



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Clean Water Act: U.S. Environmental Protection Agency and Reno, Nevada Master-Planned Community Development Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and Nevada Tri Partners, LLC ("NTP"), and Damonte Ranch Commerce Center, LLC ("Damonte") entered into a July 1st Consent Agreement and Final Order ("CAFO") addressing an alleged violation of Section 404 of the Clean Water Act. See Docket No. CWA-09-2025-0059.

The CAFO provides that Damonte Ranch is a master-planned community development located in Reno, Nevada ("Site").

A 2005 delineation of potential waters of the United States is stated to have identified an unnamed tributary ("WOUS 6A") located on the Site. This tributary is stated to contain a relatively permanent flow to White's Creek which is in turn a relatively permanent tributary to Steamboat Creek, and subsequently a relatively permanent tributary to the Truckee River – a traditionally navigable water.

The United States Army Corps of Engineers ("Corps") is stated to have issued a Clean Water Act Section 404 Permit to NTP on June 28, 2005. The Permit authorized impacts to 39.91 acres of potential waters of the United States that had been identified within the Damonte Ranch project – which includes the Site. The 404 Permit authorized NTP to complete authorized work through December 31, 2006, with the potential for extensions. It also required NTP to complete and implement 41.93 acres of compensatory mitigation in perpetuity for the authorized impacts.

The Corps is stated to have determined in 2011 that NTP completed the 41.93 acres of compensatory mitigation – including compensatory mitigation required for the Site. NTP is also stated to have created an additional 39.56 acres of advanced permittee-responsible mitigation wetlands and 16.89 acres of advanced permittee-responsible mitigation stream restoration/reestablishment.

The Corps is stated to have acknowledged NTP's request that it be awarded proactive mitigation credits for those additional efforts through a mitigation banking process at some future date.

NTP and/or Damonte is stated to have begun on or around August 2022 earthmoving activities as part of the development of the Site. EPA and the Corps are stated to have inspected the Site and observed that NTP and/or Damonte had used earthmoving equipment such as dump trucks and graders to discharge fill to WOUS 6A. This activity is stated to constitute a discharge of dredged and/or fill material into waters of

the United States. Neither NTP nor Damonte are stated to have a currently effective permit authorization under Section 404 of the Clean Water Act for the discharges of fill material to 260 linear feet of waters of the United States – i.e., WOUS 6A located in the Site. Therefore, the CAFO alleges that this constitutes a discharge dredged and/or fill material without authorization under Section 404 of the Clean Water Act.

A civil penalty of \$25,971.00 is assessed.

A copy of the CAFO can be downloaded [here](#).