



PUBLIC NOTICE

Red Rock Channel – Storm Drain Infrastructure

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

Public Notice No.: 408-SPL-PN-2022-0006

Permit No.: 408-SPL-2022-0006

Comment Period: 2022-04-06 to 2021-05-06

Requester: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Howard Hughes Properties, Inc., through Clark County Department of Public Works, has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the Red Rock Channel, a flood control feature of federal project titled Las Vegas Wash and Tributaries (Tropicana and Flamingo Washes, Nevada), Clark County, Nevada.

Location:

The proposed action would be located south of Interstate 215, in between South Town Center Drive and South Hualapai Way in the city of Las Vegas, Clark County, Nevada.

Requester's Proposed Action:

The proposed project involves the construction of a permanent storm drain infrastructure for a residential home development at approximate Red Rock Channel Sta. 26+87.15. Project Activities would include installing a new lateral connection and manhole, site clearing, excavation, fill placement and compactions. The purpose of the project is to provide stormwater outlet to the residents of Summerlin.

Authority: The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE Civil Works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, the Chief of Engineers. The Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

Limits of Section 408 Authority: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of

1972 (33 USC 1413). The compliance determination for any Section 10/404/103 permit decision associated with the proposed alteration will also address the Section 408 compliance determination. In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

Environmental Compliance: A decision on a Section 408 request is a federal action, and therefore, subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the Los Angeles District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g., Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The Los Angeles District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner. Comments received on this public notice will be used in the evaluation.

Consideration of Comments: The Corps is soliciting comments from the public, Federal, State and local agencies and officials, and other interested parties. Comments will be made part of the record, and they will be considered before permission is granted to proceed with this action. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration described in this public notice.

Submission of Comments: Interested parties may submit, in writing, any comments concerning this proposal. Comments should reference public notice no. 408-SPL-PN-2022-0006 and be forwarded by the comment due date of May 6, 2022. Comments must be sent to the U.S. Army Corps of Engineers, Los Angeles District, Engineering Division, ATTN: Priyo Majumdar, 915 Wilshire Boulevard, Suite 930, Los Angeles, California 90017-3409. Alternatively, comments can be sent electronically to Priyodarshi.Majumdar@usace.army.mil.

**DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**

Los Angeles District, Corps of Engineers
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3401

WWW.SPL.USACE.ARMY.MIL/MISSIONS/SECTION-408-PERMITS

