APPENDIX A

Public Comments and Agency Responses

Letters from FWS, BIA, AGFD, and Center for Biological Diversity

LETTER 1

----- Message from Greg_Beatty@fws.gov on Tue, 25 Jul 2006 17:34:58 -0700 -----
To:
jwmcglothen@lc.usbr.gov
cc:
Jason_Douglas@fws.gov, ssferra@lc.usbr.gov
Subject:
draft EA for WIFL habitat acquisition on San Pedro near San Manuel

Hi John,

Thanks for forwarding the draft Environmental Assessment for acquisition of at least 73 ac of WIFL habitat along the San Pedro River for our review. We received your July 19, 2006, correspondence seeking comment on July 21, 2006. You folks did a good job!

I only had a couple of comments that are somewhat broad in nature, and may or may not be useful for consideration in finalizing this document. I certainly don't think it has any bearing on your conclusions, just some perspectives on species presence and use of habitat.

1) You have a small section on the importance the San Pedro River for migrating birds and the abundance of birds and species using the San Pedro River. However, in some of the characterizations of habitat of the property, you emphasize it has having suitable nesting habitat for WIFLs, but don't mention that it also has suitable habitat for migratory and/or dispersing southwestern willow flycatchers. If it has suitable nesting habitat, then it most certainly has suitable habitat for migrating and
1-1 dispersing flycatchers. Due to the proximity and abundance of known breeding territories upstream and downstream of this property, it would seem reasonable to expect, even without knowing whether southwestern willow flycatchers breed on the property, that this property is occasionally visited by migratory or dispersing southwestern willow flycatchers based upon what we know about their movements. Therefore, you may want to consider in places such as Page 1, paragraph 3 (and other places with similar characterizations) also including the quality and usefulness of the property for migrating and/or dispersing southwestern willow flycatchers.

2) On page 17 of the EA it describes that the omission of listed species for discussion is due to it either being unsuitable habitat or outside the current range for the species. I would conclude that the project location is both within the range and is suitable habitat for wintering bald eagles, and is arguably within the range and is suitable for breeding bald eagles. I believe there is little doubt that eagles range statewide throughout the winter and can be found almost anywhere, but are most
1-2 commonly found along aquatic river environments, especially those with good perching trees (even when poor fishing habitat exists). Therefore, I would conclude that the property is within the range and is suitable for wintering eagles. There is less certainty about whether this location is within the breeding range of bald eagles or whether this is suitable habitat for breeding eagles. We know eagles have attempted to nest at the San Pedro/Gila River confluence and also have tried to nest further south of that location and the project location in Sonora, Mexico. Therefore, we know the proposed location is within the breeding range of bald eagles. The more questionable component is whether it is suitable habitat for

breeding bald eagles. We know eagles can take advantage of broad habitat types and variety of aquatic and upland species, and food sources that are dynamic. We also know that due to eagles ranging far, that they can place their nests in a location and forage in another quite a distance away, although eagles do tend to nest close to where the regularly forage.
With those broad possibilities in mind, you could make an arguement that this area is not only within the range of breeding eagles, but is also suitable habitat, at least for a portion of their needs (nesting habitat).
I am guessing this location is not likely very good or dependable fishing habitat for eagles.

So..bottom line, it is my opinion that the property is most certainly suitable habitat and within the range of wintering eagles. For breeding eagles, I think it is reasonable to conclude that it is not only within the breeding range, but it also provides suitable habitat as well. It may not have high quality foraging habitat for eagles, but it periodically has water, has large trees capable of supporting a nest, and may periodically provide water, fish and/or waterfowl, and upland species.

Thanks for seeking our comments...If you have any questions, feel free to write back or give me a call,

Greg

Greg Beatty
US Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021
602-242-0210

CC: gbeatty; Messing, Henry

RECLAMATION RESPONSES
LETTER 1. U.S. FISH AND WILDLIFE SERVICE

1-1. The EA has been revised to include additional information regarding the suitability of the habitat for migrating and dispersing willow flycatchers.

1-2. The EA has been revised to include additional information regarding the suitability of the habitat for bald eagles.

LETTER 2

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WESTERN REGION
P.O. Box 10
Phoenix, Arizona 85001

TAKE PRIDE IN AMERICA

IN REPLY REFER TO

Environmental Quality Services
File TR-4301.9-P5
(602) 379-6750

JUL 28 2006

OFFICIAL FILE COPY-AFO	ACTION BY DUE DATE
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DATE	ROUTE TO / INITIALS
CLASSIFICATION	
CONTROL NO	
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UPDATE	
KEYWORD	

Mr. John McGlothlen
Bureau of Reclamation
6150 W. Thunderbird Road
Glendale, Arizona 85306

Re: Draft Environmental Assessment for Proposed Acquisition of Habitat for Southwestern Willow Flycatcher

Dear Mr. McGlothlen:

The Bureau of Indian Affairs (BIA), Western Regional Office has received and reviewed the Draft Environmental Assessment (EA) for the above-referenced project. We appreciate your agency providing a copy to our office for review purposes as we had requested through our initial comments provided on May 2, 2006.

We also appreciate the consideration given to our initial comments for this project. Through these comments we had requested, where feasible, the disclosure and description of cumulative impacts that could affect neighboring or nearby Indian trust lands. We asked that this analysis be considered as it was associated with the Bureau of Reclamation's future acquisition plans.

The Draft EA describes that cumulative impacts resulting from the proposed action and potential future acquisitions is not expected to have adverse effects on neighboring landowners and land uses, including Indian trust allotments. This conclusion was made based on the following reasons: 1) limited remaining funding; 2) other properties have already been acquired that meet the need to protect the Southwestern willow flycatcher and other species; and 3) additional acquisitions would likely be in proximity to existing protected areas.

The consideration of our initial comments in the Draft EA have been documented and it demonstrates that analyses of our initial request has occurred and has been disclosed well. We
2-1 have one additional comment on the Draft EA. Please include that the BIA will also be consulted concerning cultural resource compliance under mitigation measures on page 31 of the Draft EA.

Thank you for your coordination efforts on this project. We look forward to continued communication and outreach efforts from your agency for projects such as this one.

If you have any questions or would like to discuss these comments, please feel free to contact Ms. Amy Heuslein, Regional Environmental Protection Officer, at 602-379-6750.

Sincerely,

Acting Regional Director

RECLAMATION RESPONSES
LETTER 2. BUREAU OF INDIAN AFFAIRS

2-1. Section 3.3 of the EA has been revised to include a consultation requirement with BIA for any impact the proposed land acquisition may have on Indian Trust Assets. The BIA will also receive a copy of the cultural resources investigation report of the property.

LETTER 3

THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
2221 WEST GREENWAY ROAD
PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.GOV

GOVERNOR
JANET NAPOLITANO
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BOB HERNBRODE, TUCSON
JENNIFER L. MARTIN, PHOENIX
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL

August 7, 2006

John McGlothlen
U.S. Bureau of Reclamation
Phoenix Area Office
6150 W. Thunderbird Rd.
Glendale, AZ 85306

RE: Draft Environmental Assessment (EA) for Proposed Acquisition of Habitat for Southwestern Willow Flycatcher

Dear Mr. McGlothlen:

The Arizona Game and Fish Department appreciates the opportunity to review and provide comment on the Draft Environmental Assessment (EA) for proposed acquisition of approximately 73 acres of suitable Southwestern Willow Flycatcher (WIFL) habitat along the San Pedro River in Pinal County, Arizona. The habitat is being acquired by the Bureau of Reclamation (Reclamation) to partially fulfill requirements of a 1996 Biological Opinion (BO) issued by the U.S. Fish & Wildlife Service on Reclamation's modifications to Roosevelt Dam. We understand that under the proposed action, Reclamation would enter into a management agreement under which Salt River Project (SRP) would be responsible for managing, protecting and enhancing acquired parcels for the benefit of the WIFL as part of SRP's Spirit Hollow Preserve.

3-1 In general, we support the proposed action, given its direct adjacency to the existing Spirit Hollow Preserve and proximity to other WIFL populations. We could not comment on the biological value of the parcels for the WIFL since the Draft EA does not include a detailed assessment of habitat suitability, i.e., amount of saturated soil, vegetation density, and amount of suitable habitat vs. sandy wash/gallery forest/upland for each property. We assume acquired parcels will have the habitat characteristics outlined in the 1996 BO Reasonable and Prudent Alternative Component 1b (1). Additionally, it is our understanding that Reclamation does not have the opportunity to acquire water rights since the four properties do not have surface water rights associated with them.

Thank you once again for the opportunity to review the Draft EA. If you have any questions, please feel free to contact me by email at nbrown@azgfd.gov or by phone at (602) 789-3609.

Sincerely,

Nicole Brown
Aquatic Habitat Program Supervisor

:nb

cc: Steve Spangle, Field Supervisor, Ecological Services Field Office, USFWS
Joan Scott, Region V Habitat Program
Rebecca Davidson, Project Evaluation Program

RECLAMATION RESPONSES
LETTER 3. ARIZONA GAME AND FISH DEPARTMENT

3-1. Your comment has been noted. Thank you.

LETTER 4

CENTER FOR BIOLOGICAL DIVERSITY

BECAUSE LIFE IS GOOD.

August 7, 2006

Mr. John McGlothlen
Bureau of Reclamation
6150 W Thunderbird Road
Glendale, Arizona 85306

Re: Draft Environmental Assessment (EA) for Proposed Acquisition of Habitat for Southwestern Willow Flycatcher

Dear Mr. McGlothlen,

The Center for Biological Diversity (Center) is a non-profit, public interest, conservation organization whose mission is to conserve imperiled native species and their threatened habitat. We appreciate the opportunity to provide comment on behalf of our more than 25,000 members on the Draft EA for the acquisition of habitat on the San Pedro River for the benefit of the Southwestern Willow Flycatcher. As noted in the EA, the proposed action is to be carried out as partial fulfillment of the 1996 Biological Opinion (BO) requirements issued by the US Fish and Wildlife Service for Reclamation's modification to Roosevelt Dam. While not intended to be exhaustive, our comments do suggest some specific improvements to the EA.

4-1 The draft EA indicates that all water rights will remain with property owners outside of the lands to be acquired and that Reclamation will not pursue acquiring water rights. Moist soils and standing water during the breeding season is essential to the use of habitat by flycatcher. Continued streamflow is jeopardized by groundwater pumping during the driest time of the year. Please provide information as to the availability of standing water in the project area during the breeding/nesting season and how streamflow through the project area will be protected.

4-2 The BO further requires that the acquired habitat contain high canopy coverage of 85% and high vertical foliage density of 50%. Tamarisk, though allowed as a component, but should not be "…the dominant species in areal extent." Studies since the BO have shown tamarisk to have a positive impact on flycatcher breeding, nesting and feeding. The draft EA, though stating this, does not reconcile the requirement of the BO with the vegetative properties of the proposed habitat acquisition, nor does it provide the percentages of vegetation makeup of the parcels. This information should be provided in the final EA.

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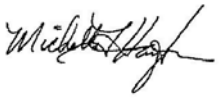
P.O. Box 39629 Phoenix, Arizona 85069 602-628-9909 www.biologicaldiversity.org

As the project area is contiguous with habitat already acquired and protected for the benefit of flycatcher, and as the habitat is within the area designated as critical habitat for the flycatcher, the location of the project area appears to be beneficial and in accordance with the RPA 1.c. in the 1996 BO.

Thank you again for this opportunity to comment. Please include the above requested information in the final EA. If you have any questions, please contact Michelle Harrington, Rivers Program Director, 602-628-9909, mharrington@biologicaldiversity.org.

Sincerely,



Michelle T. Harrington
Rivers Program Director

RECLAMATION RESPONSES
LETTER 4. CENTER FOR BIOLOGICAL DIVERSITY

4-1. Under the proposed action, only the riparian corridor will be acquired. Upland portions of the properties, including water rights, will be retained by the current owners. We share your concern about groundwater pumping negatively impacting riparian habitat. We believe the collective efforts of Salt River Project, The Nature Conservancy, Bureau of Land Management, and Reclamation to protect and manage lands on the lower San Pedro River for riparian habitat are helping to offset further negative impacts. On properties where water rights have been acquired and agriculture has been retired, water withdrawal has been reduced. Although no water rights will be acquired with this property, we believe protection through fencing will result in improved riparian habitat.

Streamflow on the San Pedro River can be extreme, ranging from no flow to a peak flow of 135,000 cfs recorded at the gage below Aravaipa Creek in the winter of 1983 (USGS streamflow website as reported in SRP 2005). USGS stream gage data show May and June with the lowest flows and July through September with greatest flows. Intense and localized storm events occur in the summer, while more gentle but sustained winter flows occur in the winter (SRP 2005b).

Streamflow on the property is intermittent, with the greatest flow occurring in pulses during winter and summer rains. During recent drought years, surface flow has been absent during much of the breeding season (SRP 2005b). However, suitable riparian habitat exists and habitat is likely to continue to improve once the property is fenced. We anticipate streamflow will increase on the property as conditions favoring normal precipitation return.

Hydrological conditions at willow flycatcher sites can very within a season and between years (FWS 2002). Where a river channel has changed naturally or during drought years, there may be a total absence of water or visibly saturated soil for several years, but the riparian vegetation and breeding flycatchers may persist. Subflow or a high water table can also sustain riparian habitat. At sites where hydrological conditions are favorable only for a short period of time, temporary but valuable willow flycatcher habitat can be created.

4-2. The property is a habitat mosaic of varying ages and composition, characteristic of riparian systems in the Southwest. Pre-breeding, breeding, dispersing, and non-territorial flycatchers can use a wide variety of riparian habitats (70 FR 60908). Willow flycatchers typically place nests in dense habitat, but they also use the matrices of open spaces and shorter/sparser vegetation (70 FR 60907). The extent and diversity of habitat used is more widespread than previously believed at the time the Biological Opinion (1996) was released (70 FR 60908). Habitat characteristics such as dominant plant species, size and shape of habitat patch, canopy structure, vegetation height, and vegetation density vary

widely among sites. Nest sites typically have a dense canopy, but at some sites dense vegetation may exist only at the shrub level, or as a low dense canopy (70 FR 60908).

The property contains some suitable willow flycatcher habitat within the Fremont Cottonwood-Goodding's Willow gallery forest and mixed riparian habitats. This forest type consists of young to middle-aged stands of Fremont cottonwood and Goodding's willow, with moderate to closed canopies (usually greater than 60 percent cover) (SRP 2005b). Other species include seep willow, saltcedar, and various shrubs and annuals. The mixed riparian habitat is composed of Goodding's willow and Fremont cottonwood that are co-dominant with other species, primarily saltcedar, but also velvet ash, Mexican elder, and seep willow. No single species within the mixed riparian habitat comprises more than 80 percent of the total composition and vegetation density varies.

Canopy cover and vertical foliage density on the property varies and a quantitative baseline inventory has not been conducted. Some small to large habitat patches composed of at least 85% canopy cover and 50% vertical foliage density currently exist on the property and the habitat is likely to improve once it is protected from livestock grazing and trespass vehicles and drought conditions end. We anticipate the habitat will also change over time through periodic flood events and variation in intermittent flows. As the habitat regenerates, matures, and scours out periodically the canopy cover, vertical foliage density, and patch size of suitable habitat will vary. A baseline habitat inventory will be conducted once the property is purchased.