

United States Department of the Interior
Bureau of Reclamation
Lower Colorado Region
Phoenix Area Office

FINDING OF NO SIGNIFICANT IMPACT

**LAKE PLEASANT REGIONAL PARK
AGUA FRIA CONSERVATION AREA MANAGEMENT PLAN
MARICOPA and YAVAPAI COUNTIES, ARIZONA**

March 2010

Approved: _____



Carol Lynn Erwin, Area Manager
Phoenix Area Office
Bureau of Reclamation

Date: _____

3/30/10

FONSI No. PXAO-10-01

The Bureau of Reclamation (Reclamation) prepared an Environmental Assessment (EA), that describes potential environmental impacts resulting from implementing the Agua Fria Conservation Area (AFCA) Management Plan at Lake Pleasant Regional Park (LPRP), located in Maricopa and Yavapai counties, Arizona. LPRP encompasses approximately 23,361 acres of land owned by Reclamation, which are managed by Maricopa County Parks and Recreation Department (MCPRD) as a regional park.

Reclamation has determined that implementing the AFCA Management Plan will not result in significant environmental impacts to the human environment, which would merit preparation of an environmental impact statement.

BACKGROUND

Reclamation acquired the lands that make up LPRP, including Lake Pleasant, as part of the New Waddell Dam feature of the Central Arizona Project (CAP). The dam was constructed by Reclamation and is operated for CAP water storage and delivery; therefore, the water level of the reservoir varies annually depending upon the timing and amount of CAP water that is delivered downstream. Recreation within LPRP is managed by MCPRD pursuant to a 1990 land management agreement with Reclamation (1990 Agreement).

The 1990 Agreement required MCPRD to develop a master plan for developing and operating the LPRP, which Reclamation would need to approve prior to its implementation by the County. MCPRD developed the Lake Pleasant Master Plan (LPMP), which established guidelines for development of LPRP and outlined future desired conditions for, among other things, recreation and resource protection. In 1997, Reclamation prepared an EA on the LPMP and issued a FONSI, approving the LPMP.

The LPMP describes conservation areas within the LPRP as “natural, environmentally sensitive areas intended to remain relatively undisturbed to preserve the native environment.” The LPMP identified several conservation areas, indicating these areas would have relatively limited access and development; therefore, it was envisioned there would be minimal operation and maintenance costs associated with these areas. The AFCA, located in the northeastern portion of the LPRP, contains about 2,405 acres; it was designated as a conservation area in recognition of the special assemblages of natural and cultural resources that occurred there.

In December 2006, MCPRD and Reclamation met with other governmental agencies responsible for land, recreation and wildlife management of the areas within and adjacent to the AFCA (collectively called the “Partners”), to discuss how shooting, trash dumping, off-road vehicle travel, vandalism, and criminal activities were degrading cultural and natural resources of the AFCA and creating a public hazard. The Partners determined that some type of plan needed to be developed and implemented which would allow access and recreational opportunities within the AFCA for responsible users, while providing protection to the natural and cultural resources of the area. That process led to the development of the proposed AFCA Management Plan.

Under the 1990 Agreement, amendments to the LPMP must be approved by Reclamation. Because the LPMP must be amended to incorporate the AFCA Management Plan, Reclamation prepared an EA. The EA describes the process by which the Partners gathered public input about actual and desired uses of the AFCA and then developed the “Partners Consensus Plan,” which is identified in the EA as the Proposed Action. The EA describes the existing conditions within the AFCA and the environmental impacts that are anticipated to result from implementing the Partners Consensus Plan, an alternative that would only minimally develop the AFCA, and a No Action alternative.

The EA was prepared in compliance with the National Environmental Policy Act, as amended (NEPA), and Department of the Interior regulations regarding implementation of NEPA (43 CFR Part 46).

FINDING OF NO SIGNIFICANT IMPACT

Based upon the EA and after considering public comments received on the EA, Reclamation has determined that amending the LPMP to include the AFCA Management Plan, and MCPRD’s implementation of the Plan, will not result in significant environmental impacts to the AFCA, LPRP, or the human environment in the vicinity of the project area. Preparation of an environmental impact statement is not required. This decision is based upon the following considerations.

(1) Based upon the EA, no significant adverse environmental impacts are anticipated to result from implementing the AFCA Management Plan.

(2) The Proposed Action will not result in any adverse effects to public health or safety. The project area is located within an area that is attaining all National Ambient Air Quality Standards except ozone. Construction activities are expected to be of short duration (two months or less at any given time); ozone precursor emissions associated with construction activities are expected to be minimal. Long-term impacts, from additional emissions resulting from increased vehicular traffic traveling to/from the AFCA and motorized boats utilizing the boat launches, were estimated based upon extreme worst case assumptions (i.e., the highest weekend use experienced during a six-week pilot project was projected to occur every day during the entire 6-month open season). Even using this worst case scenario, the estimated annual ozone precursor emissions that would result from long-term use of the AFCA were substantially below the *de minimis* threshold of 100 tons per year. In addition, the typical open season for the AFCA (January through June) will occur outside the peak ozone season for Maricopa County (July 1 through September 30).

The relatively minute quantities of pollutants released during construction and subsequent use of the AFCA area will have a negligible cumulative effect on local air quality or global processes that lead to climate change.

MCPRD will be responsible for obtaining an Aquifer Protection Permit and/or all necessary permits for its sanitation and septic systems, as required by law. Pursuant to Maricopa County's delegation agreement with the Arizona Department of Environmental Quality (ADEQ) regarding wastewater treatment systems, these permits must be obtained from ADEQ.

(3) Implementing the AFCA Management Plan is not anticipated to result in direct adverse impacts to unique characteristics of the geographic area such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There is no agriculture on any of the proposed project lands; however, there is evidence the area has been used for cattle grazing. There are no wild and scenic rivers, or rivers proposed for designation as wild and scenic in the vicinity of, or that could be impacted by, the project. One of the primary purposes of implementing the Management Plan is to protect sensitive natural and cultural resources within the AFCA; therefore, impacts are anticipated to be beneficial to these resources. The current conditions of these sensitive resources will be inventoried prior to opening the AFCA, and monitored yearly thereafter. Adjustments to the Management Plan will be made if sensitive sites show degradation or damage beyond limits that will be established during the initial baseline inventory.

(4) Effects on the quality of the human environment are anticipated to be beneficial under the Proposed Action, providing desired recreational opportunities in a relatively undeveloped and natural setting, while protecting sensitive natural and cultural resources.

(5) Highly uncertain, unique or unknown risks affecting the human environment are not anticipated to occur as a result of this Proposed Action. In spring 2008, Arizona Game and Fish Department conducted a six-week pilot project, opening the AFCA for day-use only, Friday through Sunday, essentially as described in the Management Plan. Impacts affecting the human environment during each open season are expected to be similar to and consistent with what was experienced during the six-week pilot project. Use of the AFCA during other times when the area is closed to vehicular traffic is expected to be similar to what is currently experienced

(6) The proposed action will not establish a precedent for future actions, and will not represent a decision in principle about a future consideration. Although MCPRD intends to develop management plans for other conservation areas as needed, each management plan will be site-specific and developed to address the unique management issues regarding the natural and cultural resources within each of these conservation areas.

(7) Cumulatively significant impacts are not anticipated to occur as a result of the proposed action. Construction of the proposed project will contribute temporary minor emissions of air pollutants in the immediate vicinity of the proposed project; the project area is surrounded by undeveloped park land and no other construction or activities generating ongoing emissions are anticipated to occur during the same time frame in the vicinity of this work.

In the long term, traffic associated with use of the AFCA would travel along Table Mesa Road, through the Table Mesa Recreation Area, located east of the AFCA. Estimated emissions from increased traffic along Table Mesa Road from the proposed project, based upon an extreme

worst case scenario, would be less than 24 tons per year. Bureau of Land Management's (BLM) Bradshaw-Harquahala Resource Management Plan (B-H RMP) indicates implementing the B-H RMP will reduce overall emissions by restricting or prohibiting use in certain areas, moving certain activities to other areas, avoiding use during high pollution days, using dust suppressants, etc. The B-H RMP states BLM will ensure compliance with new Maricopa County air quality rules (BLM 2008).

(8) Cultural resource surveys were conducted at LPRP prior to construction of the CAP. Additional surveys have been conducted periodically within LPRP since completion of New Waddell Dam. Prior to the opening of AFCA, Reclamation will note the conditions of all known sites. These sites will be monitored to determine if the Management Plan is effective in protecting these sites, or adjustments need to be made to ensure these sites are not further degraded from human activities associated with implementation of the Management Plan.

(9) No federally protected species or areas designated as critical habitat will be adversely affected by the proposed action. Reclamation identified three federally listed endangered or threatened species, listed on Fish and Wildlife Service's (FWS) website for Maricopa and Yavapai counties, that are known or are likely to occur within the AFCA: bald eagle (*Haliaeetus leucocephalus*), southwestern willow flycatcher (*Empidonax trailli extimus*), and lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*). Reclamation determined the proposed action "may affect, but is not likely to adversely affect" the bald eagle and the southwestern willow flycatcher. Reclamation identified conservation measures that will be implemented as part of the AFCA Management Plan. FWS concurred with Reclamation's findings. These conservation measures and FWS' concurrence letter is included in the EA as Appendix D.

(10) The proposed action does not threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment. MCPRD and its Partners are required to follow all requirements and conditions related to work within waters of the U.S., and comply with any and all State or local environmentally-related rules or regulations in the implementation of the AFCA Management Plan.

(11) A total of 18 letters were received during the public comment period, February 1 through February 26, 2010. Two letters were received from ADEQ (Water Quality Division, and Air Quality Planning Section); one letter was received from the Sierra Club; and 15 letters were received from 14 interested individuals. All 15 letters from interested individuals supported the proposed action. Sierra Club's letter included issues, concerns and questions that required responses. All comment letters are included in Attachment One to this FONSI. ADEQ Water Quality Division's concern—that any sanitary facilities and septic systems constructed as part of the AFCA Management Plan will need to acquire an APP from ADEQ—has been noted in the last paragraph of (2) above. Reclamation's responses to Sierra Club's comments are included in Attachment One to this FONSI.

Documents related to this action are identified below.

BLM (Bureau of Land Management). 2008. Agua Fria National Monument and Bradshaw-Harquahala Proposed Resource Management Plans and Final Environmental Impact Statement. Phoenix, AZ. June.

Reclamation. (Bureau of Reclamation). 2010. Environmental Assessment – Lake Pleasant Regional Park Agua Fria Conservation Area Management Plan. Maricopa and Yavapai Counties, Arizona. January.

ATTACHMENT ONE

FINDING OF NO SIGNIFICANT IMPACT

**LAKE PLEASANT REGIONAL PARK
AGUA FRIA CONSERVATION AREA MANAGEMENT PLAN
MARICOPA and YAVAPAI COUNTIES, ARIZONA**

March 2010

We are providing additional information to aid in the reduction of dust emissions during construction. These emissions could include particulate matter (dust). Both particulate matter 10-microns (PM₁₀) and particulate matter 2.5-microns (PM_{2.5}) in size are subject to National Ambient Air Quality Standards (NAAQS). PM₁₀ and smaller can penetrate the lungs of human beings and animals, and PM_{2.5} and smaller is difficult for lungs to expel and has been linked to increases in death rates and heart attacks by disturbing heart rhythms and increasing plaque and clotting; respiratory infections, asthma attacks and chronic obstructive pulmonary disease (COPD) aggravation.

To comply with applicable air pollution control requirements and minimize adverse impacts on public health and welfare, the following information is provided:

REDUCE DISTURBANCE of PARTICULATE MATTER during CONSTRUCTION

The following measures are recommended to reduce disturbance of particulate matter, including emissions caused by strong winds as well as machinery and trucks tracking soil off the construction site:

- I. Site Preparation and Construction
 - A. Minimize land disturbance;
 - B. Suppress dust on traveled paths which are not paved through wetting, use of watering trucks, chemical dust suppressants, or other reasonable precautions to prevent dust entering ambient air;
 - C. Cover trucks when hauling soil;
 - D. Minimize soil track-out by washing or cleaning truck wheels before leaving construction site;
 - E. Stabilize the surface of soil piles; and
 - F. Create windbreaks.

- II. Site Restoration
 - A. Revegetate any disturbed land not used;
 - B. Remove unused material; and
 - C. Remove soil piles via covered trucks.

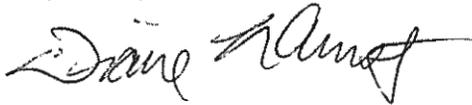
The following rules applicable to reducing dust during construction, demolition and earth moving activities are enclosed:

- Arizona Administrative Code R18-2-604 through -607
- Arizona Administrative Code R18-2-804

Ms. Sandra Eto
February 5, 2010
Page 3

Should you have further questions, please do not hesitate to call A. "Bonnie" Cockrell at (602) 771-2378 or Dave Biddle at (602) 771-2376 of the Planning Section Staff.

Very truly yours,



Diane L. Arnst, Manager
Air Quality Planning Section

Enclosure

cc: Bret Parke, EV Administrative Counsel
A. "Bonnie" Cockrell, Environmental Program Specialist, Air Planning
File No. 228396

R18-2-604. Open Areas, Dry Washes, or Riverbeds

- A. No person shall cause, suffer, allow, or permit a building or its appurtenances, or a building or subdivision site, or a driveway, or a parking area, or a vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, without taking reasonable precautions to limit excessive amounts of particulate matter from becoming airborne. Dust and other types of air contaminants shall be kept to a minimum by good modern practices such as using an approved dust suppressant or adhesive soil stabilizer, paving, covering, landscaping, continuous wetting, detouring, barring access, or other acceptable means.
- B. No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, trucks, cars, cycles, bikes, or buggies, or by animals such as horses, without taking reasonable precautions to limit excessive amounts of particulates from becoming airborne. Dust shall be kept to a minimum by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means.
- C. No person shall operate a motor vehicle for recreational purposes in a dry wash, riverbed or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional, educational, retail sales, hotel or business premises. For purposes of this subsection "motor vehicles" shall include, but not be limited to trucks, cars, cycles, bikes, buggies and 3-wheelers. Any person who violates the provisions of this subsection shall be subject to prosecution under A.R.S. § 49-463.

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-604 renumbered without change as Section R18-2-604 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-604 renumbered to R18-2-804, new Section R18-2-604 renumbered from R18-2-404 and amended effective November 15, 1993 (Supp. 93-4).

R18-2-605. Roadways and Streets

- A. No person shall cause, suffer, allow or permit the use, repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust suppressants, wetting down, detouring or by other reasonable means.
- B. No person shall cause, suffer, allow or permit transportation of materials likely to give rise to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or covering the load, to prevent particulate matter from becoming airborne. Earth or other material that is deposited by trucking or earth moving equipment shall be removed from paved streets by the person responsible for such deposits.

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-605 renumbered without change as Section R18-2-605 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-605 renumbered to R18-2-805, new Section R18-2-605 renumbered from R18-2-405 effective November 15, 1993 (Supp. 93-4).

R18-2-606. Material Handling

No person shall cause, suffer, allow or permit crushing, screening, handling, transporting or conveying of materials or other operations likely to result in significant amounts of airborne dust without taking reasonable precautions, such as the use of spray bars, wetting agents, dust suppressants, covering the load, and hoods to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note

Section R18-2-606 renumbered from R18-2-406 effective November 15, 1993 (Supp. 93-4).

R18-2-607. Storage Piles

- A. No person shall cause, suffer, allow, or permit organic or inorganic dust producing material to be stacked, piled, or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.
- B. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note

Section R18-2-607 renumbered from R18-2-407 effective November 15, 1993 (Supp. 93-4).

R18-2-804. Roadway and Site Cleaning Machinery

- A. No person shall cause, allow or permit to be emitted into the atmosphere from any roadway and site cleaning machinery smoke or dust for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.
- B. In addition to complying with subsection (A), no person shall cause, allow or permit the cleaning of any site, roadway, or alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions may include applying dust suppressants. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective February 3, 1993 (Supp. 93-1). Former Section R18-2-804 renumbered to Section R18-2-904, new Section R18-2-804 renumbered from R18-2-604 effective November 15, 1993 (Supp. 93-4).

From: Kevin Horton
To: Eto, Sandra;
cc: Erwin, Carol Lynn;
Subject: Lake Pleasant Agua Fria Access - BOR EA and FONSI
Date: Monday, February 15, 2010 9:08:27 AM

February 15, 2010

Ms. Sandra Eto
Bureau of Reclamation
Phoenix Area Office
6150 W Thunderbird Road
Glendale, Arizona 85306-4001

RE: Agua Fria Arm of Lake Pleasant via Table Mesa Road and BOR FONSI and EA

Dear Ms. Eto,

This letter is in behalf of me, my wife Leslie Horton, and my son Jackson Horton. I have lived in Prescott, Arizona since 1987, and my family has enjoyed the many outdoor and recreation opportunities that Arizona has to offer. Year after year, one location has constantly provided us with exceptional family fun. The place that I am referring to is the Agua Fria Arm of Lake Pleasant that can be accessed off of Table Mesa road and I-17. We have enjoyed fishing, canoeing, and boating in the Agua Fria Arm since the lake inundated the area due to the New Waddell Dam project in 1994. The fishing and boating in the Agua Fria Arm of the lake is phenomenal, and can only be accessed via Table Mesa Road between the months of December and June due to the bald eagle closure.

As you know, a negligent and reckless minority of the people using the northern Agua Fria Arm of Lake Pleasant broke the law and created an unsafe environment for recreationists who enjoyed and respected the area. Blatant violations of the Maricopa County Park rules led to a closure of the area that we recreated in for over 12 years. My family was very disheartened that the government agencies responsible for this portion of the lake closed this area to the public as a response to the selfish actions of a few disrespectful lawbreakers. My family has been involved in the public process for the last three years in an attempt to get the area reopened to law abiding recreationists. I am very pleased that the BOR, Maricopa County Parks Department, and Arizona Game and Fish Department have been able to cooperate and consider a permanent access management plan for the area. I strongly support vehicular and boat access to the area, and agree with the findings of the FONSI that boat and vehicular access will not be a detriment to cultural or

biological resources in the area.

This letter is to urge the BOR to consider re-opening this area open to fishermen and recreationists with boats. The long hike from the parking area to the lake makes it impossible for elderly or disabled sportsmen and recreationists to enjoy the area. The Agua Fria Arm of Lake Pleasant has provided our family with years of enjoyment, and it would be horrible for us to permanently lose vehicular and boat access to this beautiful resource. I am in support of even the most primitive form of vehicular/boat access to the Agua Fria Arm of lake via Table Mesa Road. I feel that any form of vehicular/boat access at this point in time is more important than extensive roadway improvements, boat launches, and restroom facilities, especially if there are budgetary constraints on the implementation of the permanent access plan. My family has not been able to enjoy fishing in the area for three years now, and look forward to being able to access it again soon. Please contact me with any questions or comments. Thank you.

Sincerely,

Kevin Horton
Prescott, Arizona

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signature database 4869 (20100215) _____

The message was checked by ESET Smart Security.

<http://www.eset.com>

From: [Darryl Sanford](#)
To: [Eto, Sandra;](#)
Subject: Agua Fria Access
Date: Monday, February 15, 2010 4:16:53 PM

Dear Sandra,

I would like to encourage the resumption of access to the Agua Fria from the Table Mountain Road. This is an access that we have used extensively in the past. The issues against keeping it open should be addressed apart from denying the privilege to all.

Thank You.

Darryl Sanford

Hotmail: Trusted email with powerful SPAM protection. [Sign up now.](#)

From: [Wayne Baumgartner](#)
To: [Eto, Sandra;](#)
Subject: Table Mesa
Date: Tuesday, February 16, 2010 9:41:48 AM

Ms. Sandra Eto,

Good morning. I recently received my letter updating the status on boat access to the Table Mesa Road and I wanted to tell you how exciting that is for me and my family. Without road access, it's impossible to get a small boat down to the water so I can safely take my family out for a fun day of fishing. Living in Prescott, it's a huge advantage to enter at Table Mesa Road because it shortens our travel time and reduces congestion at the main boat ramp. Thanks again for your efforts in this project and let me know if there is anything I can do to help the process of opening up the road for boat access.

Regards,

Wayne Baumgartner

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From: Kai Kaoni
To: Eto, Sandra;
Subject: Agua Fria Access
Date: Tuesday, February 16, 2010 4:44:18 PM

Ms. Eto,

I am writing to express my opinion regarding road access to the Agua Fria arm of Lake Pleasant. I feel that if controlled access to that portion of the lake was given to boaters and other recreational users, the public would greatly benefit from such improvements. I have been going down there for years and I vividly remember when the area was being abused by a small portion of users. I think that if there was a paved road going down and off road access was blocked, much of the environmental concerns would be mitigated. When people are given free reign of the area without any type of law enforcement presence, that is when much of the problems arose. With controlled access and a an occasional law enforcement officer to check on things, I think that the area would be worlds apart from what it was years ago.

Thank you for your time!

Kai Kaoni E.I.T.
kaikaoni@gmail.com

From: Joel Berman
To: Eto, Sandra;
Subject: Agua Fria access via Table Mesa Road
Date: Wednesday, February 17, 2010 1:35:42 PM

Ms. Eto,

My name is Joel Berman. I have an Environmental Engineering degree and am registered as a professional engineer in the state of Arizona. Furthermore I am a Public Works/Engineering employee with the Town of Dewey-Humboldt. The Agua Fria River flows year round through our Town and I understand the desire to protect such a valuable resource.

I am writing to you today in regards to the Agua Fria access via Table Mesa Road. I have read the various documents on the BOR website that pertain to the Table Mesa access area. I would like to take this opportunity to thank everyone involved in the EA process. I especially want to say thank you for the opportunity that was provided to the public for input. I applaud the comprehensive management plan and its ability to minimize illegal activity while permitting responsible recreation.

This area has provided years of enjoyment for my father and I. With the proper management plan in place this area can provide future recreational opportunities for my son and I. The area needs to have an improved dirt road and boat launch in order to provide the opportunity that my family needs.

I am very excited about the prospect of having this area reopened to meet our needs. Please feel free to contact me for anything pertaining to this issue.

Regards,

Joel Berman

joelryanberman@gmail.com



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Benjamin H. Grumbles
Director

February 18, 2010

Ms. Sandra Eto
U.S. Department of Interior
Bureau of Reclamation
6150 W. Thunderbird
Glendale, AZ 85306-4001

SENT VIA E-MAIL: seto@usbr.gov

Re: Environmental Assessment and Draft Finding of No Significant Impact for Agua Fria Conservation Area at Lake Pleasant Regional Park

Dear Ms. Eto:

The Arizona Department of Environmental Quality Water Quality Division (ADEQ) appreciates the opportunity to comment on the Environmental Assessment and Draft Finding of No Significant Impact for the proposed Management Plan for the Agua Fria Conservation Area at Lake Pleasant Regional Park. ADEQ is responsible for ensuring the delivery of safe drinking water to customers of regulated public water systems under the Safe Drinking Water Act, permits for proposed discharges to surface waters of the United States under the federal Clean Water Act, permits under the State Aquifer Protection Permit (APP) program and water quality certifications of certain federal licenses and permits.

ADEQ would like to iterate its previous comments from February 2009, and emphasize that any sanitary facilities and septic systems contemplated under the Management Plan will need to acquire an APP from ADEQ. Normally, ADEQ has delegated permitting and enforcement responsibilities regarding wastewater treatment systems to Maricopa County by virtue of ADEQ's Delegation Agreement with Maricopa County (06-0024). However under its delegation agreement, Maricopa County is not allowed to review or permit wastewater facilities owned by federal, state or County entities. For further information on the APP process, please contact David Burchard in our Wastewater and Subdivision Review Unit (602) 771-4298 or via e-mail at db2@azdeq.gov.

We appreciate the opportunity to review and provide comments. If you need further information, please contact Wendy LeStarge of my staff at (602) 771-4836 or via e-mail at wll@azdeq.gov, or myself at (602) 771-4416 or via e-mail at lcl@azdeq.gov.

Sincerely,

Linda Taunt, Deputy Director
Water Quality Division

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
Att-11 (520) 628-6733

From: Stout, Randy
To: Eto, Sandra;
Subject: Agua Fria Access
Date: Thursday, February 18, 2010 11:38:50 AM

Ms. Sandra Eto,

I would like to express my desire to have the Agua Fria open to boat and vehicle access from the Table Mesa road. This access would make my family's visit to Lake Pleasant much more enjoyable.

Thank You,
Randy Stout
Prescott, Az

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From: Horton
To: Eto, Sandra;
Subject: Aqua Fria Conservation Area Access
Date: Friday, February 19, 2010 10:32:37 AM

Dear Sandra:

I, along with family and friends have enjoyed the unique rewards of boat fishing the AFCA for many years prior to its closing. We were always mindful of exercising respect for the environment and all its related resources. On behalf of the constituency of concerned fishermen, we are grateful to be given a "second chance" to help make the AFCA a model for zero impact management success. Thank you.

Sincerely,

Wayne D. Horton
1931 Demerse Ave
Prescott, AZ 86301
928-778-1507

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4881 (20100219) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Att-12

From: Brian A. Bucholtz
To: Eto, Sandra;
Subject: Agua Fria Access
Date: Wednesday, February 24, 2010 9:34:35 AM

Sandra:

The Agua Fria access through Table Mesa Road is a wonderful spot to enjoy Arizona's natural beauty on Lake Pleasant. I have a small sailboat and kayaks, and it would be very nice to see this reopened to watercrafts! Thank you.

Brian Bucholtz
4508 N. Reston Place
Prescott Valley, AZ 86314

From: Betty Jolly
To: Eto, Sandra;
Subject: Lake Pleasant
Date: Wednesday, February 24, 2010 1:36:21 PM

I would like to encourage the ADGF to reopen the access to Lake Pleasant Agua Fria via the Table Mesa Road. I am here October 1st. through May 1st. I am an environmentalist because I ranch in Eastern Washington State. If I didn't take care of my land, I would have no pasture for my livestock. Therefore I would not be able to be semi-retired in Arizona. I leave no garbage, in fact, if I see any, I haul it out in my Wal-Mart plastic bags. Fishing is something very special to me. I want to preserve that privilege for my company that we get all winter from as far away as Alaska, Oregon, Wyoming Colorado, Wisconsin, as well as Washington state, well as my grandkids that stay with us during all the holidays. They love to fish just like thier PaPa.

Thank you for considering this option.

Edward Charles Jolly
37409 N. 18th. St.
Phoenix, Az. 85086

From: BAT MAN
To: Eto, Sandra;
Subject: Lake Pleasant Agua Fria access via Table Mesa road
Date: Wednesday, February 24, 2010 1:57:55 PM

Please open the Lake Pleasant AguaFria access via Table Mesa road. Ticket and arrest the people who litter, so they don't destroyprivileges for everyone else.

Thanks

Brad

From: Alan Horton
To: Eto, Sandra;
Subject: Lake Pleasant Agua Fria Access
Date: Wednesday, February 24, 2010 4:16:48 PM

Hello Ms. Eto,

The purpose of this email is to inform you of my strong feelings about the Agua Fria access to Lake Pleasant. My family and I have been visiting this wonderful area via Table Mesa Road for several years, and recently it has been quite saddening to see our childhood fishing spot closed. I would love to see the area re-opened to vehicles and boats. There are plenty of outdoorsmen like my family who respect and protect the environment who would love to have this area open again. Please consider my request, and I hope to hear good news!

Best Regards,

Alan Horton
928-899-5039

From: Mike & Diana Raymomd
To: Eto, Sandra;
Subject: Lake Pleasant
Date: Wednesday, February 24, 2010 6:20:54 PM

2/24/2010

Ms Eto:

In reference to the Table Mesa Road access to Lake Pleasant allow me to express my opinion that the road be reopened for vehicle and boat access to the lake. Use of this end of the lake is severly limited because of the closing and eagle protection. Your consideration will be appreciated.

Mike Raymond, Sun City West

Att-14

From: Horton
To: Eto, Sandra;
Subject: Updated comment on Agua Fria Conservation Area Access
Date: Friday, February 26, 2010 3:46:50 PM

Dear Sandra:

I, along with family and friends have enjoyed the unique rewards of boat fishing the AFCA for many years prior to its closing. We also appreciated the convenience of access by the way of Table Mesa Road and were always mindful of exercising respect for the environment and all its related resources. On behalf of the constituency of concerned fishermen, we are grateful to be given a "second chance" to help make the AFCA a model for how respectful citizens can insure a low impact management success story for all to be proud of. Thank you.

Sincerely,

**Wayne D. Horton
1931 Demerse Ave
Prescott, AZ 86301
928-778-1507**

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4899 (20100226) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

From: Aaron Horton
To: Eto, Sandra;
Subject: Agua Fria Conservation Access
Date: Friday, February 26, 2010 4:12:43 PM

Dear Sandra,

I was very excited to hear about the public possibly being able to access the AFCA again. Myself along with friends and family truly cherish that area and want to be a part of helping conserve that area through low impact usage. Every single visit to the area pre-closure was cherished and I hope we can continue to use the area in the respectful nature that my friends and family have for the last 10+ years. I would much love to take my daughter fishing their in our boat as my father took my brothers and I. Those are the times that I truly remember growing up outdoors and would treasure the opportunity to share memories like that with my new family. Thank you for your time

**Aaron Horton
607 La Paloma Lane
Prescott, AZ 86301
929-899-8690
aaronmhorton@yahoo.com**



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Grand Canyon Chapter • 202 E. McDowell Rd, Ste 277 • Phoenix, AZ 85004
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February 26, 2010

Sandra Eto
Environmental Resource Management Division
Bureau of Reclamation
Phoenix Area Office
6150 W. Thunderbird Rd.
Glendale, AZ 85306-4001
Emailed to seto@usbr.gov

Dear Ms. Eto:

Thank you for the opportunity to comment on Environmental Assessment (EA) for the proposed Bureau of Reclamation (BOR) amendment to the Maricopa County's Lake Pleasant Master Plan (LPMP) for Agua Fria Conservation Area (AFCA). Please accept these comments on behalf of the Sierra Club's Grand Canyon Chapter and our 12,000 members in Arizona.

The Sierra Club's purpose is "to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environments." Our members have significant interest in Lake Pleasant Regional Park (LPRP) and the AFCA as they use and enjoy many of the public lands in the area, including for hiking, wildlife viewing, and more. We have long worked to protect public lands in Arizona

We commend BOR for seeking to address activities that are damaging natural and cultural resources. However, we fear that the Proposed Plan places recreational opportunities above resource protection and would result in increased damage to natural and cultural resources. We would recommend that the area remain closed to vehicular traffic – the No Action alternative – but that the closure gates be reinforced and additional monitoring and enforcement be provided. We are concerned that opening this to vehicles will contribute to damage to the area, especially via cross-country travel.

As we stated in our scoping comments, the Proposed Action does not clearly address how the recommended changes will lessen or mitigate damage to the area's resources. BOR and other agencies responsible for the lands and wildlife management in the area have determined that shooting, trash dumping, off-road vehicle travel, vandalism, and criminal activity were degrading resources and creating a public hazard. Based on this information, they agreed that the area should be closed to motor vehicles. Both the Proposed Action and the Minimum Development Alternative would reopen the AFCA to these activities with only minimal added enforcement, including reinforced vehicle gates during the closed season, barriers along the roadway, and park hosts available during the open season. Adequate information is not provided that demonstrates how negative impacts to the area's resources will be reduced by these measures. The EA focuses on assumptions that people will pay attention to the law,

SC-1

even though a full 25% of meeting participants admitted to using the area for illegal purposes, even during the closure (Scoping Document, pg. 31). SC-1

Some specific concerns are listed below.

Resources

Conservation areas are defined as “natural, environmentally sensitive areas intended to remain largely undisturbed to preserve the native environment” (pg. 6). To be consistent with this definition, limited resource disturbance should occur. However, the Proposed Action would include development on several acres within the AFCA and would cause disturbance to an even larger area.

The EA states that “as more pressure is placed upon all types of recreational activities, it becomes even more important to protect and maintain these sensitive and undeveloped areas” (pg. 8). Contrary to this statement, the so-called “improvements” listed under the Proposed Action are primarily focused on increasing recreational opportunities in the area, which will encourage more people to visit this area – this will, in turn, decrease the opportunities for “primitive” and “isolated” recreation and will increase the potential of disturbing natural and cultural resources.

Under the Proposed Action, areas of special interest, including natural resources of concern or cultural sites, would be developed into interpretive sites “for protection and educational purposes.” While some interpretation can help to limit damage to certain sites, it needs to be accompanied by monitoring and enforcement. Likewise, sites can be protected by directing people away from them, especially sensitive archaeological resources. SC-2

Vegetation damage has been documented in many areas of the AFCA, especially along the river where off-road vehicles and tree cutting have occurred. This vegetation loss and soil destruction also leads to increased sediment deposition and decreased water quality. The proposed plan is not clear on how these effects will be reduced and mitigated. It is unlikely that post-and-cable barriers along the road will prevent people from traveling off the designated route or from using the river bed as an illegal travelway, especially if there will be no increased enforcement action. People have illegally gained access to the AFCA by tampering with existing closure mechanisms, such as the entrance gate, so it can be presumed that they will also tamper with any barriers within the AFCA preventing them from driving off the designated route.

The EA does not address how the spread of non-native, invasive species will be mitigated. Increased use of these areas will spread existing non-native species and may also introduce new ones. How will these impacts be reduced? SC-3

Wildlife

The EA only discusses potential effects to federally-listed threatened or endangered species. It does not address effects to other sensitive species, such as the Sonoran desert tortoise, which is listed as a species of special concern by the Arizona Game and Fish Department. The EA states that four areas within the AFCA are categorized as having a high density of tortoises, but it does not discuss how the Proposed Action would impact this species. Potential impacts to *all* wildlife and plant species, not just those listed by the Endangered Species Act, must be determined and suitable mitigation efforts established prior to implementation of any action. Habitat destruction and degradation are the primary threats to wildlife in Arizona, and the Proposed Action would clearly alter habitat for many species in the AFCA. SC-4

The EA states that during the 2010 breeding season, surveys will be conducted for the yellow-billed cuckoo, which is a candidate for federal listing. Have any surveys for this species been conducted in the past? Is it known to utilize the project area? How will the proposed actions affect this species and its habitat? The EA does not address any of these concerns.

SC-5

With regards to the Bald Eagle Breeding Area, which is closed from December 15 to June 15 each year, the EA does not address if access to this area will be increased by implementing the Proposed Action and the likely negative impacts of this. It states that information will be provided about the closed area, which may prevent some, but not all, recreationists from entering the area. Without a map, it is unclear where the closure area is in relationship to the proposed project area. Will recreationists using boats or off-road vehicles have easier access to this sensitive area? If so, neither the Proposed Action nor the Minimum Development Alternative should be implemented.

SC-6

Recreation Opportunities

The EA states that the rate of population growth is expected to slow in the coming years. However, regardless of the rate, the state's population will continue to increase and more people will seek recreational opportunities. The opportunity for isolated and primitive recreation, especially recreation that is not disturbed by motor vehicles, will continue to decrease.

Under the No Action alternative, the AFCA will remain accessible by foot, bicycle, and horseback, providing a solitary and primitive recreation opportunity, which is increasingly rare as Arizona's population continues to grow. However, both the Proposed Action and the Minimum Development Alternative would open this area to motorized vehicles, greatly reducing the opportunity for isolated recreation and potentially degrading many of the resources for which these recreationists utilize this area.

SC-7

Enforcement

The EA states that minimal to no staff presence is currently provided in the AFCA. However, it does not provide an option to increase enforcement while maintaining closure of the area. It states that under the No Action alternative, damage to resources will continue to occur due to minimal enforcement. Why is it not possible to increase enforcement while leaving the area closed to vehicular traffic? Unlawful entry and vandalism of the gates currently occurs – the solution provided under the Proposed Action is to reinforce these gates. However, this solution is not provided under the No Action alternative, and a suitable alternative that maintains a vehicle closure while providing reinforced gates and agency enforcement is not provided. The lack of such an alternative doesn't make sense as this would be the best way to protect the area's resources.

The EA states that the area would generally be open for day-use only during periods when parks hosts are available. How will closure of the area be enforced at night and during the closed season? There is the potential that illegal entry and use might actually increase as a result of opening the area only periodically. Enforcement during all times – when open or closed – is essential to protect the area's resources.

SC-8

The presence of park hosts may help dissuade illegal activities to a degree. However, the park hosts will be limited in the range of area they can influence as well as the enforcement actions they can take. It may be very difficult for them to control some activities, such as unlawful shooting and off-highway vehicle travel. The EA states that the proposed management plan would provide additional agency presence and/or law enforcement – park hosts count as neither of these as they do not have law enforcement

capabilities. Additional agency presence is not provided until Phase III of the Proposed Action, at which time agency offices will be constructed at the entrance to the AFCA. It is not clear in the EA how providing agency offices will help with enforcement of the area, unless these personnel will be monitoring the area.

SC-8

Funding

We are also concerned about how enforcement and the various "improvements" will be funded. The scoping document stated that implementation of the recommendations would require significant financial resources. However, the EA does not identify that suitable funds are available other than that Maricopa County Parks and Recreation Department will shift resources as needed to ensure sufficient support is available. The area should remain closed until long-term funding is secured.

SC-9

The EA also states that "it was envisioned that there would be minimal operation and maintenance costs associated with [conservation] areas" (pg. 6). The seemingly high costs for development and maintenance of the Proposed Action do not support this statement.

Monitoring

The EA states that the AFCA will be monitored to determine effects on natural and cultural resources and to determine if additional measures are needed. It is not clear what monitoring will take place or what would signal the need for additional protective measures. It says that baseline conditions will be inventoried and documented, but it does not address how these inventories will occur or how future changes will be monitored or addressed. We support an adaptive management approach, but some guidelines should be in place so that quick action can be taken if needed.

SC-10

The Scoping Document stated that photo plots would be established to document changes in the condition of riparian vegetation and to determine limits of acceptable change. However, the EA makes no mention of these photo plots. We strongly encourage the managing agencies to establish these points regardless of which action is implemented. If either the Proposed Action or the Minimum Development Alternative is selected, the photo plots should be established prior to opening the area to motorized traffic in order to establish a suitable baseline. Limits of acceptable change should also be determined prior to opening the area, and plans should be in place so that quick mitigation action can be taken if needed.

Other Concerns

The EA states that the AFCA is also illegally accessed by vehicles using a series of dirt trails that approach from the west. Is anything being done about this?

SC-11

The EA also mentions that the open season provided under the Proposed Action and the Minimum Development Alternative would be flexible. It is not clear what "flexible" means. Is there the possibility that the area will be open outside of the preferred open season of January through June or when suitable enforcement is not available?

SC-12

Again, we strongly urge that the area remain closed to motor vehicles in order to protect the natural and cultural resources and to provide suitable recreation opportunities that do not involve motor vehicles. We recommend that the entrance gate be reinforced and additional enforcement be provided to ensure that these important resources remain protected.

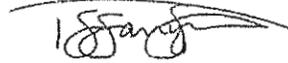
SC-13

Thank you for the opportunity to comment on this EA. Please contact us with any questions or to discuss these comments in further detail. We appreciate being involved in this process.

Sincerely,



Sandy Bahr
Chapter Director
Sierra Club - Grand Canyon Chapter



Tiffany Sprague
Chapter Coordinator
Sierra Club - Grand Canyon Chapter

Reclamation's Responses to Sierra Club Letter

Agua Fria Conservation Area Management Plan Environmental Assessment January 2010

- SC-1. Your comment is noted. Please also see responses to comments SC-2 through SC-12.
- SC-2. The goal of the management plan is to allow visitors the ability to enjoy a relatively undeveloped recreation experience within a reasonable distance of the Phoenix metropolitan area, while protecting the resources and aspects of this part of the LPRP. The area is not a pristine wilderness, and has been impacted and used for a variety of activities. The Partners' plan is meant to address wildlife and habitat conservation, while allowing a certain level of recreational opportunities.

A six-week pilot project was conducted in April-May 2008, under which a limited area within the AFCA was open to vehicular traffic during daylight hours from Friday through Sunday. AGFD staff greeted each vehicle entering the LPRP, explaining Park rules and restrictions, and made sure all vehicles left at the appointed time. Although limited, this pilot project indicates allowing greater use of a limited area within the AFCA will not necessarily result in disturbance to an even larger area. Human activities will now be managed and subject to enforcement by the Park. This disturbance will not be dispersed across the entire AFCA; rather, it will be concentrated in a few areas that have already been disturbed. There will be more staff present in the area under the full-scale plan than was available under the pilot project. We believe the combination of barriers, signage, and presence of camp hosts and other Park staff will be adequate to confine otherwise lawful activities within designated areas and away from more ecologically sensitive areas.

Under the current situation, people with accessibility limitations have more difficulty or simply are not able to reach the upper portion of Lake Pleasant, especially during the Bald Eagle Closure. The existing parking area is just over a mile from the upper reaches of Lake Pleasant, along a primitive trail. Allowing monitored and controlled motorized access to a fairly small area within the AFCA will make this type of relatively undeveloped and isolated recreational setting available for enjoyment by the elderly and physically challenged, as well as the general public.

- SC-3. Efforts to prevent the spread of invasive plant species into the AFCA will be consistent with guidelines that will be used throughout the Maricopa County Park system. These guidelines are currently under development. Park hosts also will be trained in the identification and control of quagga and zebra mussels that may be attached to watercraft entering the LPRP. In addition, signs will be posted at the Park entrance and at parking areas warning visitors about the danger of quagga and zebra mussels and what they can do to prevent their spread.
- SC-4. Desert tortoise and other wildlife species will benefit from the proposed action as numerous areas that have been degraded by OHV use will now be off limits and allowed to recover. The road on the west side of the Agua Fria crosses the river channel and is within or adjacent to the riparian area; this is not considered to be prime tortoise habitat. While the existing road on the east side goes through suitable tortoise habitat, under the

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Management Plan this will be used only for foot traffic. We anticipate there will be little to no impact on this or other species. Certainly, with increased road traffic and visitor use, there will be increased disturbance to wildlife species during daylight hours. However, these impacts would likely be incurred by larger species that can move away from the area and return when people leave the Park or it is closed to entry.

- SC-5. Exploratory surveys for the yellow-billed cuckoo were conducted during the summer of 2009 with negative results. Reclamation biologists do not believe the riparian habitat within the AFCA is suitable for these species. Due to the channel geomorphology, the river's hydrograph, and the influence of lake operations, it is not likely these species will breed here although it is possible they may utilize the area during migration. No additional surveys are recommended although we will continue to monitor the area and conduct surveys if the habitat quality increases.
- SC-6. Early on in the planning process, Reclamation considered potential effects to the federally listed bald eagle. An anticipated small increase in violations of the existing bald eagle closure was weighed against the existence of the closure itself, the presence of a nestwatch team to monitor the closure, and an intensive information and education program to be implemented at the north end of the park. It was determined that along with the inaccessibility of the nest itself, these measures should be sufficient to allow for the continued occupancy and productivity of this pair. Reclamation determined that implementation of the Management Plan "may affect, but is not likely to adversely affect" the threatened bald eagle. Reclamation conducted informal consultation with the FWS as required by the ESA. A copy of FWS' concurrence letter is provided as Appendix D to the EA.
- SC-7. See response to Comment SC-2.
- SC-8. Funding currently is not available for increased enforcement alone. MCPRD's ability to provide increased staff presence in the area is made possible through a grant provided by AGFD, which will cover the cost of constructing the Park Host sites, road barriers, and boat ramp. The grant is associated with AGFD's Boating Access Program, that provides funding for projects that facilitate boating on public lakes and waterways which allow for the practical use of gasoline powered motorboats. Vehicular access into the AFCA will not be allowed without the presence of Park Hosts, or their equivalent.

We realize there is always a potential for unlawful entry into the AFCA to occur; however, MCPRD's experience since the AFCA was closed to vehicular traffic in July 2007, and its limited experience during the six-week pilot program in April-May 2008, does not support the speculation that unlawful entry and use would increase as a result of opening the area only periodically. This experience also indicates that increased staff presence alone actually does go a long way in deterring unlawful activities from occurring within the AFCA. This presence does not necessarily have to come with "law enforcement capabilities."

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SC-9. Most if not all of the Phase I and Phase II Capital Improvements associated with the Management Plan are being funded by the AGFD grant (see Response to SC-8 above). MCPRD will seek grant funding and partnerships for large capital projects for which it is responsible. The schedule is flexible, and portions of the Management Plan will not be funded unless and until funding has been secured.

SC-10. As stated in the EA (p. 18), the baseline conditions within the AFCA will be inventoried and documented prior to implementing the Management Plan. Once the baseline conditions have been established MCPRD, in consultation with Reclamation and Partners, will develop standards and limits of acceptable change based upon indicators such as access, remoteness, visual characteristics, site and visitor management, visitor impacts, etc. The EA indicates staff from MCPRD, Reclamation, and AGFD staff will conduct an annual review of the AFCA to identify what, if any, changes are occurring to the sensitive resources within the AFCA. Adjustments will be made to the Management Plan based upon the observed changes to the area, if any. It also is anticipated MCPRD, AGFD, and Reclamation staff will be on-site at various times of the year; thus some areas will be observed more frequently than annually.

There also are other ongoing monitoring activities in the area, such as AGFD's monitoring of wildlife and fish species populations and habitats as part of its Strategic Plan and management objectives. Law enforcement of the area is cooperatively managed between the Maricopa County Sheriff's Office and AGFD, along with administrative oversight by MCPRD. This oversight and the presence of hosts will allow MCPRD to act quickly in situations where sensitive resources are being immediately threatened, as well as providing input into the annual review process.

Establishment of photo plots within the AFCA, to document changes in the condition of riparian vegetation and determine limits of acceptable change, was identified in the proposed Management Plan as occurring in Phase I (MCPRD 2009, p. 16). Subsequent to the finalization of the proposed Management Plan, Reclamation's project biologist conducted additional field surveys to identify potential photo plots. Based upon these visits, Reclamation's biologist determined the potential for riparian habitat to generate and sustain itself in this area will be greatly limited by the changing lake elevations resulting from operation of New Waddell Dam, as well as the geomorphology and hydrology of Lake Pleasant. Should any of these conditions change, establishing and monitoring photo plots within the AFCA will be reconsidered.

SC-11. MCPRD has been evaluating access into and through LPRP west of the AFCA. As an interim measure, MCPRD has added signs, where appropriate, to indicate closure. MCPRD also has been inventorying the roads and identifying where adding gates may mitigate unlawful routes into and/or through LPRP. It is anticipated this issue will be more thoroughly addressed as a part of the Humbug Creek Conservation Area Management Plan, which is currently planned to be initiated in 2012.

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SC-12. As stated in the EA (p. 17), vehicular entry into the AFCA may be allowed (for day use only), only when at least two formally MCPRD-designated staff are available, and water elevations are between 1,680 and 1,702 feet. Even if these conditions are met, it will be at MCPRD's discretion.

SC-13 Your comment is noted.