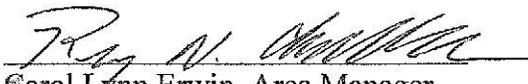


United States Department of the Interior  
Bureau of Reclamation  
Lower Colorado Region  
Phoenix Area Office

FINDING OF NO SIGNIFICANT IMPACT

HABITAT ACQUISITION  
FOR SOUTHWESTERN WILLOW FLYCATCHER  
PINAL COUNTY, ARIZONA

Approved: 

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

Date: 8/14/06

FONSI No. PXAO 06-03

Acting FO

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and based upon the analysis presented in the *Final Environmental Assessment, Habitat Acquisition for Southwestern Willow Flycatcher*, the Bureau of Reclamation (Reclamation) has determined that the acquisition of 73 acres of land adjacent to Salt River Project's (SRP) Spirit Hollow Preserve will not result in a significant impact on the human environment. The proposed land acquisition contains suitable nesting, migrating, and dispersal habitat for the endangered willow flycatcher.

## BACKGROUND

The proposed land acquisition is intended to partially fulfill a component of the reasonable and prudent alternative (RPA) included in a 1996 Biological Opinion (Opinion) issued by the U.S. Fish and Wildlife Service (FWS) pursuant to Section 7 of the Endangered Species Act (ESA). The purpose of the RPA is to compensate for the potential "incidental take" of up to 90 southwestern willow flycatchers (willow flycatcher) and the loss of their habitat at Roosevelt Lake resulting from Reclamation's modification to Roosevelt Dam.

SRP operates and maintains Roosevelt Dam pursuant to a 1917 agreement with Reclamation. By 2001, in response to the increasing willow flycatcher population at Roosevelt Lake, SRP determined that in order to store water in both the old and new conservation space and have full operational control over the reservoir, a "take" permit from the FWS was needed. The take permit would protect SRP from liability for any harm caused to willow flycatchers resulting from inundation of flycatcher nesting habitat within the reservoir. In 2002, SRP completed development of the Roosevelt Habitat Conservation Plan (RHCP) for authorization of incidental take of federally listed threatened and endangered species pursuant to Section 10 of the ESA. FWS issued a Section 10 Incidental Take Permit to SRP in 2003 based upon SRP's 2002 RHCP. Among other things, the RHCP requires additional acquisition and management of riparian habitat and incorporates Reclamation's requirements from the 1996 Opinion. By managing Reclamation's property, SRP will receive credit toward its RHCP obligation of habitat acquisition and management.

On April 17, 2006, Reclamation distributed a public scoping memorandum announcing its intention to prepare an environmental assessment (EA) on the proposed land acquisition. Two letters commenting on the scope of the EA were received, in addition to one person that called requesting additional information. The Bureau of Indian Affairs (BIA) commented there were numerous Public Domain trust American Indian allotments located just outside the southwest corner of the San Carlos Apache Indian Reservation and requested that cumulative impacts to neighboring or nearby trust lands be addressed. This issue was considered in the preparation of the EA. The AGFD submitted a letter indicating its support of the proposed action.

The draft EA was distributed for a 20-day public review period on July 19, 2006. In addition, a news release was issued to major new media outlets serving central and southern Arizona regarding the availability of the draft EA. The draft EA was also available on Reclamation's Phoenix Area Office website. Four respondents submitted written comments concerning the proposed land acquisition. These comments and Reclamation's responses are included in Appendix A of the final EA.

## FINDING OF NO SIGNIFICANT IMPACT

Based on a review and evaluation of the information contained in the final EA, Reclamation has determined that the proposed land acquisition does not constitute a major Federal action significantly affecting the human environment and that preparation of an Environmental Impact Statement is not warranted. This decision is based upon the following considerations.

1. The proposed action will not substantially affect water resources or water use patterns.
2. Acquisition and management of the property will maintain and possibly improve the quality of suitable habitat for southwestern willow flycatcher, bald eagle, and yellow-billed cuckoo in the project area. The action is likely to have a long-term beneficial impact on willow flycatcher recovery. Protection of habitat in the project area will also be advantageous to other riparian-obligate species and neotropical migratory birds. No adverse effect to sensitive biota will result from the action.
3. The FWS has agreed the property meets the intent of the Opinion and has concurred with Reclamation's determination that the action will have beneficial effects on the willow flycatcher.
4. Land acquisition in the project area will have a minor impact on land use and socioeconomics. The proposed land acquisition will be consummated only with willing sellers. Purchase of approximately 73 acres of privately owned land by Reclamation would not appreciably change land ownership patterns within Pinal County, nor would it result in a change in current land use in the action area. The potential loss of tax revenue from public ownership of the property is not considered significant due to the relatively small acreage involved.
5. Habitat protection may indirectly benefit cultural resources. The acquired properties will be protected from off-road vehicle use, livestock grazing, and other land disturbances that could adversely affect cultural resources. Following acquisition, a Class III intensive survey will be undertaken for portions of the property located outside the historic active flood channel. Consultation with the Arizona State Historic Preservation Office (SHPO), as required by Section 106 of the National Historic Preservation Act, will be completed prior to commencement of any land-disturbing activities on the property.
6. Reclamation initiated consultations with the Hopi Tribe, Ak-Chin Indian Community, Gila River Indian Community, Salt River Pima-Maricopa Indian Community, Fort McDowell Yavapai Prescott Indian Tribe, Yavapai Apache Indian Tribe, Fort McDowell Yavapai Nation, and San Carlos Apache Tribe regarding the presence of Traditional Cultural Properties (TCPs) on the property. No TCPs were identified by these tribes.
7. Cumulative impacts on water, biological, cultural, land use, and socioeconomic resources are not significant.

8. The action will not affect low income or minority populations as defined by Executive Order 12898, Environment Justice.
9. Project implementation will not affect Indian Trust Assets.
10. Reclamation will enter into an agreement with SRP for long-term management of the property. The property will be incorporated into resource management and fire management plans prepared by SRP for the adjacent Spirit Hollow Preserve.
11. Reclamation will ensure environmental clearances, as required by law and Reclamation policy, will be conducted for any land-disturbing activities proposed on the property.
12. The mitigation identified in the final EA will be implemented.

Documents related to this action are identified below.

Salt River Project. 2002. Roosevelt Lake Habitat Conservation Plan Submitted Pursuant to Section 10(a)(1)(B) of the Endangered Species Act. Phoenix, Arizona.

Bureau of Reclamation. 2006. Final Environmental Assessment, Habitat Acquisition for Southwestern Willow Flycatcher. Phoenix, Arizona.

U.S. Fish and Wildlife Service. 1996. Biological Opinion for the Southwestern Willow Flycatcher and the Operation of the Modified Roosevelt Dam. Phoenix, Arizona.