



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

REPLY TO
ATTENTION OF

November 28, 2011

REC'D - BLM - NSO
9:00 DEC 01 2011
A.M.

Regulatory Division SPK-2009-00594
RE: SNWA Clark, Lincoln, and White Pine Counties Groundwater Development Project

Penny Woods
Bureau of Land Management
PO Box 12000
Reno, Nevada 89520-0006

Dear Ms. Woods:

We are responding to the request for comments on the Clark, Lincoln and White Pine Counties Groundwater Development Project Draft Environmental Impact Statement. The identification number is SPK-2009-00594.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

Nationwide Permit #12 applies to activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2 acre of waters of the United States. However, the Corps may exert discretionary authority and require an alternate permitting mechanism in cases where activities will result in more than minimal individual and cumulative impacts.

The Corps will require a pre-construction notification for this project because of the adverse cumulative impacts to waters of the U.S., especially those impacts associated with the long-term effects of drawdown on wetland habitat.

The Corps is required to analyze alternatives for the "least environmentally damaging alternative" or LEDPA. This is in accordance with the Clean Water Act Section 404 (b) (1) guidelines that are attached to this document. The Corps may not adopt the "preferred alternative" presented in the FEIS.

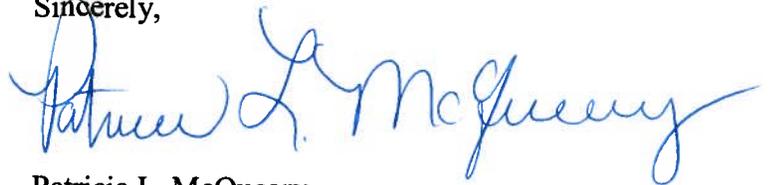
The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United

States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

The Corps has specific comments relating to the DEIS. The indirect and cumulative impacts to "Waters of the U.S.", including wetlands, were significant enough to warrant a separate analysis. Wetlands should be addressed separately and not included in an analysis of vegetation. Linear stream impacts should also be listed as quantified and reported as acres of potentially lost habitat.

Please refer to identification number SPK-2009-00594 in any correspondence concerning this project. If you have any questions, please contact Patricia McQueary at 321 North Mall Drive, Suite L-101, St. George, Utah 84790, email Patricia.L.McQueary@usace.army.mil, or telephone 435-986-3979. For more information regarding our program, please visit our website at www.spk.usace.army.mil/regulatory.html.

Sincerely,



Patricia L. McQueary
Senior Regulatory Project Manager
St. George Regulatory Office
Sacramento District

Enclosure(s)
Clean Water Act Section 404 (b)(1) Guidelines

Copy furnished without enclosure(s)
U.S. Environmental Protection Agency, Elizabeth Goldman, 75 Hawthorne St. (WTR-8), San Francisco, CA 94105

No Attachments
Received
pds