





June 12, 1997

Lawrence Ramsey  
Department of Water Resources  
Management Support Section  
500 North Third Street  
Phoenix, Arizona 85004

Dear Mr. Ramsey,

On Friday, May 16, 1997 we were contacted by phone by Mr. Khoury of Stanley Consultants, Inc. on behalf of Del Webb Corporation. We received a letter from Michael Buckley dated May 20, 1997 as a follow-up to the phone call. Mr. Khoury requested that we notify them of our inability to supply them with water from our system for the construction of an 8 mile, 30" pipeline that is to supply all of the water for the new Del Webb New River Development. He explained that this would aid them in securing a permit to drill and operate a new well on their land west of I-17. They project that this well would produce 300 or 400 gallons a minute.

This letter expresses our strong objection to any new high capacity well or wells that will constantly endanger our limited supply of ground water. We operate 4 wells (from 395' to 1100' deep) on a rotating basis, that produce from 4 to 10 gpm when each is pumped for a maximum of 24 hours on and 48 hours off.

Skunk Creek passes through our land a mile above the Del Webb land and we believe that a large withdrawal of ground water in the Skunk Creek or New River basins will diminish our limited supply. We also fear that should Del Webb's lease with AK-Chin for CAP water not come to fruition, the developer might be tempted to use this, and additional wells, not just for construction, but other uses as well.

The permit for this "Construction Water" well should be subject to:

1. No new well until all permits, contracts, rights of way and other legal issues relative to CAP water are resolved and actually signed and sealed by all State, Federal and Tribal parties.
2. Use of well limited to water for the construction of the pipeline and water treatment plant only.

H-79

3. Well or wells currently on the project site, to be metered and same reported to the Department of Water Resources monthly.
4. Total maximum withdrawal to be no more than 90,000 gallons per day for a maximum of 18 months.

We are very concerned as water is our lifeblood. Please notify us of any hearings or meetings we may attend relative to any large proposed use of New River ground water.

Thank you for your attention to this matter.

Sincerely,

SHANGRI LA II RESORT  
KRAUS INVESTMENTS L.C. (Owner)



Horst Kraus  
President

HK:sr

cc: Karen A. Jenkins, Consumer Service, Arizona Corporation Commission  
Renz D. Jennings, Commissioner (Water Division), Arizona Corporation Commission  
Dennis E. Schroeder, Area Manager, U.S. Department of the Interior, BOR  
Bruce Ellis, U.S. Department of the Interior, BOR  
Congressman J.D. Hayworth  
Senator John McCain, (R) Arizona  
Senator Jon Kyl, (R) Arizona  
Governor Fife Symington  
Tom Carr, Permit Section, Department of Water Resources  
Supervisor Fulton Brock  
Supervisor Don Stapley  
Supervisor Betsy Bayless  
Supervisor Mary Rose Wilcox  
Supervisor Jan Brewer

**Letter 11: Response to Comments made by Shangri La II Resort**

- 11-1. Additional information regarding withdrawals of groundwater during construction has been added to the final EA. Also see response to comment 7-5.
- 11-2. Your comments on the merits of the NEPA process and The Villages development are noted. Please refer also to the "Response to Comments on the NEPA Compliance Approach", above.

LETTER 12

June 29, 1997

Mr. Bruce Ellis, Chief  
Environmental Resource Management Division  
Bureau of Reclamation  
P. O. Box 9980  
Phoenix, Arizona 85068-0980

Re: PXAO-1500

Dear Mr. Ellis:

OFFICIAL	ACTION BY	
FILE COPY-APCN	DUE DATE	
JUL - 2 '97		
DATE	ROUTE TO	INITIALS
	1500	
CLASSIFICATION	E1141.10	
CONTROL NO.	9700349	
FOLDER ID	7057-2	
UPDATE		
KEYWORD		

I attended a Bureau of Reclamation meeting June 28th in New River. I had heard about the proposed Del Webb development in this area, and I was given information about this meeting by a co-worker. I drove one hour, from Tempe, to go to this meeting.

Even though I live in Tempe, I am against the Del Webb development. I think it is obvious that this project will have a detrimental affect upon the environment -- which to me means not only the quality of life for people in New River, but for anyone who breathes the air.

This is a prime example of urban sprawl which has become a menace throughout the West. As people move farther away from the city, they must drive longer distances to get to their jobs and other resources (a baseball stadium, airport or symphony hall). This causes more air pollution which all of us in the Valley breathe.

We should be filling in the vacant land within the City of Phoenix, not leap-frogging over parts of the desert to create another suburb. This type of development has gone on way too long. It's time to stop it now.

In my mind, the environmental impacts seem obvious, so it almost seems like a waste of time to do an EIS. However, my impression is that without an EIS, the project will be built. Therefore, I urge you to do an EIS on the project.

Sincerely,

*Marilyn De Mass*

12-1

## **Letter 12: Response to Comments made by Marilyn DeMoss**

- 12-1. The final EA has been revised to specifically address air quality effects that would result from provision of settlement water under the Option and Lease Agreement and construction and operation of the proposed water delivery facilities (Please refer to pages 3-24 and 3-25 of the final EA). A general discussion of air quality effects of The Villages is included in the EA on page 3-25 under the No-Action Alternative. While potential environmental impacts associated with The Villages development are presented under the No-Action Alternative, impacts associated with The Villages are not considered either direct or indirect effects of Reclamation's proposed action for the purpose of determining whether that action will have "significant" environmental effects. The effects of The Villages are relevant, however, as part of the background, or context, against which the incremental, or cumulative, effects of Reclamation's action are assessed. The discussion of the No-Action Alternative also provides a baseline against which the proposed action is evaluated. See also response to comment 4-10.

The comments regarding urban sprawl and leap-frog development concern local land use and zoning decisions that are appropriately addressed at the local governmental level. It should also be noted that preparation of an EIS does not necessarily preclude implementation of a project.

LETTER 13

July 7, 1997  
New River, Ariz.

U.S. Bureau of Reclamation:  
Phoenix Area Office:

Dear Sirs:

I attended the meeting at  
The New River School on June  
28th. I have also received the  
Draft Environmental Assessment.  
I do thank you and think you  
have done a very good thorough  
job. I do not think it requires  
any further study.

I am one of the silent people  
in favor of the Del Webb  
development. In regard to  
the Pipe line I think it is  
the only way to go -

We know progress and more

13-1

(2)

people coming every day. The Del Webb plan has tried to cover all situation, as to water and environment.

I have lived in New River since 1951. But I was here in 1934 in New River. Had relatives living here. Many changes and very much growth. We still have water.

13-1

We do need planned cities and building codes. If everyone has a well & septic tanks the ground will become contaminated. I don't think our ground water here will be effected as we are several miles above the Del Webb site.

I do hope you will consider the pipe line as the best plan for water.

13-1

(3)  
I think you have done a  
very good job and thank  
you.

Sincerely

Helen Stephenson

P.S. at the meeting there were  
3 lawyers and a person from  
Cave Creek. I don't feel they know.

As a resident of New River  
please take a look around  
New River as to the type  
of how un planned development  
looks.

**Letter 13: Response to Comments made by Helen Stephenson**

13-1. Your comments on the merits of the NEPA process and The Villages development are noted.



The National Environmental Policy Act (NEPA) was legislated to safeguard this nation's natural resources. In cases where federal resources or funds are involved, it provided a means for the federal government to step in and take an objective look at the potential threat to the environment. It was legislation that the Department of the Interior fought for.

The proposed Del Webb development is a textbook case. Maricopa county has one of the worst air pollution problems in the country. It is number two in the country for particulates, it has been downgraded by the EPA to **serious** for Ozone and is out of compliance in all three categories.

14-2

Phoenix does not have a heavy industrial base. The source of the pollution problem is automobiles. The proposed development, the largest ever approved by the Maricopa County Board of Supervisors has no provision for public transportation, is located twenty miles (of interstate highway) from the nearest employment center, and will contribute between 9,000 and 34,000 pounds of particulates annually to an already very serious air pollution problem.

The stance that the Department of the Interior is taking is, "since it appears the development of the Villages will occur in the absence of the federal action, Reclamation anticipates the EA will focus on the impacts associated with construction of the delivery and treatment systems".

The reference to the development being built, "in the absence of the federal action", is based on a letter from The Del Webb Corporation listing the cities of Phoenix and Peoria as alternative water sources. Letters from these cities indicate that no such agreements are in place. Even if agreements could be made, the fact remains that the development will use CAP water piped across federal land.

14-3

In an internal memo, Bruce Ellis, chief of the environmental resource management division of the Bureau of Reclamation stated, "The scope of the EA should not only include the impacts associated with construction of the water-delivery system, but should also include the impacts resulting from development of the master-planned community, since this is how the water will be used".

The U.S. Fish and Wildlife Service agree, in a letter to the Bureau of Reclamation. Fish and Wildlife Field Supervisor Sam Spiller states, "The service does not believe the scope of analysis for this EA should exclude the Villages ... simply because Del Webb has alternative water supplies for their development".

The individuals at the working level are pressing for an EA on the entire development, but the package that was sent out was an EA for only the pipeline.

Something is very wrong. The Department of the Interior should be taking the opposite stance. They should see this as an opportunity for NEPA to do what it was legislated for. To safeguard the environment and its potential affect on the local population. As a person with respiratory problems I know the effects of air pollution: increased mortality rates, shorter life span, and just recently a link to sudden infant death (SID).

14-4

Is there a reason that the Department of the Interior is not following its own legislation? Please provide an answer to this question.

14-4

## **Letter 14: Response to Comments made by Fred Troy**

- 14-1. Please refer to the "Response to Comments on the NEPA Compliance Approach", above.
- 14-2. Please refer to response to comments 4-10 and 12-1 regarding evaluation of air quality effects in the EA. We have no information about the source of the commenter's reference to the contribution of "9,000 and 34,000 pounds of particulates."
- 14-3. Please refer to the "Response to Comments on the NEPA Compliance Approach", above, for a discussion of Reclamation's NEPA approach and the decision to either issue a FONSI or prepare an EIS. It should be noted that constructing the proposed pipeline would involve crossing only a small amount of federal land. Most of the land that would be crossed by the pipeline is state-owned land (Please refer to Figure 2-6 of the EA).

The final EA includes additional analysis and substantiation that alternative water sources would be available to The Villages development in the absence of the federal action (see Appendix A). Please also refer to response to comment 3-1.

The cited portion of an internal Reclamation memorandum was taken out of context. The memorandum goes on to state:

The correct assessment of environmental impact rests on a comparison of future conditions "with" and "without" the project. Accordingly, the EA must describe the conditions most likely to occur in the absence of the proposed action (provision of water through the lease agreement). This No Federal Action (or "future without") scenario becomes the baseline against which the impacts of the proposed action are measured. It is particularly important in this instance to determine if the Company's master planned community would go forward in the absence of the water supply made available through the Agreement.

This is consistent with the approach taken in the EA (see the "Response to Comments on the NEPA Compliance Approach", above).

The comments of the USFWS, and Reclamation's responses, are included in this Appendix (see comment letter 6).

- 14-4. Reclamation has disclosed and considered the relevant potential effects that could result from the reasonable range of alternatives considered in the EA, while recognizing that land use authority and development project approval in Maricopa County are the responsibility of the Maricopa County Board of Supervisors.

.....

The awesome BACKGROUND setting of  
 The majestic MOUNTAINS and  
 The incredible variety of CACTI.  
 I've lived in Arizona for 30 years  
 and moved out to Desert Hills  
 11 years ago to escape the  
 crowds and scorching STREETS  
 of The VALLEY. If I can be of any  
 ASSISTANCE or support please call  
 me. THANKS for your help!

15-1

MW-21


 MAACK  
 Wholesale Co. Inc.  
 TEMPE, ARIZONA 85287

 Amy Little  
 77

**Letter 15: Response to Comments made by Amy Little**

15-1. Your comments on the existing New River environment are noted.



**Letter 16: Response to Comments made by Andrea J. Ouse**

- 16-1. Vegetation and wildlife field surveys were conducted for the entire water delivery system corridor using standard field techniques. Conducting lengthy and intensive field surveys to document all wildlife in the pipeline corridor is not required or practical for purposes of NEPA. Plant and wildlife species encountered during the field surveys are presented in Appendix B of the EA.
- 16-2. The draft EA indicates that construction within the pipeline corridor would temporarily disturb up to 0.27 acre in 17 seasonal drainages and 5.75 acres of xeroriparian scrub in the New River channel. Because the pipeline would be buried and Del Webb would be required to recontour and reseed those areas of the corridor not needed for permanent facilities, these temporary effects are considered minor.
- 16-3. The EA statement on page 3-9 regarding animal migration routes is based on knowledge of Reclamation's biologist and professional consultants about the wildlife resources of the project area and the reasonable assumption that a buried pipeline would not pose an obstacle to animal movements.
- 16-4. The last paragraph of Section 3.3 of the EA is related to actions that would occur under the No-Action Alternative in the absence of Reclamation's provision of settlement water under the Ak-Chin Option and Lease Agreement. The need for a Section 404 permit for activities that result in placement of dredged or fill material into waters of the United States does not mandate preparation of an EIS. Preparation of a NEPA document may be required depending on the type of activity, amount of discharged material, and/or amount of waters of the United States that would be affected. The Corps of Engineers would make that determination, and would prepare any NEPA document deemed to be appropriate, as part of the Section 404 permitting process.

OFFICIAL	ACTION BY	
-1-1 COPY AFTER DUE DATE		
JUL 11 '97		
DATE	ROUTE TO	INITIALS
7/11	1515	Rose
	1510	
CLASSIFIED BY	EW 4-00	
CONTROL NO	27722 21	
FOUNDER	27722 21	
UPDATE	27722 21	
KEYWORD	27722 21	

Carol Zimmerman

4 July 1997

Mr. Bruce Ellis, Chief  
 Bureau of Reclamation  
 23623 North 7th Street  
 Phoenix, Arizona 85024

Re: PXAO-1500

Mr. Ellis:

I am writing to you on the Fourth of July, an apt date, considering one of the salient points Thomas Jefferson made in the Declaration of Independence was the inalienable right of the governed to challenge their government. Mr. Ellis, your Environmental Assessment is seriously flawed. It does not adequately address negative environmental impacts. It focuses on the proposed pipeline with little discussion of what will happen once the water reaches New River. Four federal issues have not been adequately addressed: The Clean Water Act, the Clean Air Act, the Endangered Species Act, and the National Environmental Policy Act (NEPA). In addition, there is evidence that the Bureau of Reclamation is in collusion with Del Webb Corporation.

Clean Water

The Environmental Assessment is inadequate in addressing not only the delivery and treatment of the water, but the use of the water in the development of the "Villages". The long-term water quality effects of run-off from residential areas and golf courses (the result of implementing Del Webb's "Villages") is not adequately addressed. Pollutants such as petroleum products, fertilizers, and pesticides will drain into our groundwater.

17-1

Clean Air Act

Page 3-25 states, "Truck traffic associated with pipeline construction would be low... and not expected to exceed the *de minimis* levels and no conformity analysis is necessary". That statement is ludicrous. It's a scandal for you to expect the air quality to remain pristine as a result of this pipeline construction.

17.

The purpose of this proposed pipeline is to support Del Webb's proposed "Villages at Desert Hills", a Master Planned City. This city will house an estimated 50,000 to 70,000 people, most of whom will be driving cars and adding to the already polluted air. Maricopa County is currently in violation of the Clean Air Act and is having to pay fines as a result. The issue of air pollution is not adequately addressed in this Environmental Assessment.

Endangered Species

The Environmental Assessment is inadequate in addressing endangered species, such as the Pygmy Owl and the Lesser Long-Nosed Bat, both residents of the area under attack.

17-3

Page 3-10 of the EA states, "The final rule on cactus ferruginous pygmy owl... determined that designation of critical habitat in Arizona was not prudent." Not prudent for whom? Del Webb? The United States Supreme Court ruled recently that the habitat of endangered species shall be protected as well as the endangered species themselves. Your Environmental Assessment does not take this into consideration.

17-3

Discussion of the impact on the desert tortoise on page 3-13 is woefully inadequate. Pages 3-14 and 3-15 state, "Evidence of two state species of special concern was observed on or adjacent to the property: Hohokam agave (highly safeguarded plant) and the desert tortoise. The California leaf-nosed bat and ferruginous hawk are either known or expected to occur in the area." The "Villages" WILL have an effect on these state special-status species. This alone should indicate an EIS is needed.

### NEPA

NEPA requires a federal agency that wants to engage in a major federal action which significantly affects the human environment, to study and report the environmental impacts of its proposed decision. Federal approval for the lease of between 6,000 and 10,000 acre feet of Ak-Chin Indian CAP water per year requires that the Bureau of Reclamation conduct a full Environmental Impact Study (EIS) on the human and ecological effects of this development. These impacts include growth inducing effects, changes in the pattern of land use, changes in population density and growth rate, as well as severe negative effects on air quality, traffic, crime, water, taxes, infrastructure, and natural ecosystems. Approval of Ak-Chin water lease is a federal action. An EIS is required.

17-4

Details of the pipeline have changed, so now it's out-of-scope. (Del Webb has expanded the area where they can take water.) Most importantly, Del Webb has no legitimate water sources. (This should require them to do a full Environmental Impact Study.)

Constructing the pipeline, treatment plant, and the resultant "Villages" will result in disturbances to unknown archeological sites that have not yet been discovered.

Del Webb Corporation must be in full compliance with the National Environmental Policy Act (NEPA) and must complete an Environmental Impact Study.

**These are not local issues, nor Maricopa county issues, nor Arizona state issues. These are Federal issues. Del Webb must conduct a full Environmental Impact Study.**

The Bureau of Reclamation, an agency of the Department of the Interior, appears to be in collusion with the applicant, Del Webb Corporation.

Why is this EA so big? The length alone tells you that this project is so big and complicated that it needs an EIS. The Council on Environmental Quality advises agencies to keep the length of EAs to not more than 10 - 15 pages. In its document *Forty Most Asked Questions concerning CEQs National Environmental Policy Act (NEPA) Regulations*, Question 36b asks "Under what circumstances is a lengthy EA appropriate?" The response states that "Agencies should avoid preparing a lengthy EA except in unusual cases where a case is so complex that a concise document cannot meet the goals of Section 1508.9 (of the NEPA policy) and where it is extremely difficult to determine whether the proposal could have significant environmental effects. **In most cases, however, a lengthy EA indicates that an EIS is needed.**"

17-5

Mr. Ellis, your e-mail bemoaning your struggle with how to limit the scope of NEPA indicates the Bureau of Reclamation's collusion with Del Webb. Mr. Ellis, what changed your mind about an EIS? During the public meeting in New River on 28 June 1997 it was stated that you once agreed for the need of an EIS, and now you are saying it is not needed. What changed you mind?

The Del Webb Corporation has bullied its way through this whole process of getting the land and attempting to "develop" it. The Corporation acquired the land as the result of an illegal land swap, and the link of this land to the Don Bolles murder is a matter of record. In spite of citizens shrieking out how Del Webb Corporation has broken laws and continues to break laws to get its way, our government officials continue to genuflect before the great and powerful Del Webb Corporation. The Del Webb Corporation has corrupted our government. Are you, Sir, among them?

Sincerely,



Carol Zimmerman

## Letter 17: Response to Comments made by Carol Zimmerman

- 17-1. A general discussion of the water quality effects that would result from The Villages development under the No-Action Alternative is presented on pages 3-5 through 3-7 of the EA. The potential for pollutants, such as fertilizer, petroleum products and pesticides, to affect water resources is addressed in the second paragraph on page 3-7. Reclamation believes this general analysis is an adequate description of the water resource effects that would occur under the No-Action Alternative.
- 17-2. The federal air quality conformity regulations indicate that a conformity determination is not required because the proposed action (provision of leased settlement water, including construction of the delivery pipeline and water treatment plant) would not cause emissions that would exceed pollutant threshold levels, called *de minimis* emission levels. The *de minimis* levels that would apply to the proposed action are 100 tons per year (tpy) for reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>), 100 tpy for carbon monoxide (CO) and 70 tpy for PM10 (particulate matter smaller than or equal to 10 microns in diameter). The construction-related emission levels have been estimated and are included in the final EA on pages 3-24 and 3-25. Pipeline construction emissions would not begin to approach the threshold levels because of the relatively minor amount of truck and heavy equipment traffic associated with the construction effort. Operation of the turnout, pipeline and treatment plant would not result in emissions because these facilities would use electricity. Please refer also to response to comment 4-14 for a discussion of the conformity requirement.

Air quality effects of The Villages are not relevant to either the Clean Air Act conformity analysis or NEPA except in the context of the NEPA cumulative impacts inquiry. Quantification of air quality impacts for The Villages has not been carried out because The Villages is not part of the proposed federal action and is not being caused by the federal action. The decision to approve The Villages, whatever its costs and benefits to the community, is the responsibility of local government, specifically the Maricopa County Board of Supervisors.

- 17-3. Reclamation has adequately addressed potential impacts on federally protected species by preparing a BA and providing it to USFWS. Cactus ferruginous pygmy owls and lesser-longed nosed bats do not occur within the pipeline corridor because habitat for these species does not occur in this area. Critical habitat was proposed for the cactus ferruginous pygmy-owl in Arizona in a USFWS proposed rule (59 *Federal Register* [FR] 63975). However, because the pygmy-owl has been a sought-after species for birding enthusiasts, the USFWS now believes that designation of critical habitat and the subsequent publication of location maps and detailed locality descriptions would harm the species rather than aid in its conservation. The publication of pygmy-owl localities in Arizona would also make the species more vulnerable to acts of vandalism. The USFWS, therefore, has determined that designation of critical habitat for the pygmy-owl is not prudent (62 FR 10730 [1997]).

Del Webb has committed to following AGFD's "Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects" should any desert tortoise be encountered during development of The Villages.

- 17-4. Please refer to the "Response to Comments on the NEPA Compliance Approach", above, regarding Reclamation's approach to NEPA Compliance, including the decision to prepare a FONSI or an EIS and the definition of a "major federal action." Regarding potential impacts on archaeological resources and water supply option viability, please see response to comments 4-13 and 3-1.
- 17-5. Reclamation has considered CEQ's guidance for the length of an environmental assessment and has endeavored to minimize the length of the EA. For this EA, Reclamation decided to include additional information on the No-Action Alternative to be responsive to public interest expressed about effects of The Villages. This resulted in an EA that is somewhat longer than other EAs prepared by Reclamation. In general, the length of a document by itself is not the determining factor as to whether or not an EIS is appropriate. The need for an EIS is based on Reclamation's consideration of the significance of the impacts that could result from the proposed action. Please refer also to the "Response to Comments on the NEPA Compliance Approach", above.
- 17-6. Your comments on the merits of the NEPA process and The Villages development are noted. As noted in the "Response to Comments on the NEPA Compliance Approach", above, Reclamation has developed guidance in its Draft NEPA Handbook (August 1996), which specifically addresses approaches to NEPA compliance for water transfer actions and local growth issues. This guidance was developed to address the sometimes difficult decisions regarding the scope of NEPA documents involving the use of federal project water. This is the difficult issue "bemoaned" by Mr. Ellis in his e-mail message. The statement you refer to as being made in the June 28, 1997 public hearing in New River, that Mr. Ellis once agreed to the need for an EIS, is in error. Mr. Ellis has never made any conclusion or statement regarding the need for an EIS on this proposal. Your comments on the Del Webb Corporation are noted.

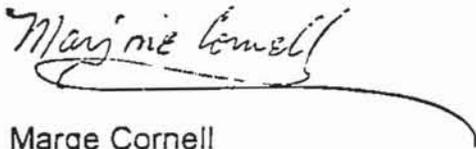


of self-indulgence, and to do this instinctively and every time. But, this shining quality does not occur spontaneously in people. It has to be learned. Parents, schools and churches have to teach it. Unless they do, our society will begin to crumble."

The sense of honor that our ancestors knew has weakened and diminished. We no longer understand how important honor is in the conduct of our daily lives. The men who signed the Declaration of Independence did know. They **pledged** their sacred honor.

Please act honorably. Make sure our precious resources are protected! Do the right thing by doing a full-blown Environmental Impact Statement.

Sincerely,

A handwritten signature in cursive script that reads "Marge Cornell". The signature is written in black ink and is positioned above a horizontal line that extends to the right.

Marge Cornell

cc: Robert Johnson, Bureau of Reclamation  
Honorable John McCain, United States Senate  
John Kennedy, EPA  
Cindy Lester, Dept. of the Army Corps of Engineers  
Bruce Babbitt, U.S. Department of the Interior

## **Letter 18: Response to Comments made by Marge Cornell**

- 18-1. Please refer to the "Response to Comments on the NEPA Compliance Approach", above.
- 18-2. The Ak-Chin Option and Lease Agreement is a binding agreement to provide up to 10,000 af/year of settlement water. Use of this surface water, delivered through the Central Arizona Project facilities, is intended to provide an alternative to the use of groundwater resources for domestic consumption. Regarding your comment on population growth in the area, Reclamation believes local land use and zoning issues are appropriately addressed at the local governmental level.
- 18-3. Please refer to response to comment 7-5 for an explanation of the interim use of groundwater and the effects thereof. The EA presents analysis of the environmental effects that could result from provision of leased settlement water, including the effects of the water delivery facilities and summarizes environmental issues related to The Villages under the No-Action Alternative. The impacts of the alternatives addressed in the EA have been adequately disclosed and considered. Please refer also to the "Response to Comments on the NEPA Compliance Approach", above.

LETTER 19

Ann Caylor

Bruce Ellis, Chief  
Environmental Resource Management Division  
Bureau of Reclamation  
PO Box 9980  
Phoenix, AZ 85068-0980

PXAO-1500

Re: Draft Environmental Assessment Ak-Chin Option and Lease Agreement

OFFICIAL	SECTION 51	
RECORD COPY	FILE DATE	
JUL 14 '97		
DATE	ROUTE TO	INITIAL
7/14	1515	BAC
	1530	
CLASSIFIED	1510/600	
CONTROL NO.	147003642	
FOLDER ID		
UPDATE	7/16/97	
APPROVED		

July 11, 1997

Dear Mr. Ellis,

I am a resident of New River and attended your June 28 public comment meeting. I had previously obtained and read a copy of your EA statement on the proposed Del Webb Villages development. Although I would like to see the Bureau of Reclamation conduct an EIR on the project for a wide variety of reasons, I understand that you would like more specific comments on why residents think the EA is inadequate.

I am particularly concerned about the groundwater impact of the construction phase of the project and also about the certainty of other available water sources, primarily those from Peoria and Phoenix on which the Bureau based its assessment that the Ak-Chin water lease was only one of several alternatives for the Del Webb project. The EA states that "An alternative to groundwater is needed to prove the existence of an assured water supply under the regulations promulgated by the" ADWR. (1-3) The report also discusses the fact that groundwater could be used by Del Webb during the construction phase, with certain limits.

I find that the EA does not discuss in enough detail the impact this limited use of groundwater would have on the groundwater supply currently serving the residents of the area. I think an EIR is essential to fully understand the impact of the project on current water use and that direct testimony from the ADWR be included which would detail a complete plan for replenishment. Additionally, the residents of the area need to know how this interim use of

19-1

groundwater would effect current water supplies, whether private wells now serving individual households would need to be reconstructed, even on a temporary basis. The whole concept of "safe yield" needs to be clarified to the residents.

19-1

The other section of the EA which I feel needs further elaboration and clarification is the section covering alternative water sources for the project. These water sources are pivotal to the Bureau's major conclusions about the Del Webb project. The report states that because "alternative water supply options are available to Del Webb that do not involve a federal action, the EA assumes that development...would occur" with or without Ak-Chin water. (2-1) These alternatives include a water supply from Phoenix, from Peoria, and enrollment of The Villages in CAGR through a to-be-formed water company. Appendix A does not sufficiently cover these alternatives. I think the public needs to know whether these other water sources have been approved by the relevant public entities. As presented, the EA includes only a statement from Phoenix on any possible future water system in which Phoenix City Manager Frank Fairbanks concludes that there is no commitment for Phoenix to supply the project and that the City Council would have to approve such a plan, which it has not. I think Manager Fairbanks points out the many obstacles to an assured alternative water supply for the project. These are the grounds upon which the Bureau based its assessment that an EIR was not necessary. Finally, nothing was included from the city of Peoria or the state covering the other alternative water supplies. Appendix A clearly seems to raise more questions than are addressed in the EA and which should be answered in an EIR.

19-2

Lastly, because the EA refers to a range of environmental impacts from the proposed project it leaves the impression that the Bureau feels it is within the scope of their oversight to look at these impacts. Having read short summaries of the myriad impacts of such a project (Cultural Resources, Air Quality, etc.) it seems self-evident that the Bureau should do a complete job of assessing them. If it is not within the purview of the Bureau to address them why include them in the EA? If it is, shouldn't the Bureau present all of the relevant data which an EIR would do?

19-3

It seems that the Bureau of Reclamation needs to look beyond the narrow letter of federal regulation to the spirit of public oversight. The Bureau should protect public resources by investigating the widest array of possible effects which could determine long-term degradation of land and water. By examining the entire picture of public state and local, as well as private (including Indian) interests the Bureau could assess the future environmental viability

of this area's land and water resources.

Thank you for considering my comments and I look forward to hearing from you about the issues I have raised. I hope the Bureau of Reclamation will serve the present and future residents of this area by presenting an EIR for the proposed Del Webb Villages project.

19-3

Sincerely,

*Ann Caylor*

Ann Caylor

**Letter 19: Response to Comments made by Ann Caylor**

- 19-1. The EA has been revised to include additional information regarding temporary impacts on groundwater from the interim use of groundwater during construction of the pipeline and water treatment plant (see page 3-6 of the final EA). Please also refer to response to comment 7-5.
- 19-2. Additional information has been included in Appendix A of the EA relevant to the viability of alternative water supply options. Please also refer to responses to comments 3-1, 4-7, and 7-1.
- 19-3. The approach to the EA is discussed in the "Response to Comments on the NEPA Compliance Approach", above. Reclamation has adequately disclosed the potential environmental effects that could result from the Proposed Action and the No-Action Alternative. Reclamation believes local land use and zoning issues are appropriately addressed at the local governmental level.



## **Letter 20: Response to Comments made by Vicki Y. Myers**

- 20-1. Please refer to response to comment 4-12, above. The final EA has been revised to include the data from the NVATS, although the projections for The Villages may now be somewhat overstated in light of the proposed rezoning of The Villages, which would result in fewer residential units.
- 20-2. The traffic analysis referred to by the commenter indicates that traffic volumes on several roadway segments could be less with The Villages than without because of traffic improvements assumed to occur in the traffic model. This projected traffic scenario would occur because traffic volumes on minor roadways are assumed to be redistributed to arterial roadways. Overall, the traffic modeling conducted for The Villages development and the NVATS indicate that traffic volumes in the area would increase and would require roadway improvements to maintain acceptable transportation conditions.
- 20-3. The Northeast Valley Area Transportation Study (NVATS) indicates on page 48 that:

This analysis assumed that the I-17/Honda Bow Road (Desert Hills) traffic interchange is reconstructed to improve the existing awkward configuration. It also assumed that I-17 is widened to three lanes in each direction south of the proposed new interchange to serve the Villages at Desert Hills Master Planned Community.

The NVATS also indicates in Table 9 following page 62 that widening of I-17 to three lanes in each direction between Carefree Highway and the proposed new interchange near Deadman Wash is recommended in the 5-to-10-year program. The NVATS also notes that programming of these projects would occur when projects are placed on Arizona's Department of Transportation's (ADOT's) Statewide Transportation Improvement Program. Section 3.7, "Traffic and Circulation", of the EA has been revised to provide additional information from NVATS. Also refer to response 4-12.



**Letter 21: Response to Comments made by Valerie Pieraccini**

21-1. Please refer to the "Response to Comments on the NEPA Compliance Approach", above.

LETTER 22

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July 7, 1997

Mr Bruce Ellis, Chief  
 Environmental Resource Management Division  
 Post Office Box 9980  
 Phoenix, Arizona 85068-0980

Dear Mr Ellis;

Thank you for coming out to our community on June 28th, to listen to our comments.

I know initially the meeting was supposed to gather comments regarding the proposed water pipeline from the CAP to The Villages development. Many of the comments went astray from this narrow topic. This is because the topic is NOT narrow. We don't believe you can choose a pipeline path to study and ignore the more than 5,600 acres of land that is to be developed.

22-1

If you are required to investigate the environmental impact of Federal actions - isn't the entire development a result of Federal action - if they use the Ak-Chin lease option? And if you listen to the side of their tongue their speaking with at any given moment, you may hear the Del Webb Corporation saying that this is their only option for water supply.

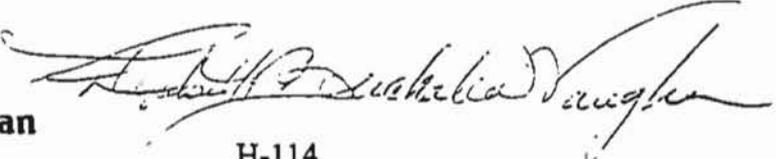
You are in a position that was created to serve the PEOPLE, and to help protect the ENVIRONMENT. Truly the majority of the people in this community are requesting, and it seems so are your own laws, that you perform a full blown EIS on the ENTIRE project. The environment here begs of you to perform a full blown EIS. It is a beautiful piece of property, supporting a rich supply of flora & fauna - and encompassed by a community of good people who will surely suffer, if the environment does.

I am not "against" Del Webb or their development. Nor can I say that I am "in favor" of it either. I'm not crazy about seeing that beautiful piece of property developed, but I know that it will be - if not by Del Webb than by someone else. I do not agree with the density of the proposed development, nor do I agree with golf courses being layed. THIS is a worthy piece of property to study!

22-2

Please, please reconsider. This is much more important than you know, not just to us, but to the many generations that follow.

Thank you for your time.



Elizabeth Buckalew Vaughan

**Letter 22: Response to Comments made by Elizabeth Buckalew Vaughan**

- 22-1. Please refer to the "Response to Comments on the NEPA Compliance Approach", above.
- 22-2. Your comment on the merits of The Villages development is noted. Reclamation believes local land use and zoning issues are appropriately addressed at the local governmental level.



**Letter 23: Response to Comments made by Mr. and Mrs. David C. Richmond**

23-1. Your comments on the merits of the NEPA process and The Villages development are noted.

# Repair-It Indi

National Sales Office  
 1938 East Cavalry Rd.  
 Phoenix, AZ 85027  
 Phone: (602) 465-0165  
 FAX: (602) 465-0169  
 Inventor/CEO  
 Larry Speer



Manufacturing Plant  
 440 West Hopocan Avenue  
 Barberton, Ohio 44203  
 Phone: (330) 745-0069  
 FAX: (330) 745-7555

Vice President		
Larry Speer		
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Bureau Of Reclamation  
 Phoenix Area Office  
 Box 9980  
 Phoenix, AZ 85068

June 30, 1997

Bruce Ellis

Dear Mr. Ellis:

This letter is being sent to you so that you clearly understand the ramifications of the meeting on June 28, 1997, at the New River Elementary school. A copy of this letter is being sent to Robert Johnson, in Nevada.

1. None of the residents of New river enjoy having to look at the BOR as adversaries. You are "our" public federal officials. Your decisions, by law, must reflect the benefit of the public. As a result of your decisions, the public should deal with your department with trust and respect. This is what the citizens in New River would like to do.
2. When your department seeks to find reasons, and technical loopholes in the law, that give your department an excuse not to make decisions that benefit the public, just the opposite happens. This apparently may be the case with the decision you are about to make concerning the Del Webb project. 24-1
3. You have more than sufficient proof that neither Phoenix nor Peoria have committed to supply water to the Del Webb project. Moreover, Del Webb has clearly stated in writing to everyone that there choice is Ak-Chin. This is an indisputable fact. Hundreds of flyers were circulated to everyone in New River and elsewhere to this effect. You have one in your office.
4. Yet you are trying to make a case where an EA on the pipeline is sufficient for this massive project; notwithstanding that this project will impact Maricopa County in a manner that will dramatically change the lifestyle of all of its residents. Your own laws mandate that an EIS is required on this entire project, 5600 acres of pristine Sonoran desert. Yet you seek to circumvent your owns laws, making a case that "maybe" the water

# Repair-It Industries, Inc.

National Sales Office  
1936 East Cavalry Rd.  
Phoenix, AZ 85027  
Phone: (602) 465-0165  
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Inventory/CEO  
Larry Speer



Manufacturing Plant  
440 West Hopocan Avenue  
Barberton, Ohio 44203  
Phone: (330) 745-0069  
FAX: (330) 746-7555  
Vice President  
Scott Speer

*supply is available from sources that are outside of Ak-Chin...and you know that this is not the case.*

*5. You are making citizens band together to sue their own gov't, to make the gov't follow their own laws. Do not take this lightly. If what we suspect is true, not only will the courts overrule your decision, but your personal freedom, and that of all of those involved in this decision, may be at risk.*

*6. Presently, several criminal as well as environmental attorneys are seriously and carefully reviewing all aspects of this matter. You were quoted sections of the criminal code at that meeting that should make it clear to you, that any collusion on the part of federal officials is a very serious matter, that can result in a heavy fine and imprisonment. Those laws were read to you, and you can be certain that if the evidence is obtained, they will be part of an action against the BOR, and the individuals who would be involved in that suit.*

24-1

*7. DOES COLLUSION EXIST? Many people believe that Bruce Babbitt, Secretary of the Interior, who historically has had ties with Del Webb, has influenced your department to do an EA, limiting the scope of the EA to just the water pipeline, and making a finding of no significance. This belief is manifested by the statement from Tom Lucas of Del Webb who has stated in this Sunday's Arizona Republic, a copy of which is outlined in this letter, "he is confident that the BOR will issue a Statement of No Significant Impact". He also stated that the Del Webb Corporation is prepared to defend it. That Del Webb is scheduled to begin construction on the pipeline at the end of the year. He is saying all of this Mr. Ellis, while your department is supposedly in the process of making a decision on this matter. This leads me to believe that Tom Lucas and Del Webb already know what decision your department will make...or that they are involved in the decision making process. Why would Del Webb be prepared to defend an action which your department is making. How do they know already what that decision is...to the point where they have made plans to construct the pipeline already. Mr. Lucas' statement to the press obviously indicates that Del Webb Corp. already knows your decision. What happened to "acting in the public interest". That decision is only benefiting Del Webb.*

*8. If your department does not do an EIS on the entire Del Webb project, this matter will go to court. You are aware of that. But also be aware that Steve Brittle has made it clear to you*

# LETTER 26

**HENRY B. LACEY**  
Attorney at Law  
919 North First Street  
PO Box 34262  
Phoenix, Arizona 85067-4262  
Phone (602) 258-5050  
Fax (602) 258-7560

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August 22, 1997

Bruce Ellis  
Chief, Environmental Resource Management Division  
US Bureau of Reclamation  
Phoenix Area Office, Lower Colorado Region  
PO Box 9980  
Phoenix, Arizona 85068-0980

Via Certified U.S. Mail (Return Receipt Requested)

**Re: Supplemental Comments of Save New River Coalition and Sierra Club  
(Grand Canyon Chapter) on Draft Environmental Assessment on the  
Proposed Ak-Chin Option and Lease Agreement (Bureau Reference No.  
PXAO-1500 ENV-9.00 97002941 8176)**

Dear Mr. Ellis:

In light of the Bureau's decision to extend the comment period on the draft Environmental Assessment ("EA") for the proposed Ak-Chin Option and Lease Agreement, this office hereby submits supplemental comments on behalf of the Save New River Coalition and the Sierra Club - Grand Canyon Chapter. The comments in this letter are in addition to, and do not replace or in any way negate, the comments submitted on July 14, 1997.

The letter of July 14 identified major areas of concern with the EA, as follows:<sup>1</sup>

1. The Bureau's decision to issue an Environmental Assessment ("EA") instead of an Environmental Impact Statement ("EIS") is legally adequate only if the agency has accurately identified the relevant environmental concerns. The Bureau must also provide evidence of high quality, including reliable and accurate information, to support its determination that a Finding of No Significant Impact ("FONSI") is appropriate. In addition, the Bureau must ensure that any final EA issued includes a careful examination of all direct, indirect, and cumulative impacts. Indirect effects include "growth-inducing

26-1

<sup>1</sup> This is not a comprehensive summary of the comments contained in the July 14, 1997 correspondence.

effects and other effects related to induced changes in the patterns of land use, population density or growth rate, and related effects on air and water quality and other natural systems, including ecosystems." 40 C.F.R. § 1508.8(b). Cumulative impacts are the results of the project in combination with "other past, present, and reasonably foreseeable future actions regardless of what agency . . . or person undertakes such actions." 40 C.F.R. § 1508.7. The Bureau must disclose all direct, indirect, and cumulative effects that are expected to occur on federal and non-federal land. This requirement is especially important, and is more emphasized, where the project under consideration may facilitate private development.

2. The draft EA on the Ak-Chin lease and option agreement does not meet these requirements. The Bureau has failed to consider all direct, indirect, and cumulative impacts on the environment, including the inducement of urban sprawl and traffic, reduction in air quality in New River and elsewhere in Maricopa County, wildlife habitat and plant loss in the area of the pipeline and the proposed Villages at Desert Hills development, destruction of archeological and historic artifacts along the pipeline route and in the area of the proposed Villages at Desert Hills development, and damage to the existing social, economic, and political conditions in New River and surrounding areas.

3. The cumulative impacts of this project are enough, standing alone, to require preparation of an EIS because approval by the Bureau will inevitably result in significant impacts to the environment.

4. An EIS is required because the draft EA fails to offer any evidence that would support a conclusion that the developer of the Villages at Desert Hills will undertake mitigation actions that will "completely preclude significant environmental effects." *Conner v. Burford*, 836 F.2d 1521, 1531 (9th Cir. 1988).

5. An EIS is required because approval of the Ak-Chin lease and option agreement, together with federal funding of highway improvements necessary to support the Villages at Desert Hills development, federal approval to discharge pollutants into "waters of the United States" pursuant to section 404 of the Clean Water Act ("CWA"), issuance of relevant Endangered Species Act ("ESA") permits, issuance of relevant state and local permits, and private sector actions are "connected actions" that will, in combination, result in significant adverse environmental consequences.

6. The Final EIS on Water Allocations and Water Service Contracting for the Central Arizona Project ("CAP"), issued by the Bureau in 1982, does not cover the proposed project. Department of the Interior ("DoI") regulations require preparation of an EIS on this ground alone. DoI regulations also require preparation of a separate EIS on the Ak-Chin lease and option agreement because the proposed project is a "modification" to an existing project, a "proposed change in the programmed operation" of CAP which "may cause a significant new impact;" and will cause "significant new impacts" of the CAP.

26-1

9. The Bureau has failed to disclose or discuss the fact that its own employees, and indeed some agency personnel assigned to work on and/or supervise preparation of this very draft EA, have indicated that the draft EA should "address the reasonably foreseeable environmental impacts resulting from [the Bureau's] approval of the lease - including the developer's plans to take and use the water (develop a golf course)." Memorandum from Bruce Ellis to ibr3dm10.3LCADMIN.LNEILSON et al., May 2, 1996. Another memorandum from Mr. Ellis to Phoenix Bureau officials confirmed this point of view a year earlier, and also noted that the EA should adequately address impacts on air quality, traffic, land use changes, loss of wildlife habitat, and loss of New River residents' rural lifestyle. See Memorandum from Bruce D. Ellis to Area Manager, Phoenix, Arizona (April 25, 1995), at 1-2.

26-7

10. The Bureau's failure to discuss the extent to which approval of the Ak-Chin lease and option agreement would cause a violation of the federal air quality conformity regulation renders the draft EA fatally flawed. See *Conservation Law Foundation v. U.S. Department of the Air Force*, 864 F. Supp. 265 (D.N.H. 1994). Furthermore, the draft EA is similarly fatally flawed because it does not adequately explain how approval of the Ak-Chin lease and option agreement may complicate Arizona's and Maricopa County's compliance with the Clean Air Act ("CAA"), the costs to other industries if compliance with the CAA is not achieved or the CAA is violated, or how such air quality impacts may be mitigated. See *Id.*

26-8

11. The draft EA is inadequate because it does not assess compliance with other applicable federal and state environmental laws, including but not limited to the CAA, ESA, CWA, the Migratory Bird Treaty Act, the Fish and Wildlife Coordination Act, and the National Historic Preservation Act.

26-9

12. The draft EA is inadequate because it fails to specify an alternative that is environmentally preferable, as required by 40 C.F.R. § 1505.2(b).

13. The length of the draft EA indicates that an EIS is appropriate. Council on Environmental Quality ("CEQ") regulations require that an EA be "concise," and as a general rule if the EA is longer than 25 pages an EIS is necessary. The draft EA on the Ak-Chin lease and option agreement, not including the appendices, table of contents, and lists of tables and figures, and documents included without being assigned a page number, is 80 pages long.

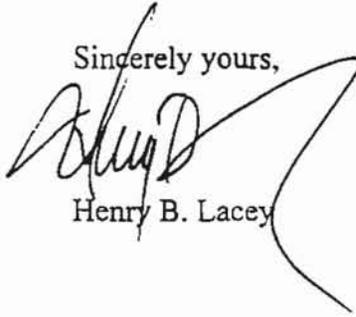
26-10

14. The Bureau may not cure the flaws in the draft EA by issuing memoranda, data, or reports into the public record unless such supplemental information is made a part of the environmental review document itself. *Sierra Club v. Marsh*, 976 F.2d 763 (1st Cir. 1992).

26-11

Thank you for the opportunity to provide additional comments. Please contact me if you have questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Henry B. Lacey", with a long, sweeping flourish extending to the right.

Henry B. Lacey

HL:hl

cc: Chris Gehlker

Gary Giordano



**Letter 26: Response to Comments made by Henry B. Lacey, Attorney at Law**

- 26-1. Please refer to response to comments 4-1 through 4-28.
- 26-2. Please refer to the "Response to Comments on the NEPA Compliance Approach", above. All of the factors cited by the commenter apply to The Villages, which Reclamation has determined is not included in the proposed action and is not an effect of that action. Please refer also to response to comment 4-27.
- 26-3. Please refer to response to comments 4-8 and 17-3. The EA indicates that no effects on federally listed threatened or endangered or state special-status species, including those listed by the commenter would result from the proposed action.
- 26-4. Please refer to response to comment 4-27. The fact that this water lease is from an Indian tribe to a private developer is not relevant to the NEPA approach taken by Reclamation. Whether the water lease or transfer is from an Indian tribe to a private developer, or from an Indian tribe to a municipality, or from one CAP subcontractor to another, Reclamation applies its NEPA guidance on a case-by-case basis.
- 26-5. Please refer to response to comment 4-2 regarding mitigation measures. Del Webb committed to the environmental commitments presented in Section 4.0 of the EA. Reclamation will ensure they are implemented during Del Webb's construction of the pipeline and water treatment plant.
- 26-6. Please refer to the "Response to Comments on the NEPA Compliance Approach" and response to comments 3-1 to 3-9, 4-8, and 6-1. Reclamation has solicited, reviewed, and considered all of the comments provided by state and federal agencies. We do not believe that disagreement with USFWS regarding the scope of our NEPA document requires that an EIS be prepared.
- 26-7. Please refer to the "Response to Comments on the NEPA Compliance Approach" and to responses to comments 14-3 and 17-6. The position taken by Reclamation with respect to the scope of the NEPA document is consistent with both memorandums referenced in this comment.
- 26-8. Please refer to response to comment 4-10.
- 26-9. Reclamation's NEPA process has considered all applicable federal and state laws in Section 3.0 and Section 5.0 of the EA. The Migratory Bird Treaty Act (MBTA) regulates the intentional taking, killing, and possession of migratory birds. The MBTA is silent on incidental taking and killing of migratory birds resulting from (as long as it is not the purpose of) carrying out an otherwise lawful activity, such as the proposed action. The reference to an environmentally preferable alternative at 40 CFR 1505.2(b) applies only to records of decisions in cases requiring EISs. It does not apply to preparation of an EA.
- 26-10. Please refer to response to comment 17-5.

- 26-11. All reports used to prepare both the EA and BA are cited in Section 6.0, "Citations", of the EA. It is not reasonable to make all documents used in preparation of this EA a part of the EA itself. Specific citations can be made available for review at Reclamation's Phoenix Area Office, 10888 N. 19th Avenue, Phoenix AZ 85029, upon request.



Letter to Bruce Ellis  
Chief, Environmental Resource Management Division  
Bureau of Reclamation  
September 8, 1997  
Page 2 of 2

leased Ak-Chin Indian Community water. A copy of the article is enclosed.

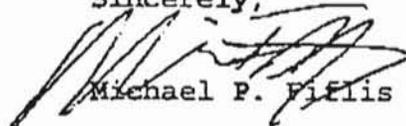
b. In another issue of the newsletter, Del Webb reproduced a letter from its legal department indicating that it will not use groundwater at the Villages other than for construction. A copy of that letter is enclosed.

c. In a third newsletter, dated August/September 1995, Del Webb again stated it would not use groundwater. It also indicated it would seek Bureau of Reclamation approval for "diversion of water either from Lake Pleasant or the CAP canal." A copy of the article is enclosed.

These newsletters are significant because Del Webb has since indicated that: "Our plans for water usage at the Villages haven't changed at all . . . This is just on more step in the ongoing development process and is required because we plan to use water from the Ak-Chin community." Draft of story for UpFront, bearing date stamp of October 8, 1996.

These admissions by Webb suggest that Webb's claim of alternative water sources for use at the Villages is without basis and merely a subterfuge to skirt NEPA. The admissions also indicate that the Bureau has not taken the "hard look" at the proposed action and no action alternatives, as required by NEPA. A reasonable review of the above statements indicates that the Bureau's assumption that the Villages will be developed with or without approval of the Ak-Chin lease is also without basis. Put another way, Del Webb's statements lead to the conclusion that the Villages will not be developed unless the lease is approved; Del Webb requires and plans to use the Ak-Chin leased water. Thus, a Finding of No Significant Impact would be improper - the development of the Villages depends on lease approval. The Bureau accordingly needs to take these facts into account in revising the draft EA.

Sincerely,



Michael P. Fiffis

27-1

**Letter 27: Response to Comments made by Michael P. Fiflis, Attorney at Law**

- 27-1. Please refer to the "Response to Comments on the NEPA Compliance Approach" and response to comments 3-1 and 4-7, above. We do not believe that Del Webb's identification of the Ak-Chin leased water as its water source in the various newsletters is proof the availability of other water supply options is "without basis and merely a subterfuge to skirt NEPA" as this commenter contends. Del Webb has, after all, signed a contract for the lease of this water. The leased water has the advantage of being a renewable surface water supply and, in light of continued public concern expressed regarding the use of local groundwater, it is reasonable to expect Del Webb to highlight the advantages of using the leased water in its newsletters.

LETTER 28

Desert Advocate  
70 E. Mitchell Drive  
Phoenix, AZ 85012

Attention: Letters to the Editor

Dear Editor:

For many years, my wife, Joyce and I have called this wonderful community our home. The many friends we have met and spent special times with is something we will always cherish. Although we have reached a point in our lives that has caused us to recently move, New River will always be very close to our hearts.

I have had the pleasure of becoming close with many of you in the community and have had the opportunity to be involved with a number of fine organizations and committees such as the New River Community Association and the Transportation Advisory Board.

Through these affiliations, I have witnessed a sincere love of community by so many dedicated local residents. I have also witnessed the dedication of others to this community - most significantly the care and concern displayed by our Supervisor Betsey Bayless.

Betsey has always made it a priority to listen and solicit valuable input from residents regarding a number of issues. She is a person of integrity and sincerely interested in serving New River/Desert Hills in the best way possible.

Your paper recently shared with the community the most recent example of her desire to benefit this area by getting Del Webb to reduce the number of homes in their project by more than 2,000. That's significant and I know it is much in part of Betsey's commitment to the citizens of New River.

I will miss all of the wonderful residents in this community, and all the others who have worked to look after our best interests.

Art Coates

*Art Coates*

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**Letter 28: Response to Comments made by Art Coates**

28-1. Your comment on the merits of the New River Community is noted.

Raymond & Connie Crandell

September 4, 1997

Bruce Ellis

ATTN: PXAO-1500  
PO Box 9980  
Phoenix, AZ 85068-0980

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Dear Mr. Ellis:

We have attended all the meetings Del Webb has conducted for the public to see the plans for the Ak-Chin Option and Lease Agreement for the pipeline to the Villages at Desert Hills for water supply. The plan for the water pipeline shows it will be placed on already disturbed desert.

We have seen the work done to the land by the Core of Engineers, etc for the dam construction in the last ten years, and we see no reason for more studies to be required.

We support the plan Del Webb has submitted for the Villages at Desert Hills water supply pipeline across the desert. We see no reason for extended studies.

Sincerely,

*Raymond & Connie Crandell*

Raymond & Connie Crandell  
New River area residents for 17 years

29-1

**Letter 29: Response to Comments made by Raymond and Connie Crandell**

- 29-1. Your comments on Reclamation's proposed action and the proposed water delivery facilities are noted.



# City of Peoria

8401 West Monroe Street, Peoria, Arizona 85345

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September 5, 1997

Mr. Bruce D. Ellis, Chief  
 Environmental Resource Management Division  
 P.O. Box 9980  
 Phoenix, AZ 85068-0980

Re: Response to Draft Environmental Assessment (EA) on the Provision of Leased Ak-Chin Indian Community Water to Del Webb Corporation for Use at The Villages at Desert Hills, Maricopa County, Arizona

Dear Mr. Ellis:

The City of Peoria has the following comments related to the above referenced Draft Assessment.

The Draft Assessment discusses the "Option 3 Service from Existing City of Peoria System" and correctly notes that the proposed "Villages at Desert Hills" development was not included in the City of Peoria Water Master Plan issued March, 1997. The extension of the City of Peoria water system to serve the "Villages at Desert Hills" would require an amendment to the Water Master Plan to specifically address this new service area.

30-1

We note that the concept for extending the City of Peoria Water system is at a "pre-feasibility level" and therefore reserve comment on the concept presented in "Option 3" until it is further developed.

We appreciate the opportunity to comment on this draft Assessment.

Sincerely,

William J. Mattingly, P.E., R.L.S.  
 Acting Utilities Director

**Letter 30: Response to Comments made by City of Peoria**

- 30-1. Reclamation notes the city's comments on the feasibility of water supply Option 3 as presented in Appendix A of the EA.

LETTER 31

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FOUNDER ID	7697-2	
KEYWORD		

August 21/1997

Dear Mr. Bruce Ellis,

I recently read about the extension of the draft environmental assessment for the Webb project. I support the assessment your department published some months ago. I can not see where there would be a problem with the pipeline as proposed. The City of Phoenix has recently announced their pipeline will go the same route.

I believe the people who are complaining just do not want the development and that's their only concern. I strongly recommend the use of the CAP water for this project. As a resident of Arizona I do not want to be in a situation of losing the use of CAP water.

31-1

Sincerely,



Bernice Guddall

**Letter 31: Response to Comments made by Bernice Guddall**

- 31-1. Your comments on the merits of the NEPA process and the provision of leased settlement water and construction of water delivery facilities are noted.

Phoenix, Arizona  
August 29, 1997

Bureau of Reclamation  
Attn: Mr Bruce Ellis  
Attn: FXA0-1500  
P.O. Box 9950  
Phoenix, AZ 85068-0950

OFFICIAL	ACTIVITY
FILE NUMBER	DATE
SEP - 2 '97	
DATE	ROUTE TO
9/3	1500 888
CLASSIFIED	EXEMPT
FOUNDER ID	UPDATE
8170-2	

Sir:

I own property, treaty area, part of which accesses from ~~from~~ <sup>across</sup>, directly across from the D. J. Webb - Villages development.

I gave verbal testimony at the hearing on the Ak-Chin pipeline right of way, testifying for the pipeline.

Since the hearing I have found that my two working wells on my property have dropped in water level, fifty feet, in four years. My water is believed to be supplied by an underground source under the Shank Creek gully which traverses the Villages property. The reduced level, 220 feet to 270 feet, could most probably be caused by <sup>new</sup> neighboring wells. This is evidence that Shank Creek well supply could not supply the east side of the Villages.

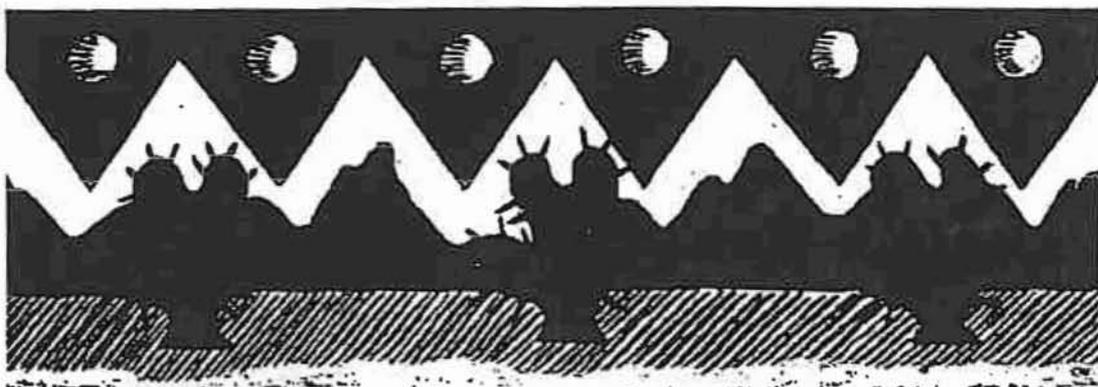
as a property owner and taxpayer. I strongly support the Ak-Chin pipeline as the only logical supply for the Villages.

Thank you

Charles M. Collins

**Letter 32: Response to Comments made by Charles M. Collins**

- 32-1. Your comments on the merits of the NEPA process and the provision of leased settlement water and construction of water delivery facilities are noted.



September 2, 1997

Mr. Bruce Ellis,

In regard to the Del Webb pipeline the draft EA fully addresses the significant issues associated with the pipeline. The recharge benefits from CAP water will eventually help our entire community and the water table. A lot of the people criticizing the EA are just trying to stop progress in the area. A full EIS is not needed.

*Brian LaPlante*

Brian LaPlante

OFFICIAL	DATE	
FILE COPY	BY	
SEP - 4 '97		
DATE	WRITE TO	INITIALS
9/5	1500	BLE
CLASSIFICATION	1E-11-600	
CONTROL NO.	97004513	
FOLDER I.D.		
UPDATE	7997-2	
KEYWORD		

**Letter 33: Response to Comments made by Brian LaPlante**

- 33-1. Your comments on the merits of the NEPA process and the provision of leased settlement water and construction of water delivery facilities are noted.

LETTER 34

INFORMATION	ACTION BY	
CTWP. 897	DATE 8/25/97	
Aug 25 97		
DATE	ROUTE TO	INITIALS
	1000	
8/17	1500	BJE
CLASSIFICATION	ENV - 6.00	
CONTROL NO.	47074270	
FOLDER I.D.	7997	
UPDATE		
KEYWORD		

August 18, 1997

Dear Mr. Ellis

What is the hold up on the approval of the Del Webb pipeline? This is the most reasonable proposal a development company has come up with for providing water to this ever popular State. The area in question is already a utility use that has been deemed appropriate in the past for other projects. Moving forward with the pipeline is supported by residents not only of the Desert Hills community, but by county residents also. The bureau's document on the assessment was very accurate and showed no problems to our environment in my opinion.

34-1

Bob Henke  
Desert Hills Resident

Bob Henke

**Letter 34: Response to Comments made by Bob Henke**

- 34-1. Your comments on the merits of the NEPA process and the provision of leased settlement water and construction of water delivery facilities are noted.



**Letter 35: Response to Comments made by Mr. and Mrs. Cecil Grant**

- 35-1. Your comments on the merits of the NEPA process and the general adequacy of the EA are noted.

LETTER 36



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

September 8, 1997

Bruce Ellis, Chief  
 Environmental Resource Management Division  
 Bureau of Reclamation  
 P.O. Box 9980  
 Phoenix, AZ 85068-0980

OFFICIAL	ACTING BY	
PHI COPY APO	DUE DATE	
SEP 15 '97		
DATE	ROUTE TO	INITIALS
9/14	1000	JAC
9/16	1015	PC
9/17	1500	BRE
cc	1300	
cc	1400	
CLASSIFICATION	ENV 600	
CONTROL NO.	97004765	
FOUNDER I.D.		
UPDATE	7997-2	
KEYWORD		

Dear Mr. Ellis:

The U.S. Environmental Protection Agency (EPA) has reviewed the Ak-Chin Option Draft Environmental Assessment (DEA). Our comments on this DEA are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and 309 of the Clean Air Act. The DEA evaluates potential environmental impacts associated with facilities necessary to deliver Ak-Chin settlement water to the Del Webb residential development near New River, Arizona. A "no action" alternative is also considered.

36-1

As you know, EPA received a congressional inquiry from Sen. John McCain concerning the Del Webb development at New River in late July. Consistent with its response to this inquiry, EPA has reviewed the DEA to determine whether approval of the lease will likely cause significant environmental impacts which cannot be adequately mitigated, in which case the preparation of an Environmental Impact Statement (EIS) may be warranted. With respect to the NEPA analysis performed for the water delivery system, it is our opinion that the analysis provided in the DEA is sound, and provides sufficient information upon which to base a decision to issue a Finding of No Significant Impact (FONSI) or proceed to an EIS.

The Bureau of Reclamation (BOR) chose not to analyze the potential environmental impacts of the Villages development in detail in this DEA. Page 1-2 states: "Because the Villages could be developed in the absence of the federal action, Reclamation is focusing its evaluation of the proposed action in this EA on the impacts associated with construction of the water delivery and treatment facilities needed to take and use leased settlement water." We note that the DEA does, in fact, include summary information in Section 3.9 (Cumulative Impacts) and Appendix D (Biological Assessment) regarding potential impacts expected to occur as a result of development at the Villages site, although the discussion is generally limited to issues such as vegetative conversion and potential impacts to sensitive species. An issue is whether BOR should have included a more detailed discussion of growth-related impacts stemming from the development itself, such as traffic congestion, waste issues, and related impacts to air and water quality. While we understand BOR's position that the villages could be developed without the proposed federal action, we believe that an analysis of the indirect and cumulative impacts from traffic, waste, etc. would provide the public with a better understanding of the scope of

36-2

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impacts associated with the federal action. BOR should consider expanding its NEPA analysis for this project to address the issues in question.

We appreciate the opportunity to review this DEA. If you have any questions, please call Leonidas Payne of my staff at (415) 744-1571.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Farrel", with a horizontal line underneath.

David J. Farrel, Chief  
Federal Activities Office

cc: Sen. John McCain  
Mr. Norman Trzaskowski



**Letter 36: Response to Comments made by the U.S. Environmental Protection Agency**

- 36-1. Reclamation appreciates the EPA's review of the draft EA. Your comment on the adequacy of the analysis in the EA is noted.
  
- 36-2. Reclamation has included a summary of The Villages site conditions and environmental issues associated with development under the No-Action Alternative for each of the topical issue areas discussed for the proposed action. This evaluation includes discussion of water and biological resources, cultural resources, air quality, noise, land use, and visual resources. Please refer to Section 3.0 of the EA. Reclamation has provided more detail on the No-Action Alternative effects than in other EAs prepared recently in the interest of addressing the concerns of members of the public. Please refer to the "Response to Comments on the NEPA Compliance Approach", above.



## List of Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation	L <sub>dn</sub>	day-night average sound level
ADA	Arizona Department of Agriculture	MAG	Maricopa Association of Governments
ADEQ	Arizona Department of Environmental Quality	M&I	municipal and industrial
ADOT	Arizona Department of Transportation	MCDOT	Maricopa County Department of Transportation
ADT	average daily traffic	MOA	Memorandum of Agreement
ADWR	Arizona Department of Water Resources	msl	mean sea level
AGFD	Arizona Game and Fish Department		
af	acre-feet		
af/yr	acre-feet per year	NEPA	National Environmental Policy Act
AMA	Active Management Area	NHPA	National Historic Preservation Act
APC	Maricopa County Environmental Services, Department of Air Pollution Control	NMFS	National Marine Fisheries Service
		NO <sub>x</sub>	nitrogen oxides
APE	area of potential effect	NPDES	National Pollutant Discharge Elimination System
APS	Arizona Public Service	NRCS	U.S. Natural Resources Conservation Service
ARPA	Archaeological Resources Protection Act	NRHP	National Register of Historic Places
		NRLP	New River Land Use Plan
BA	biological assessment	NUPD	Neighborhood Unit Plan of Development
BLM	U.S. Bureau of Land Management	NVATS	Northeast Valley Area Transportation Study
CAA	Clean Air Act	PM10	inhalable particulate matter less than 10 microns in diameter
CAGR	Central Arizona Groundwater Replenishment District	PMOA	Programmatic Memorandum of Agreement
CAP	Central Arizona Project	ppm	parts per million
CAWCD	Central Arizona Water Conservation District		
CEQ	Council on Environmental Quality	Reclamation	U.S. Bureau of Reclamation
CFR	Code of Federal Regulations	ROG	reactive organic gases
cfs	cubic feet per second	ROW	right-of-way
CO	carbon monoxide		
Community	Ak-Chin Indian Community	Settlement Act	Ak-Chin Settlement Act
Corps	U.S. Army Corps of Engineers	SHPO	State Historic Preservation Officer
		SIP	state implementation plan
dB	decibels	SLD	State Land Department of Arizona
dBA	A-weighted decibel	SR	State Route
Del Webb	Del Webb Corporation		
DMP	Maricopa County Development Master Plan	TCP	Traditional Cultural Properties
		tpy	tons per year
EA	environmental assessment		
EIS	environmental impact statement	USFWS	U.S. Fish and Wildlife Service
EPA	Environmental Protection Agency	USGS	U.S. Geological Survey
ESA	Endangered Species Act		
		The Villages	The Villages at Desert Hills master planned community
FCDMC	Flood Control District of Maricopa County	VOC	volatile organic gases
FEMA	Federal Emergency Management Agency		
FONSI	finding of no significant impact	WSCA	wildlife of special concern
FR	Federal Register		
		µg/m <sup>3</sup>	micrograms per cubic meter
I-17	Interstate 17		
ISTEA	Intermodal Surface Transportation Efficiency Act		
ITA	Indian trust asset		
ITF	Integrated Turfgrass Maintenance		
kV	kilovolt		