Lincoln County. 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 comply with all legal requirements under Nevada Water Law and regulations as specific projects are identified. At present, the only groundwater supply approved by the State Engineer (Ruling #5712) and designated for use within the project area is 1,000 acre-feet appropriated within the Kane Spring Valley, which was addressed in the Kane Springs Valley Groundwater Development Project EIS. Additionally, CSI is in the process of acquiring surface water rights (principally by acquiring irrigation district shares) on the Muddy and Virgin rivers in Clark County. These additional water rights and associated groundwater development will not be included as Covered Activities within the Preferred Alternative.

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 would be allowed by the State Engineer.

Cumulative effects 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 cumulative effects analysis of groundwater resources. Any further discussion at this time would be purely speculative.

Because the land owned by CSI's affiliate in Lincoln County and the Development Area 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 area would be subject to full NEPA compliance and Section 7 consultation under ESA.

Resource management features of the Preferred Alternative would include a re-alignment of the existing land ownership and designation of conservation lands. Resource management features would be implemented within the project area. Under the Preferred Alternative, BLM and CSI would reconfigure the layout of the leased and private lands from the existing configuration (Figure 3-2). Under the existing configuration, CSI lease land is an island within the CSI private land. This configuration presents cumbersome management for both the BLM and CSI. Further, development of private land in the existing configuration could isolate desert tortoise and other wildlife within the leased area. The reconfigured layout would consolidate the private land to the west and the lease land adjacent to the BLM ACEC along the east side of the property. Therefore, habitat connectivity between the lease land and BLM ACEC would be maintained as tortoises and other wildlife would be able to move between these lands.

CSI has designated approximately 7,548 acres in Lincoln County and 6,219 acres in Clark County, for a total of 13,767 acres that would be managed by BLM in accordance with the Land Lease Agreement, pursuant to the Nevada-Florida Land Exchange Act of 1988, and the CSI MSHCP, to protect and minimize any threat to federally listed endangered or threatened species.

Before development would occur, a Tentative Planned Unit Development (PUD) Plan would be prepared and submitted to Lincoln County for approval. This plan would meet the requirements set forth in the Coyote Springs PUD Code, as well as provide more detailed information prior to each phase of development. Components of project permitting would be coordinated and implemented in a programmatic way, with permits issued as development features are finalized and implemented over time. In this way, implementation of the planned community, as well as specific conservation measures, can occur within an adaptive management framework. Figure 3-2 shows the proposed layout of the new town with the land reconfiguration, along with the location of a conservation easements along the Pahrangat Wash and preserved WOUS (a conservation measure discussed below) and the location of the CSICL for the Preferred Alternative.

Under the Preferred Alternative, CSI would develop a Memorandum of Understanding (MOU) with the Nevada SHPO. CSI would abide by all provisions of the MOU with the Nevada SHPO to protect known

cultural resources. The MOU would adopt a programmatic plan for cultural resources that establishes study methods including level of investigation, testing, analysis, and record keeping for implementing these methods within the project area prior to land disturbing activities that may impact or destroy cultural resources. CSI would coordinate with the Corps and the tribes to complete the Section 106 consultation process.

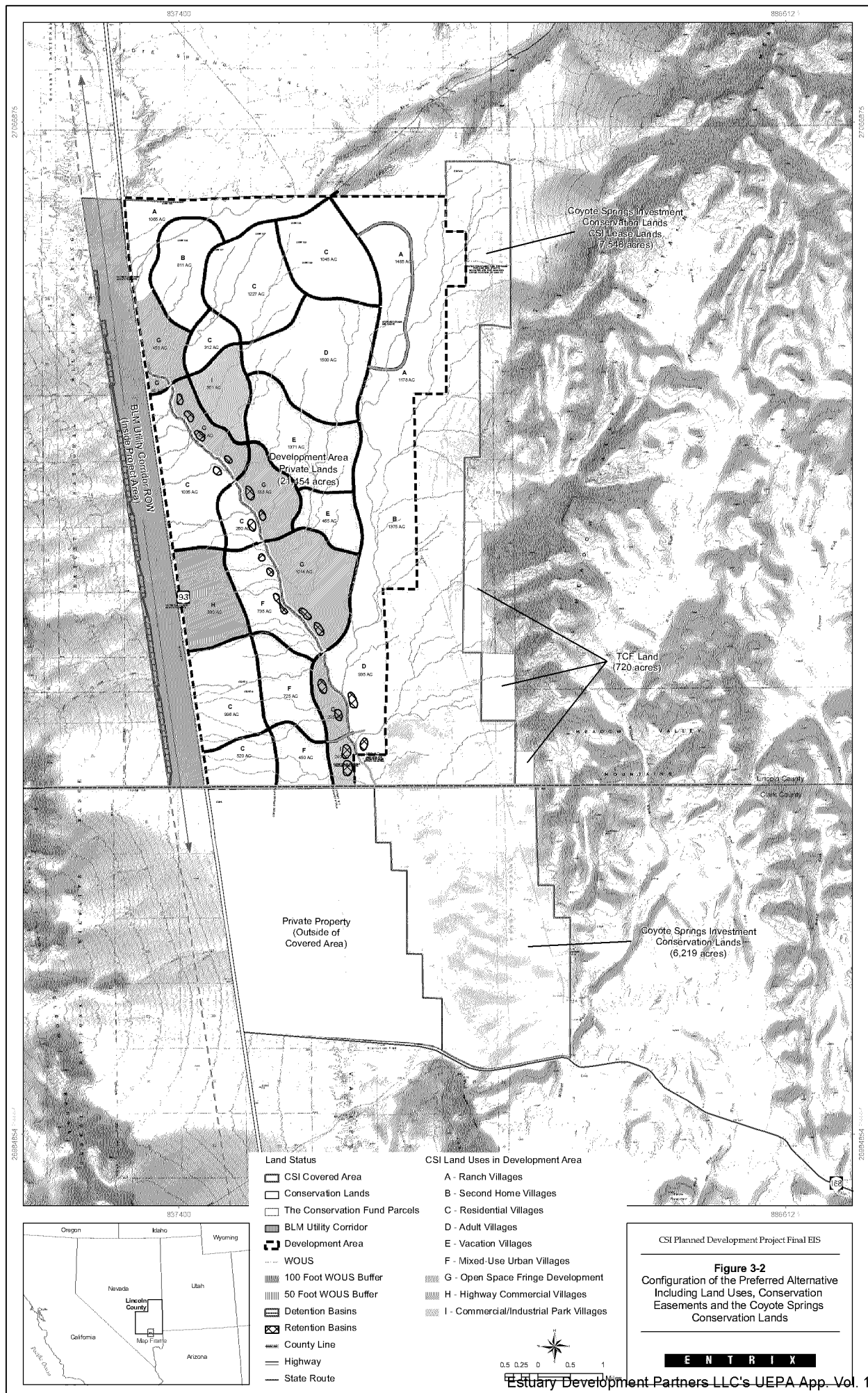
3.2.2.1 Activities Related to the CSI Development

Six general categories of activities listed in Table 3-1 would be associated with establishment, maintenance, and operational features for the CSI Development.

Table 3-1 Summary of Covered Activities for the Preferred Alternative

Covered Activity	Associated Actions
Community Development and Construction Activities	Residential land use Public building land use Hotels and resorts land use Commercial and light industrial land use Roadway construction and maintenance Bridge construction and maintenance Horticultural land use Heliports
Recreational Facilities and Open Space	Golf courses Parks Sports fields Wash corridors/preserves Pedestrian and equestrian trails
Utility Infrastructure	Power (electric and gas) Solar energy Wastewater collection, treatment and disposal Reclaimed water facilities and operations Stormwater facilities Solid waste disposal Telecommunication
Water Supply Infrastructure and Management	Water treatment Monitoring wells Injection wells Production wells – facilities for production of existing permitted water rights pursuant to the Muddy River MOA or other future Section 7 compliance Storage facilities Distribution facilities Effluent supply use and management On-site disposal of excess treated effluent
Flood Control Structures, including Stormwater Management	Alteration of WOUS Detention and retention basins Stormwater conveyance and treatment (open ditches, pipes) Culvert placement
Resource Management Features	Land ownership re-alignment Coyote Springs Investment Conservation Lands

Some actions associated with the proposed town in Lincoln County, however, have already been or would be evaluated under separate ESA Section 7 consultations, Section 404 permitting processes, and NEPA processes. These actions are not components of the alternative, unless otherwise specified in this section. Certain activities related to delivery of water to the Development Area will be covered by separate ESA consultations. In some cases, these activities may coincide with separate ESA consultations (see Section 1.4: Related Planning Efforts).



3.2.2.1.1 Community Development and Construction Activities

Community development and construction activities could ultimately result in the conversion of up to 21,454 acres of the Development Area from desert habitat to residential homes and villages, mixed-use urban villages, public buildings, hotel and resorts, recreational, commercial and light industrial areas. Table 3-2 summarizes the different types of development and estimates of the corresponding acreage, in addition to the percent of total development each type of development is anticipated to comprise. Community development activities include land clearing, structure construction, and landscaping activities required for the community.

Table 3-2 Land Use Category and Estimated Percentage Breakdown for Preferred Alternative

Development Type	Percentage of Development	Acreage of Development	Mid-Range Percentage	Acreage
Residential – single family	65 to 80 percent ¹	13,945 to 17,163	72.5 percent	15,554
Residential – multi-family	5 to 10 percent ¹	1,072 to 2,145	7.5 percent	1,609
Commercial and light industrial	5 to 10 percent ¹	1,072 to 2,145	7.5 percent	1,609
Hotels and resorts	2 to 6 percent ¹	429 to 1,287	4.0 percent	858
Open space	5 to 12 percent ¹	1,072 to 2,700	8.5 percent	1,824
Reserve designation (CSICL)	25 percent of Total Acreage ²	7,548		7,548
Total			100.0 percent	29,002
¹ Percentage of total development acreage (21,454 acres)				
² Percentage of total Lincoln County private and leased acreage (29,002 acres)				

Development would be phased over a number of years, which would include a limit of 2,000 acres of disturbance per year for the first eight years. An application has been made for a 40-year permit, because that is the length of time anticipated to reach the full buildout of the CSI private lands. It is important to note that this scenario assumes availability of adequate water for the CSI Development. Less development or a delayed timeframe for implementation of this project could occur if water sources are not available. Construction would not occur unless adequate water sources were available at the time. Table 3-3 identifies the approximate areas and acreage to be developed within the 40-year timeframe of the permit. These acreages are based upon the fiscal analysis developed for the CSI Development, but this scenario is an approximation of the general development of the area (Meridian Business Advisors 2007). Construction activities would generally begin in the southwestern corner of the Development Area, along the Clark County border, and expand north- and eastward toward the CSICL. The northeastern portion of CSI private land adjacent to the CSICL would be disturbed last.

Table 3-3 Estimated Location and Amount of Land Disturbance Associated With Community Development Activities

Year	Types of Land Uses	Location	Estimated Acres
0-5 years	Residential Villages (C), Mixed-Use Urban Villages (F)	southwest portion of Development Area	1,257
6-10 years	Mixed-Use Urban Villages (F), Highway Commercial Villages (H)	along U.S. Highway 93 and in southwestern portion of Development Area west of Pahranaagat Wash	2,858
11-15 years	Residential Villages (C), Open Space Fringe Development (G), Commercial/Industrial Park Villages (I)	east and west of Pahranaagat Wash in Development Area	4,118
16 -20 years	Vacation Villages (E), Commercial/Industrial Park Villages (I)	center of Development Area	4,850
21-25 years	Residential Villages [C], Adult Villages (D), Open Space Fringe Development (G)	north-center of Development Area, along the eastern edge of Pahranaagat Wash	3,650
26-30 years	Ranch Villages (A), Second Home Villages (B), Open Space Fringe Development (G)	along U.S. Highway 93 and along east side of Pahranaagat Wash	3,023

Table 3-3 Estimated Location and Amount of Land Disturbance Associated With Community Development Activities

Year	Types of Land Uses	Location	Estimated Acres
31-35 years	Ranch Villages (A), Second Home Villages (B), Adult Villages (D)	eastern and northern edge of Development Area	802
36-40 years	Unspecified	Unspecified	158
Total	All	All	20,716

DEVELOPMENT AREA

RESIDENTIAL

Under the Preferred Alternative, residential development would be organized into village types and may consist of single-family and multiple-family dwelling units. Descriptions of these village types are provided in Table 3-4. Five residential dwelling units could be constructed per gross acre. Residential areas would eventually cover approximately 65 to 80 percent of total development and may eventually include 111,000 residential dwelling units, based on the density allowed under the Coyote Springs Development Agreement (County and CSI 2005). If development were ultimately limited to fewer acres than the 21,454 acres, there would be a corresponding reduction in residential dwelling units built.

Table 3-4 Village Types Proposed for Development

Village Type	Description of Village	Lot Size (acres)	Dwelling Units per Acre (DUA)
Ranch villages	Larger residential lots, with equestrian/ranch environment	0.5 – 10+	0.8
Second home villages	Custom home sites for weekend retreats, seasonal and year-round living within recreational environment, abundant amenities	Up to 2	1.5
Residential villages	Affordable primary homes and communities for first time buyers and primary families	2 – 20 DUA	6.0
Adult villages	Senior active lifestyle communities with age restrictions, abundant amenities	2 – 20 DUA	6.0
Vacation villages	Mix of year-round, seasonal and vacation living, and overnight stays	2 – 40 DUA	8.0
Mixed-use urban villages	Community service facilities, neighborhood commercial facilities, employment and residential living combined with small town character setting	-	12.0
Open space fringe development	Border recreational open space corridor within Pahrnagat Wash incised ephemeral channel and connected to larger open space corridor that networks community together	20 percent within open space network developed at 2 – 40 DUA	6.0
Highway commercial villages	Quality employment base that serves community and highway corridor	-	8.0
Commercial/industrial park villages	Quality employment base allowing growth of industry and economic stability within community. Residential uses may be included in tentative PUD plan submittals.	-	Unknown

Residential land use zones have been designated in the previously developed Coyote Springs PUD Code and are summarized in Table 3-5. Residential and commercial uses also may be permitted in mixed-use zones (CS-M-U) on a single lot or within a single integrated development on multiple lots.

Table 3-5 Residential Land Use Zones

Land Use Zone Code	Land Use Zone	Description of Zone	Development Density (DUA)
CS-R-U	Rural Open Land Zone	Very low density residential dwellings	0.5 (maximum)
CS-R-E	Rural Estates, Residential Zone	Low density residential use	0.5 (maximum)
CS-R-A	Residential Ranch Zone	Areas suited for equestrian activities, including residential use	1 (maximum)
CS-R-D	Suburban Estates Residential Zone	Low density, single-family residential uses	10,000+ square feet per lot
CS-R-1	Single Family Residential Zone	Single-family residential dwellings	3 – 6
CS-R-2	Medium Density Residential Zone	Compact single-family and two-family residential dwellings	6 – 12
CS-R-3	Multiple-Family Residential Zone	Medium density residential use, including apartments	18 (maximum)
CS-R-4	Multiple-Family Residential Zone	High density residential use, including apartments	25 (maximum)
CS-R-5	Apartment Residential Zone	High density apartment residential use	50 (maximum)

PUBLIC BUILDINGS

Public buildings would be constructed to support the residents of the future community. These may include schools, public library, and public services (e.g., government buildings, fire and sheriff's substations). A temporary, satellite government facility site would be constructed, consisting of at least 2.5 acres, before the 1,000th residential building permit would be issued. Temporary facilities may include a sheriff's substation and related facilities; administrative offices for Lincoln County and other governmental agencies; and a Justice Court facility. A permanent satellite government facility of at least 7.5 acres would be constructed before the 40,000th residential building permit is issued. Permanent facilities may consist of a sheriff's substation and related facilities, administrative offices for Lincoln County and other governmental agencies, and a Justice Court and potentially District Court facilities. These buildings would occur within the mixed-use urban village areas.

The Coyote Springs–Lincoln County Fire Protection and Emergency Medical Service General Improvement District (GID) would provide fire and emergency medical services within the community. If additional facilities were needed, they would be constructed and would be similar in size to facilities that cover a comparable area in Clark County by the Clark County Fire Department.

School sites would be built on a threshold basis as follows:

- Before the first Tentative PUD Plan including residential units would be approved, 15 acres would be reserved for a potential school site, until the site was dedicated or is relocated and/or released.
- When a maximum projected student enrollment reaches 350 students per school site, 10 acres would be reserved for an elementary school site before issuing a building permit for the 1,200th residential unit. The site would remain reserved until it was dedicated or the site was relocated and/or released.
- Thereafter, when a maximum projected student enrollment of approximately 350 students per school site was reached, 10 acres would be reserved for an elementary school site before issuing a building permit for each successive 1,600th residential unit. The site would remain reserved until dedicated or the site was relocated and/or released.
- Once the maximum projected student enrollment of approximately 525 students per school site is reached, 15 acres would be reserved for a middle school site before issuing a building permit for the 2,000th residential unit. The site would remain reserved until it was dedicated or the site was relocated and/or relinquished.
- Thereafter, when a maximum projected student enrollment of approximately 525 students per school site is reached, 15 acres would be reserved for a middle school site before the issuance of the building permit for

each successive 5,300th residential unit. The site would remain reserved until it was dedicated or the site was relocated and/or relinquished.

- When a maximum projected student enrollment of approximately 1,400 students per school site was reached, 30 acres would be reserved for a high school site before the issuance of the building permit for the 2,000th residential unit. The site would remain reserved until it was dedicated, or the site was relocated and/or released.
- Thereafter, when a maximum projected student enrollment of approximately 1,400 students per school site was reached, 30 acres would be reserved for a high school site before the issuance of the building permit for the 12,500th residential unit. The site would remain reserved until dedicated or the site was relocated and/or released.
- Additionally, a maximum of 20 acres would be dedicated for supply warehouse, school bus storage, and maintenance facility purposes for School District use. School facilities that are not owned or operated by the School District may be constructed. These facilities may include private or charter schools, denominational schools, or other school facilities not associated with the School District.

HOTEL AND RESORTS

Hotels, resorts, and casinos have been proposed for development to accommodate future tourism within and around Lincoln County. The exact location of such buildings is yet to be determined, but would be located in the established Resort Zone (CS-H-1). This zone would provide for the development of gaming enterprises, commercial, and mixed use and residential uses compatible with gaming enterprises. The hotels and resorts would comprise approximately 400 to 1,300 acres (4 percent), and the estimated number of hotel rooms would range from 670 in Year five to 5,000 in Year 25. The estimated number of visitors would range from approximately 238,400 guests in Year five to 2,138,000 guests in Year 25. Gross gaming revenues resulting from these visitors, as well as from residents of the CSI community, would range from approximately \$20.9 million to \$3,307 million over the same time period (Meridian Business Advisors 2006). Non-residential land use zones are described in Table 3-6.

Table 3-6 Non-Residential Land Use Zones

Land Use Zone Code	Land Use Zone	Description of Zone	Area of Site (acres)
CS-C-P	Office and Professional Zone	Office and professional service areas	-
CS-C-1	Local Business Zone	Retail businesses or personal services, serve as convenience to village	< 10
CS-C-2	General Commercial Zone	Accommodate full range of commercial, or mixed commercial and residential areas	> 10
CS-M-D	Designed Manufacturing Zone	Light manufacturing establishments with limited outside activity	< 10
CS-M-1	Manufacturing Zone	Light manufacturing establishments	> 10
CS-M-2	Industrial Zone	Operation of most intense manufacturing and industrial activities	-
CS-P-F	Public Facility Zone	Public buildings, airports, structures, and associated activities; related private buildings, structures, and associated activities	-
CS-O-S	Open Space Zone	Permanent open space, prevent irreversible environmental damage to sensitive areas, provide recreational opportunities, including qualified parks	-
CS-REC	Recreational Zone	Public or private programmed or non-programmed recreational areas, including an amusement park and qualified parks	-
CS-RVP	Recreational Vehicle Park Zone	Provide location and development of sites suitable for temporary or transient lodging in recreational vehicles	-

COMMERCIAL AND LIGHT INDUSTRIAL DEVELOPMENT

Commercial and light industrial development (i.e., warehouses, research facility) could include office/business parks, mixed use commercial/entertainment/recreation/tourism, which could support restaurants, retail and service establishments. Between five and 10 percent of the Development Area (1,100 to 2,300 acres) would be developed for these purposes. Non-residential land use zones are described in Table 3-6.

GREEN BUILDING STANDARDS

The Green Building Partnership, a joint effort of the Southern Nevada Home Builders Association (SNHBA) and the Green Building Initiative of Portland, Oregon (a not-for-profit educational organization), researched and developed the requirements of the voluntary program to direct the efficient use of resources, materials, energy and water, and maximize the indoor environmental quality in new housing.

Green building standards adopted by the SNHBA (2006) would be implemented in the CSI Development Area. These include standards for resource efficiency, energy efficiency, water efficiency, and indoor environmental quality. Operation, maintenance, and homeowner education standards would be applied. Low- or no-volatile organic compound (VOC) indoor paints would be used. A home enrolled in the SNHBA endorsed Green Builder Program would require field verification by a Certified Home Energy Rating System (HERS) rater and would follow home inspection sampling guidelines endorsed by the DOE/EPA and the Residential Energy Services Network (RESNET). Standards for certification and verification of approved HERS raters would be implemented.

ROADWAY CONSTRUCTION AND MAINTENANCE

Under the Preferred Alternative, CSI would construct and maintain, until dedicated to a governmental entity or an owner's association, all internal public and private roadways for the town, including, but not limited to: rights-of-way, drainage facilities, roadway construction, utility installations and modifications, noise attenuation devices, bridging structures, lighting, traffic control equipment and signage, aesthetic improvements, landscaping, and other such features customarily provided in a planned community or town. For any improvements to roadways and intersections within the Development Area, CSI would maintain a minimum Level of Service (LOS) of D as defined in the Highway Capacity Manual (TRB 2000).

The types of improvements and maintenance activities anticipated for existing roads (U.S. Highway 93 and/or State Route 168) would include capacity expansion, additional access points, sealing, weed control, storm drainage repairs, and general repairs. CSI would be responsible for any traffic impacts directly associated with the town that would result in required improvements along U.S. Highway 93 from the southerly county line to the northernmost property line of the Development Area intersecting U.S. Highway 93, as would be required by the Coyote Springs GID. Under the Preferred Alternative, CSI would also be responsible for improvements to any other roadway or interchange required to achieve the minimum level of service (LOS of C) with a maximum service flow rate of 1,900 pc/h/ln (passenger cars per hour per lane). A traffic study and monitoring program would be developed and implemented, in cooperation with NDOT, with improvements paired with traffic count triggers.

BRIDGES

Up to four bridges could be constructed to span the Pahrnatag Wash incised ephemeral channel (Figure 3-2). The bridges would, to the extent feasible, be sited, designed, and constructed to minimize or avoid potential impacts to WOUS (Figure 3-3). Bridge construction would be phased, as needed, to support each phase of the development. Additional bridges and/or drainage crossings would likely be required to span some of the east-west washes on both sides of the Pahrnatag Wash incised ephemeral channel. Up to 14 major arterial crossings of WOUS would occur with approximately 32 minor arterial crossings of WOUS.

AGRICULTURE

Up to two hundred acres would be set aside for a combination of nursery, sod, and tree farms. A nursery providing native plants and sod farms would be developed and used to supply CSI facilities such as golf courses. Existing CSI nursery operations would be expanded. Chemical pesticides would not be used. Drip irrigation would be used for the facilities.

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).

3.2.2.1.2 Recreation Facilities and Open Space

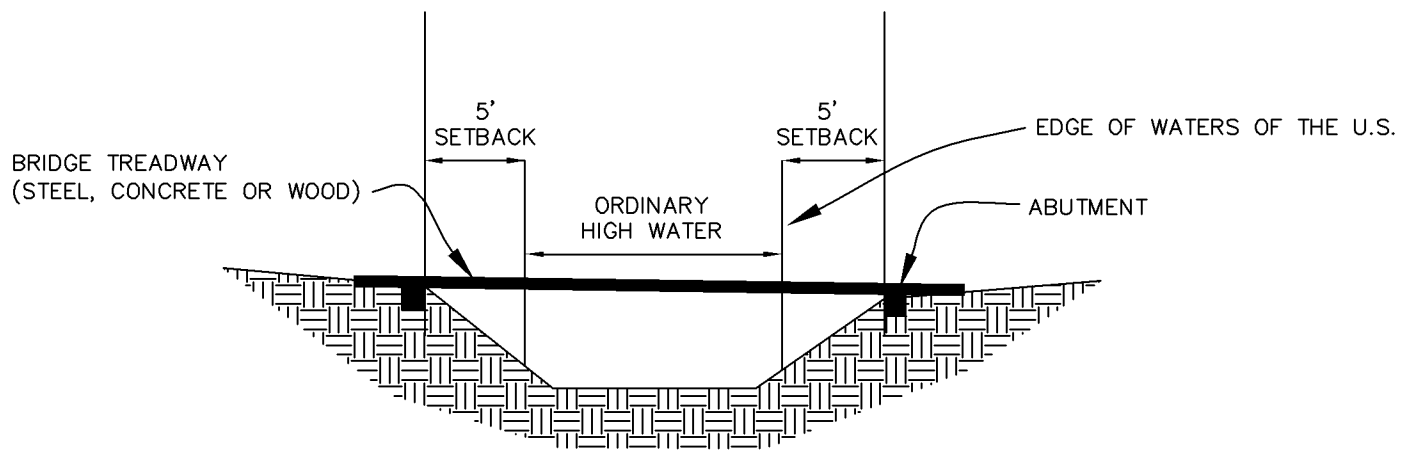
Recreational facilities, which may include an amusement park and open space, such as golf courses, parks, sports fields, wash corridors, and trails (i.e., hiking, horseback riding, walking biking) would be constructed and maintained to serve future residents and visitors. Parks, recreational facilities, and open space would be constructed in a phased approach:

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

Amenities that may be included in each park, recreational facility, or open space are turf areas, trees, irrigation, playground apparatus, playfields, play areas, picnic areas, and other recreational facilities and equipment designed to serve the residents. CSI could also construct and include stormwater detention basins, drainage channels, and floodways in parks, recreational facilities, and open space, if all required approvals to be obtained. Non-residential land use zones are described in Table 3-5.

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

SECTION VIEW



NOT TO SCALE

CSI Planned Development Project Final EIS

Figure 3-3
Typical Roadway Design for Dry
Wash Drainage Crossings