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August 18, 2006

**VIA FACSIMILE (623-773-6486) AND  
FIRST CLASS MAIL**

Mr. Bruce Ellis  
Chief of the Environmental Resource Management Division  
Bureau of Reclamation  
Attention: PXAO-1500  
6150 West Thunderbird Road  
Glendale, Arizona 85306-4001

Re: **COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT  
PROPOSED SCORPION BAY MARINA  
LAKE PLEASANT REGIONAL PARK**

Dear Mr. Ellis:

This firm represents Lake Pleasant Marina Partners, LLC ("Lake Pleasant Marina"), an entity interested in the outcome of the Proposed Action, as defined in the aforementioned Draft Environmental Assessment. On behalf of Lake Pleasant Marina, we have reviewed the Bureau's July 2006 Draft Environmental Assessment for the Proposed Construction and Operation of the Scorpion Bay Marina & Yacht Club ("Draft EA"). The Draft EA discusses the consequences of the Proposed Action on various environments in order to meet the limited purposes of an "environmental assessment" pursuant to the National Environmental Policy Act ("NEPA").

As you know, NEPA, 42 USC §4371 *et seq.*, is a procedural statute requiring federal decision-making to include an evaluation of impacts on the quality of the human environment; it does not require the "environmentally best" decision; it simply requires consideration of environmental impacts. In 1978, the Council on Environmental Quality ("CEQ") issued regulations, 40 CFR Part 1500, applicable to all federal agencies regarding NEPA implementation. Each federal agency was required to adopt its own NEPA implementation procedures consistent with the statute and the CEQ regulations.

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To assist a federal agency in determining whether it is required to conduct the full environmental impact statement ("EIS") process, the CEQ regulations acknowledge that an agency may, as you have done here, conduct an "environmental assessment" as a preliminary step. As defined in 40 CFR §1508.9, an "environmental assessment"

- (a) Means a concise public document for which a Federal agency is responsible that serves to:
- (1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.
  - (2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.
  - (3) Facilitate preparation of a statement when one is necessary.
- (b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

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Although the Bureau of Reclamation's NEPA handbook is currently undergoing revision, its provisions dealing with a proper "environmental assessment" mirror the CEQ regulations. Specifically, the Bureau must have the following specific sections:

1. Purpose and need for the proposed action
2. Discussion of the proposed action and alternatives, including the no-action alternative
3. Environmental impacts and environmental consequences
4. List of persons and agencies consulted

This Draft EA provides an appropriate discussion and explanation in each of the required sections. Given that prior project evaluations considered alternative sites for the replacement marina, the Draft EA focuses on site-specific environmental impacts of the proposed action based on a substantial volume of data. In particular, it discusses the affected environments and the impacts and consequences for the following elements of the human environment: geology; water resources; land use, recreation, and noise; air quality; cultural resources; biological resources; and socioeconomic resources. The Draft EA also discusses a number of implementation activities and possible mitigation measures.

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Prior to preparation of the Draft EA, the Bureau conducted a scoping process and consultation with a number of identified parties and governmental agencies and identified a number of issues of particular concern. These issues were discussed in the Draft EA.

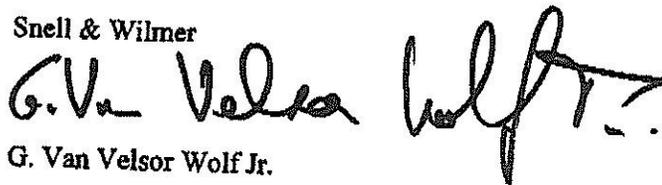
As noted in the CEQ regulations, an "environmental assessment" is not intended to be either a lengthy and in-depth exploration of a wide spectrum of environmental issues and potential consequences or a bulky document. Rather, as the Draft EA does here, it is intended to focus on specific limited issues with the intent of fortifying an agency's decision whether to prepare a full EIS or to conclude a finding of no significant environmental impact ("FONSI"). In a considered and thorough examination of the relevant data, the Draft EA provides the necessary background to justify the Bureau issuing a FONSI.

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Please do not hesitate to contact me if you have any questions regarding the foregoing.

Sincerely yours,

Snell & Wilmer



G. Van Velsor Wolf Jr.

VVW:jyb

**RESPONSE TO COMMENT LETTER NO. 14**  
SNELL & WILMER for LAKE PLEASANT MARINA PARTNERS, LLC

Your comments are noted.

**Bruce Ellis - Scorpion Bay**

**From:** <DSOTIROS@aol.com>  
**To:** <pacox@lc.usbr.gov>  
**Date:** 8/2/2006 9:11:11 AM  
**Subject:** Scorpion Bay

Scorpion Bay.....Please, "NO WAY", "NO WAKE", "NO SPACE", I have had a wet slip at PHM for over 5 years.... ( 30 ft Cruiser& 2Ski's)...traffic is already dangerous at the dam, coming and going.....an accident waiting to happen!

Weekends the lake is churning.....traffic is like a spinning compass needle....sometimes you are unsure what direction to turn to avoid a wreck.

I would welcome the competition, to control cost's, but not to compromise safety or increased pollution and adverse environmental impact!

Dan Sotiros  
602/818/2612

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**RESPONSE TO COMMENT LETTER NO. 15**  
**DAN SOTIROS**

15-1. Your opposition to the proposed project is noted. Please see response to Comment Letter 8.



**RESPONSE TO COMMENT LETTER NO. 16**  
**ERIC & CEDRA SPRAGETT**

- 16-1. In preparing responses to comments, we discovered errors that were made in the initial computations to determine the annual daily average number of boats on the lake, as well as the average number of boats out on the lake on a holiday weekend (see Preface to the October 2006 revised draft EA). The corrected estimate in the annual average daily watercraft out on Lake Pleasant would represent a 37 percent increase over current use. We would also point out this is a conservative (maximum) estimate, and the increase would be phased in over a number of years.
- 16-2. Please see response to Comments 4-2 and 4-3.
- 16-3. Although some picnicking and primitive camping may have occurred in the immediate project area in the past, the project area has been designated for a marina since the 1984 conceptual Plan 6 recreation development plan. As stated in the EA, there are many other alternative locations for dispersed undeveloped recreation around the lake. The UMA between MCPRD and the concessionaire specifies the concessionaire's responsibilities and rights regarding the construction, operation, and maintenance of the marina and its associated facilities within the entire 164-acre easement included in the UMA. The remainder of LPRP is public land which is owned by the Federal government; it would not come under private ownership.