PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**
LOS ANGELES DISTRICT

APPLICATION FOR PERMIT
Lake Havasu Airpark

Public Notice/Application No.: SPL-2011-00930-WHM
Project: Lake Havasu Airpark
Comment Period: May 22, 2013 – June 21, 2013 (EXTENDED TO AUGUST 5, 2013)
Project Manager: William Miller; 602-230-6954; William.H.Miller@usace.army.mil

Applicant
Greg Froslie
City Engineer
2330 McCulloch Blvd.
Lake Havasu, Arizona 86403
(928) 854-0776

Contact
Melinda G. Jones
Atkins
20860 N. Tatum Blvd., Ste. 300
Phoenix, AZ 85331
(480) 538-1512

Location

The proposed project site is located within the north half of Section 15, Township 14 North, and Range 20 West within the city of Lake Havasu City, Mohave County, AZ. The site is located east of State Route 95 immediately south of the Lake Havasu Municipal Airport (along Whelan Drive). A project vicinity and location map is enclosed.

Activity

Lake Havasu City proposes to construct a motorsports facility that would include a race car museum and raceway facilities among other amenities on the 65.98 acre site (see attached conceptual plan). For more information see page 4 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that support the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision.

This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act (22 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers
ATTENTION: Regulatory Branch (SPL-2011-00930-WHM)
3636 N. Central Ave., Suite 900
Phoenix, Arizona 85012

Alternatively, comments can be sent electronically to: William.H.Miller@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns,

wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona State Department of Environmental Quality. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity would not adversely affect Essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material in to a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The project is not water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to construct a motorsports facility, including a race car museum and raceway facilities among other amenities. The raceway facilities include a one-half mile race track, pit area, parking lots and ancillary facilities.

Additional Project Information

Project site terrain ranges in elevation from 800 to 900 feet above mean sea level. The Mohave Mountains are located northeast of the project site. The predominant soil types are Carrizo family very gravelly loam sand, Chuckwalla-Riverbend families complex, Gunsight very gravelly loam, and Rock outcrop-Hider complex.

The Wing Mine Wash traverses the project site and converges with the Colorado River/Lake Havasu approximately two miles to the west. The Wing Mine Wash and other unnamed washes on the project site are ephemeral and only flow in response to significant rainfall events. Regional and site drainage is sheet flow/alluvial fan flooding. There are no intermittent or perennial streams or wetlands within or near the project site.

The vegetative community is relatively simple, open, and characteristic of the Lower Colorado Subdivision of the Sonoran desertscrub. Dominant plant species include white bursage (*Ambrosia dumosa*), creosote bush (*Larrea tridentata*), brittlebush (*Encelia farinosa*), and foothills palo verde (*Parkinsonia microphyllia*). Weedy plant species found on the project site include dodder (*Cuscuta* sp.), a State of Arizona Noxious Weed; Russian thistle (*Salsola iberica*); Sahara mustard (*Brassica tournefortii*); filaree (*Erodium cicutarium*); and Mediterranean grass (*Schismus* sp.). Several Salvage Restricted Protected Native Plants were observed on the project site: barrel cactus (*Ferocactus cylindraceus*), buckhorn cholla (*Cylindropuntia acanthocarpa*), and beaver-tail cactus (*Opuntia basilaris*).

Common wildlife species include coyote (*Canis latrans*), Harris' antelope squirrel (*Ammospermophilus harrisii*), Gamble's quail (*Callipepla gambeli*), and turkey vulture (*Cathartes aura*). This is no critical/suitable habitat for threatened or endangered species within the project site. Desert tortoise (*Gopherus agassizii*) habitat does exist within the project site; however, the on-site soils are not generally suitable for burrowing and the area would likely be used only as dispersal and movement corridors. The proposed project is not likely to have any adverse impacts on the desert tortoise, which is listed as a federal candidate species.

The proposed project would permanently impact approximately 8.32 acres of ephemeral washes from construction of the motorsports facility. The applicant proposes to contribute to an in-lieu fee mitigation fund.

Proposed Special Conditions

No special conditions have been proposed at this time.

For additional information please call William Miller of my staff at 602-230-6954 or via e-mail at William.H.Miller@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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

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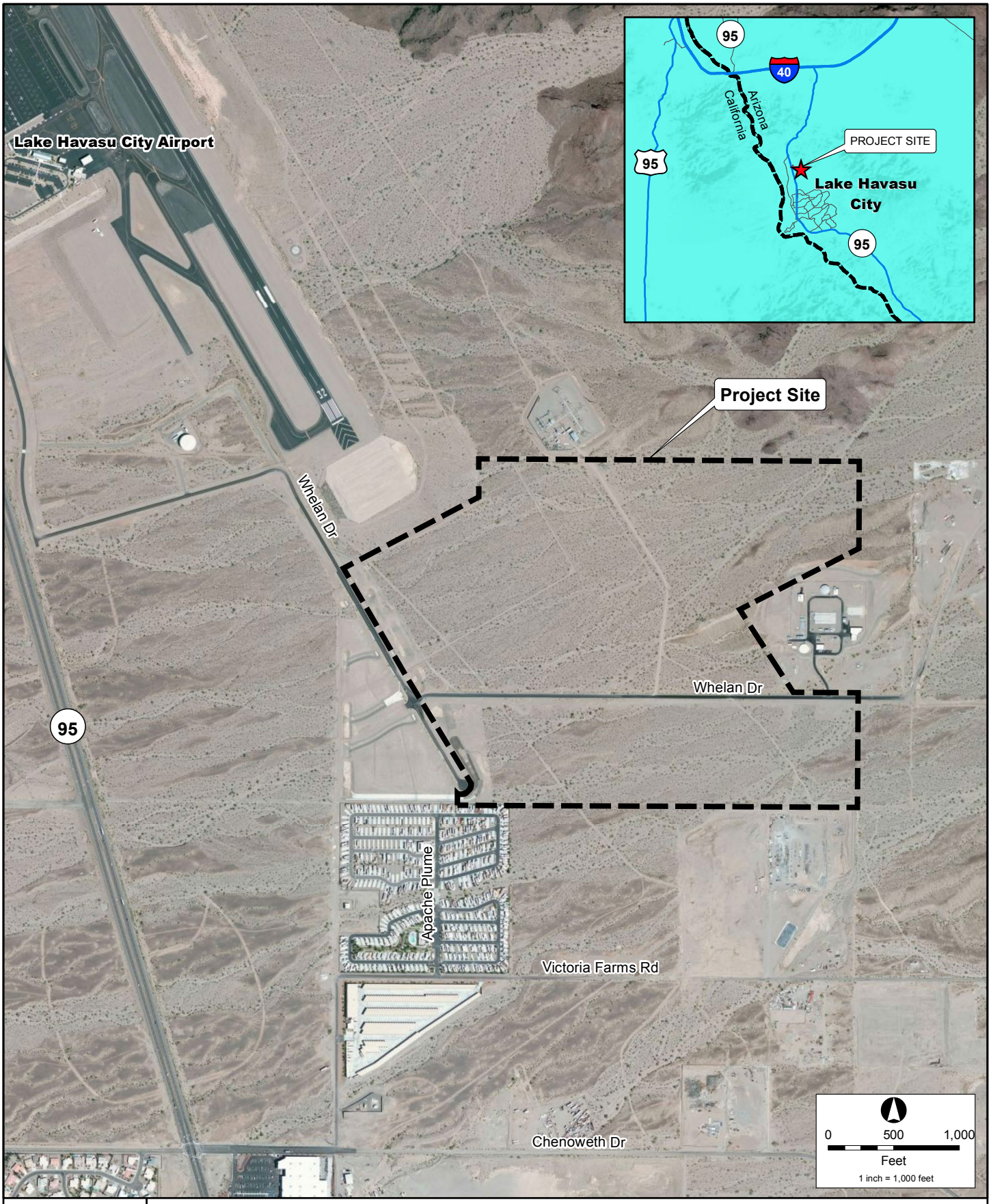

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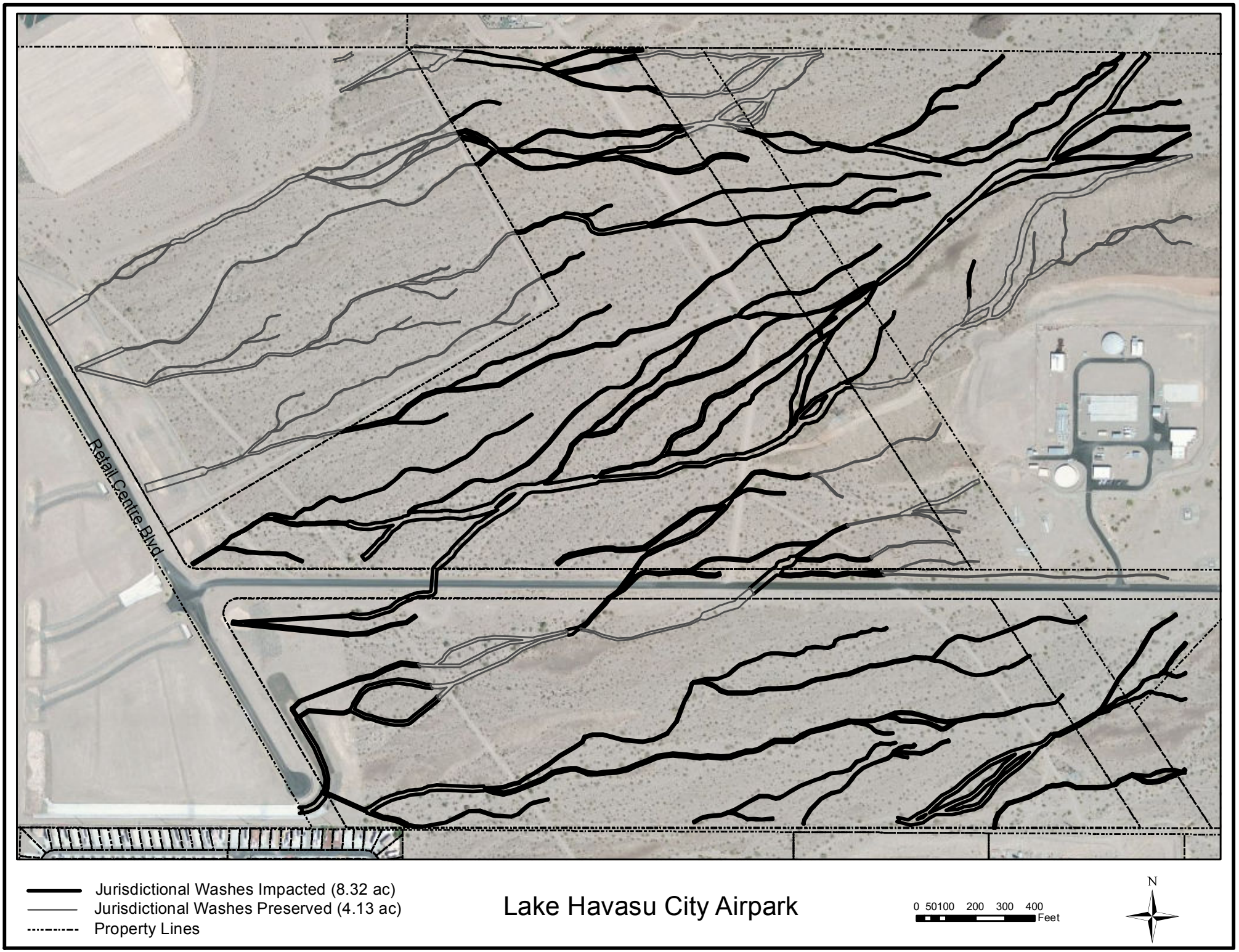
Lake Havasu Airpark


Retail Centre Blvd
Jurisdictional Washes Impacted (8.32 ac)
Jurisdictional Washes Preserved (4.13 ac)
Property Lines
Lake Havasu City Airpark
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Feet
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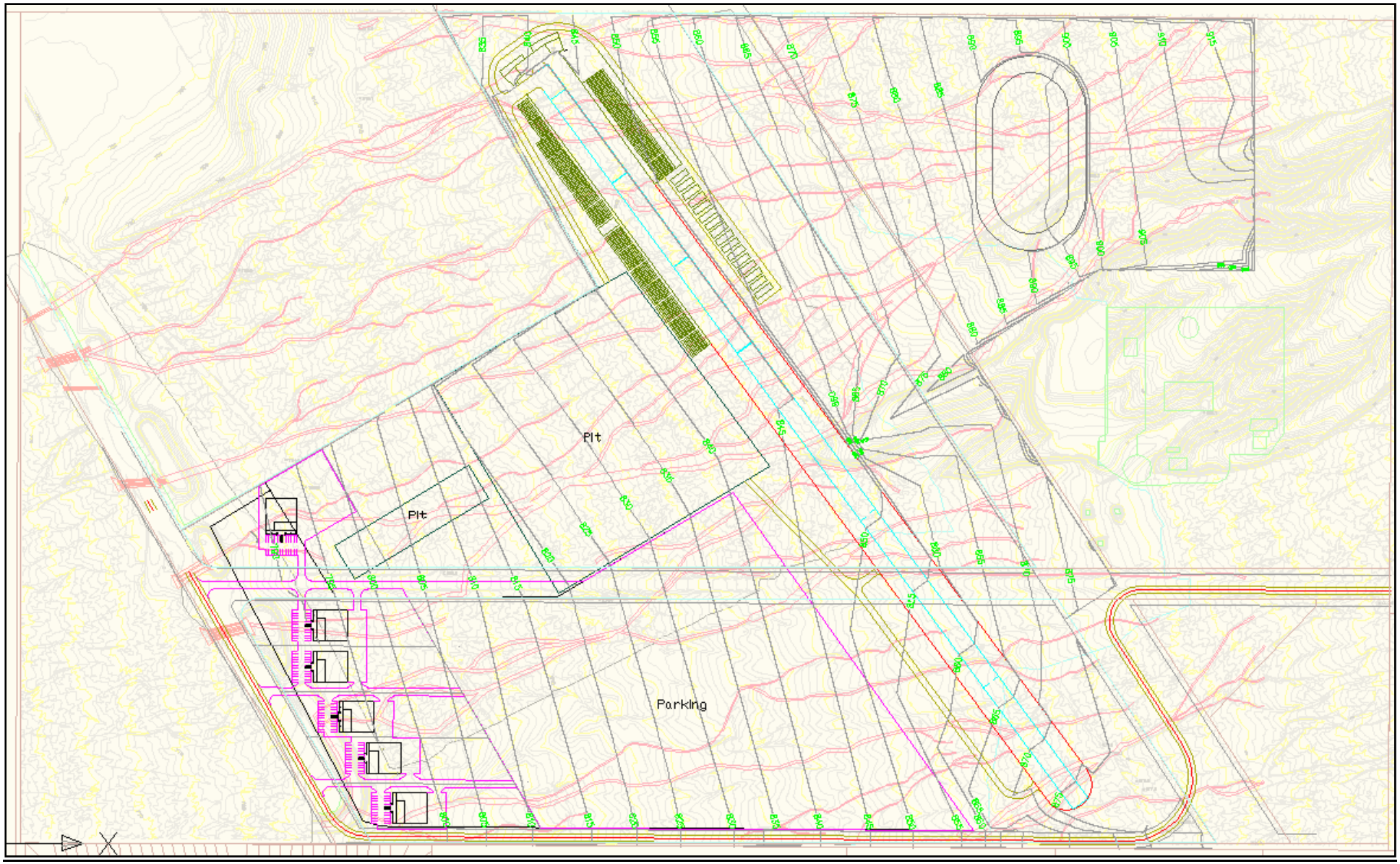
Lake Havasu Airpark Motorsports Facility
Conceptual Site Plan