

RESPONSE TO COMMENT LETTER NO. 1
BUREAU OF INDIAN AFFAIRS, WESTERN REGION

- 1-1. Corrections have been made.
- 1-2. Corrections have been made.
- 1-3. In cases where the most recent information was not readily available in a published format, information was gathered through telephone calls or electronic correspondence. Hard copies of records of telephone conversations and/or electronic mail communications have been made for the administrative record.
- 1-4. The Table of Contents has been corrected.
- 1-5. Reclamation's 1997 environmental assessment (EA) is initially described and discussed in section 1.2 of the EA.
- 1-6. With the exception of tribal entities, individuals who merely received a copy of the scoping memorandum were not included in the list provided in Chapter 5.
- 1-7. The conceptual recreational plan for the New Waddell Dam feature of the Central Arizona Project Regulatory Storage Division, described in the Plan 6 Environmental Impact Statement (EIS) included the replacement of then existing facilities, and enhancement of the recreational experience resulting from a much larger Lake Pleasant by development of additional recreational facilities. Included among these facilities was a marina within Lake Pleasant Regional Park (LPRP). To clarify Reclamation's position in response to other comments, the language in the EA has been revised and the reference regarding replacement of a marina as being a commitment has been deleted from the document. See also Reclamation's general response to Comment Letter 17.
- 1-8. As pointed out in section 2.2 of the EA, implementation of Phase I would begin immediately upon approval by Reclamation and Maricopa County, and acquisition of all necessary permits. The remaining phases would be initiated as demand for facilities and services dictate. Although it is impossible to say with any certainty when these remaining three phases would occur, the concessionaire has indicated Phase II could commence as soon as 1 to 2 years after completion of Phase I, and Phase III could commence within 3 to 5 years after completion of Phase I, assuming a demand for these facilities is present. There is no estimate for when Phase IV would be initiated.
- 1-9. Some items, such as water pipelines, transmission hook-ups, fencing, curbs, light poles, etc., were not included. These ancillary facilities would either be located inside the general boundaries of the major facilities that were identified, or have not yet been specifically located in engineering plans.

- 1-10. The draft EA was revised to indicate a certified landscape architect would determine what existing native plants would be transplanted, and that the plan would be reviewed by Reclamation and LPRP staff.
- 1-11. A “vault and haul” wastewater treatment system consists of a container (vault) in which wastewater from the restroom(s) is stored until it reaches capacity, after which time the contents are removed (vacuumed out) and hauled away by a licensed contractor to an approved disposal site.
- 1-12. The EA has been revised as recommended.
- 1-13. Although water is proposed to be used to control dust during construction, it would be impracticable and less cost-effective to use water for long-term dust control at the marina’s graveled areas, as well as an unwise use of water due to rapid evaporation rates during the hot dry summer months. One application of a chemical dust suppressant lasts approximately 6 months, whereas water would need to be applied three to four times a week.
- 1-14. The purpose and need statement for the proposed project was revised in the October 2006 revised draft EA, in part, to address this comment.
- 1-15. The criteria excerpted from Appendix C of the Plan 6 EIS (which were moved to Appendix B in the revised draft EA), resulted in the identification of only two physical locations that would be suitable for a marina. As indicated in one of the bullets, one was the area just northeast of the New Waddell Dam site, which later became the site of the Pleasant Harbor Marina, and the other is where the currently proposed marina is located. As pointed out in that same discussion (now located in Appendix C), the location identified in the Master Recreation Plan (MRP) was later determined to be undesirable, leaving the currently proposed marina location as the only physically suitable site.
- 1-16. The information in section 2.3 of the July 2006 draft EA (now located in Appendix C), is provided to explain why no alternative locations for the proposed marina are being considered in the EA. Reclamation believes the investigation conducted during the Central Arizona Water Control Study (CAWCS) and later during the MRP process adequately considered a suitable range of alternative locations for the marina.
- 1-17. The EA has been revised to indicate that due to the geologic make-up of the area, it is unlikely paleontological resources would be present.
- 1-18. The draft EA indicated how construction-generated fugitive dust would be controlled in section 2.2, under “Excavation.” The draft EA was revised to indicate excess large diameter rock would be used to construct a rock reef to enhance habitat for aquatic life.

- 1-19. The draft EA was revised to provide additional information regarding water quality. As indicated in section 3.2.1.2 of the EA, Lake Pleasant is used to store the Agua Fria River water rights of the Maricopa Water District, and Central Arizona Project (CAP) water. While some of the CAP water stored within the Lake Pleasant reservoir may eventually be delivered to tribes having CAP contracts with Reclamation, no distinction is made while it is stored within Lake Pleasant. The draft EA indicated no known Indian Trust Assets, such as water rights, would be impacted in section 4.
- 1-20. The draft EA was revised to more clearly note that placement of excavated rock into ravines would occur below the lake's normal high water surface elevation.
- 1-21. The EA notes silt barriers would be placed around the entire excavation work area.
- 1-22. Secondary containment is an area within which the fuel tank would be placed (such as a tub with an impervious lining), that would be capable of containing the fuel in the tank in case there is a spill or leak from the tank. The draft EA was revised to make this more understandable.
- 1-23. In addition to irrigating newly introduced landscaping plants, effluent would be used to irrigate existing vegetation to prevent discharge into surrounding surface waters and beneficially use excess effluent rather than store it in a tank.
- 1-24. Yes.
- 1-25. The text of the draft EA was revised to provide additional information regarding the water quality standards for these constituents.
- 1-26. The draft EA was revised to provide additional information regarding floodplains in the project area.
- 1-27. The draft EA was revised to separate out the discussion of recreation, which is now found in section 3.4.
- 1-28. This is the wording that is used by the Bureau of Land Management. The sentence was rewritten.
- 1-29. A section on the Wilderness Act of 1964, as amended, has been added to Chapter 4.
- 1-30. The table columns have been adjusted.
- 1-31. The EA has been revised to more clearly indicate the conditions that are assumed to exist into the future under the No Action alternative would be the continued absence of a marina at LPRP.

- 1-32. Timing of excavation and grading activities was initially identified in Table 1 under Earth work, Phase I.
- 1-33. Any accessible shoreline around Lake Pleasant where there are no developed facilities is available for visitor use. Please refer to Figure 2 of the EA.
- 1-34. Excavation and grading are not required to increase the number of wet slips by 196; however, improvements (e.g., curbs) and lighting of the outdoor fenced area (that would be graded during Phase I) would not be implemented if Phase IV is not undertaken.
- 1-35. Because these studies have not yet been conducted, it is difficult to describe with any specificity what impacts would result from implementing management strategies, other than all watercraft on the lake would be subject to these management strategies and boating safety is expected to improve.
- 1-36. This information is not relevant to this project; the paragraph was deleted.
- 1-37. The EA was revised to correct these errors in format.
- 1-38. None of the Tribes have identified any traditional cultural properties that may be present within the project area.
- 1-39. The text of the draft EA was revised to provide more clarity regarding these four sites.
- 1-40. The draft EA was revised to add a figure that identifies the Plan 6 sites and the Master Plan areas. It is Figure 4 of the EA.
- 1-41. Your comment is noted.
- 1-42. The draft EA was revised to address this comment.
- 1-43. The spelling correction has been made.
- 1-44. The draft EA indicated blasting and other activities associated with marina construction would not affect the bald eagle. The draft EA was revised to clarify the reference to “breeding area” pertains to the bald eagle.
- 1-45. Blasting outside the bald eagle breeding season was not considered to be needed as a mitigation commitment, since blasting is not expected to affect the bald eagles due to the distance between the marina site and the bald eagle nest area. As discussed in the draft EA, the marina operators would post signage at the boat ramp to educate the public on bald eagle activities and the closure. By supporting a nestwatch program at the breeding area, the Arizona Game and Fish Department (AGFD) will be able to minimize boater violation of the closure area and potential disturbance to the eagles.

We anticipate that the nestwatchers will work in tandem with MCPRD staff and Maricopa County Sheriff's Office (MCSO) Lake Patrol to enforce the closure.

- 1-46. Quantification of the number of animal species that would be lost resulting from the project would require long-term trapping studies of the area which, in comparison to the expected minor impact to wildlife, are not deemed necessary. As noted in section 3.6.2.2 of the EA, species most likely to be impacted would be small mammals, amphibians, reptiles, and desert nesting birds. Large mammals such as mule deer and mid-sized mammals such as javelina also could be impacted. The EA has been revised to more specifically identify the number of acres of habitat that would be impacted by the proposed project.
- 1-47. As noted in Chapter 4 of the draft EA, consultation with the Fish and Wildlife Service (FWS) was underway at the time the draft EA was issued for public review and comment. That consultation, and informal re-consultation (due to the revised estimated number of watercraft currently using the Lake and expected to use the Lake as a result of the proposed project) have been completed. The FWS concurrence letter is provided in Appendix G.
- 1-48. Because there are no environmental justice issues associated with the proposed project, we chose to address the subject of environmental justice in Chapter 4.
- 1-49. As stated in Socioeconomic Resources discussion (section 3.7 of the July 2006 draft EA and section 3.5 of the October 2006 revised draft EA), Maricopa County has law enforcement jurisdiction within the LPRP boundaries. The discussion of the environmental impacts resulting from the Proposed Action went on to indicate the marina operator would maintain security staff at its facilities 24 hours a day, seven days a week, and would provide additional security staff during holiday weekends and special events that would coordinate with existing law enforcement staff. Fire protection and emergency medical services are provided by the city of Peoria. This would continue into the future. It is anticipated that with continued urban development in the extreme northern portion of Maricopa County, emergency response time may be reduced.
- 1-50. We believe placement of this information is appropriate in Chapter 4, and that it would be redundant to include it in Chapter 3.
- 1-51. As stated in Chapter 4, Endangered Species Act, a Biological Evaluation (BE) was prepared by SWCA, Inc. Reclamation did not agree with the BE's conclusion of no effect and therefore submitted a Biological Assessment (BA) to the FWS with a "may affect, not likely to adversely affect" conclusion for the bald eagle. We believe the use of the terms BE and BA are properly used and adequately explained.
- 1-52. The word "turbidity" is first found in the document in Chapter 2, section 2.2, and defined in a footnote (Footnote 9 and Footnote 6 in the draft and revised draft EA, respectively).

- 1-53. The EA has been revised to address this comment.
- 1-54. Federal Emergency Management Agency maps were consulted during data collection in order to determine the project area is located within Zone D (see draft EA, page 20, line 18). The EA has been revised to reference the Map Numbers used to obtain this information.
- 1-55. The EA has been revised to address this comment.
- 1-56. The draft EA was revised to include information regarding Reclamation's effort to inform the public regarding the draft EA's availability.
- 1-57. Tribal consultation regarding traditional cultural places within LPRP was initiated in 2002. The Hopi Tribe and Yavapai Prescott Indian Tribe indicated interest in being kept informed regarding proposed activities within LPRP. Both tribes received copies of the draft EA for review and comment. We have recently followed up with an additional letter specifically requesting feedback regarding the potential for traditional cultural places within the proposed project area. The EA has been revised to more clearly explain this.
- 1-58. The revised draft EA included a copy of the scoping memorandum that was issued on March 1, 2006, as Appendix A.
- 1-59. The draft EA inadvertently omitted the Ak Chin Indian Community and Gila River Indian Community from the list of tribes that were contacted; this has been corrected.
- 1-60. As stated in section 3.6.1 of the EA, the bald eagle is the only federally listed species considered likely to occur within the project area.
- 1-61. Migrant Southwestern willow flycatchers have been documented downstream of New Waddell Dam near the confluence of Morgan City Wash and the Agua Fria River. Marina construction and/or recreational activities on the lake would not affect the willow flycatcher.
- 1-62. The draft EA was revised to address this comment.
- 1-63. The revised draft EA did not include these criteria.
- 1-64. It is standard Reclamation practice to coordinate with potentially affected parties on all its projects.
- 1-65. Additional discussion of cumulative impacts, where applicable, have been included and/or revised as appropriate in response to this and other comments.