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Sandy Eto - Comments on Revised Draft Environmental Assessment Proposed Construction and Operation of the Scorpion Bay Marina & Yacht Club Page 1

From: "Denny Anderson" <andersoden@cox.net>
To: <bellis@lc.usbr.gov>, <seto@lc.usbr.gov>
Date: 11/10/06 4:57PM
Subject: Comments on Revised Draft Environmental Assessment Proposed Construction and Operation of the Scorpion Bay Marina & Yacht Club

BlankMr. Ellis, Ms. Eto,

Please find attached my comments on the Revised Draft EA in an MS Word document.

Thank you,

Denny Anderson
602 867-4127

Dear Mr. Ellis & Ms. Eto,

Re: Revised Draft Environmental Assessment Proposed Construction and Operation of the Scorpion Bay Marina & Yacht Club

Boating Traffic Estimates

Thank you for correcting the original estimates of boating traffic, Ms Eto did a nice job with her methodology of developing numbers. While the numbers are closer to my experience as a Lake Pleasant boater, particularly closer to the peak week end traffic which is in my opinion insane, I'm still not comfortable the numbers are close to reality. Whereas the original estimate was too low, the estimate of the current traffic I believe is too high.

I did a "sanity check" on the LPRP monthly watercraft counts and their numbers failed. Assume on a peak period weekend all 421 paved boat trailer parking spots are occupied. (421 came from my Google Earth count of available paved county boat trailer parking spots). Use the 60/40 pattern of LPRP data for weekend/weekday park traffic to estimate weekday traffic. Add 25% for watercraft launched from shore or trailer parked in campgrounds. Here's the calculation and comparison to reported monthly counts:

County Data Sanity Check	Monthly Launches	Launches per day	Parking occupancy
All county trailer parking spots occupied on peak weekends (8d)	3368	421	100%
Peak weekday traffic (40% of weekend traffic)	1347	59	14%
Est. of % launched from shore 25%	1179	38	N/A
Total	5894		
Reported May	10506		
Reported June	11308		
Reported July	10538		

E-1

The reported data is 78% to 92% higher than this simple model predicts. How can you have nearly double the boat launches than parking allows? There are limited areas of shoreline to launch a boat or jetski. And the model already includes 105 daily shoreline launches on a weekend.

By the way, there is an error in Table 1 of Appendix C. The annual total of the PHM Total Monthly Count column adds up to 36,808 not the indicated 41,470. Correcting that total does not change the Annual Average Daily Watercraft Count of 299.

E-2

Omitting the 375 dry storage boats for the new marina from the calculated daily and weekend boat traffic is a mistake. A true "worst case" analysis would not omit them. At a minimum it should be stated in the EA why it is not included or how it is covered by other estimates. I understand the decision to omit the 375 dry storage boats is due to the feeling the new estimate overstates current traffic because it assumes all slips are occupied and all current dry storage is occupied by boats on trailers. But these assumptions can be verified.

I think the assumption all slips are or will be occupied does not overstate the traffic. The slips are full now. In fact, they are over full as many of the larger boats in the marina have 1 or 2 PWCs with them that haven't been accounted for. And marina occupancy rates and competition (supply and demand economics) will fill them all up quickly. (A Skipper Marine associate said on the phone 25% of the initial wet slips are already sold.)

E-3

You should be able to get the actual dry storage numbers from PHM and eliminate that assumption.

The assumption that 20% of marina boats are on the water on any given day might overinflate the daily average and underestimate the peak weekend average. What does PHM think of the assumption? Would separate estimates for off-peak weekend, off-peak weekday, peak weekend and peak weekday eliminate the issue?

My understanding is people who rent slips at PHM do not get free parking as part of the slip rental so many of them also buy the 7-day parking passes. Some, if not most, of the boat traffic from the 666 parking passes is double accounted with the boat slip traffic.

According to the owner of PHM on their website, the build out of the additional PHM slips is expected to begin in 2007.

Presently we have entitlements to add another 160 wet slips and with vacancy rates now at extremely low levels additional slips are expected to be added in 2007.

Source: <http://www.azmarinas.com/PleasantHarbor/lpm.asp?image=4&of=36>

I also take exception that no estimate was made of future boat traffic growth due to county or local population growth. A static view was chosen which does not give the true picture of boat traffic 3, 4, 5 or 10 years down the road. Doing a full update of the LPRP recreation management plan using the WROS process before approving the new marina is critical.

While it is very important to closely approximate the current and future boat traffic so the impact can be seen, categorized, and assessed, we can't lose track of subjective boater experiences. And my 10 year Lake Pleasant experience is that on any given weekend day from the end of April through the end of August from 10am to 6pm the lake is unusable by me in my 18 foot boat. To give you an idea, areas of the lake have 4 foot waves, "drag boats" are racing at 80+ mph, jet skis abound and frequently violate boating laws while showing no regard for fishermen by coming too close, and there can be 30 slow moving sailboats out in the middle of the lake. My whole late spring and summer weekend recreational boating experience is not at risk, its gone!

Public Safety

The issue of public safety has not been adequately addressed in the Revised Draft EA.

Lake Pleasant currently exceeds by 27% the "reasonable standard" of .01% of total launches for boating accidents as given in the WROS Management Guidelines.

.0001x 645 avg launches/day x 365 days/yr = 23.5 vs 30 accidents in 2005.

Source: Chapter 4, page 67, Management Guidelines for an Urban lake: Reasonable standard for percent of boating accidents per number of boat launches: .01% http://www.usbr.gov/pmts/planning/wros/wros_report.pdf

If Reclamation feels the current estimate of 645 launches/day is conservative in that it over estimates the lake traffic, then Lake Pleasant currently exceeds the "reasonable standard" for boating accidents by much more than 27%. If the LPRP data is revised to be closer to the "sanity check" model above then the "reasonable standard" number of accidents becomes about 20 and the lake had 48% more accidents in 2005 than the standard. The bottom line is there currently is something about Lake Pleasant that makes for dangerous boating and adding more boats to the mix would be a serious mistake on the part of BR and its partner MCPRD. What is it that makes Pleasant so dangerous?? Below is a page from the WROS and I filled it out based on my experience as a 10 yr boater on Lake Pleasant:

E-3

E-4

E-5

E-6

Figure 25. A Boating Capacity Range Decision Tool

For Lake Pleasant, AZ

The purposes of this decision tool are to help ensure that managers consider important factors affecting boating capacity and to help document the reasoned analysis used in making a boating capacity decision. For each WROS zone, consider the following factors that may affect boating capacity. *Circle the descriptor that best matches the situation.* The preponderance of the answers will indicate which part of the capacity range may be more reasonable

Typical size of boats	15 feet	16 to 25 feet	25 feet
Typical speed of boats	10 mph	10 to 25 feet ??	25 feet >40mph
Diversity of boating: 1. different types of boats 2. different size of boats 3. different speed of boats	low low low	moderate moderate moderate	high high high
Boater visitation pattern	simple/ predictable	moderate	complex/ unpredictable
Level of boater stewardship/ civility/respect for resource and others visitors	high	moderate	low
Shoreline configuration	simple/ circular	moderate	complex/ meandering
Boater destination or pass-through area	pass-through corridor in-transit	mixed	destination area/overnight area
Extent of sensitive resources potential for impact	low	medium	high
Compatibility with adjacent recreation non-recreation land uses	high	moderate	low
Islands/shallows hazards	infrequent	occasional	frequent
Historic public safety record: accidents, complaints, conflicts	infrequent	occasional	frequent
Level of boater management rules/ information education compliance	high	moderate	low
Other factors:			
Suggested capacity range	lower end (more boats)	mid-range	higher end (fewer boats)

Its pretty clear great benefit can be derived from the WROS process.

The strategy of adding the new marina, then allowing MCPRD to initiate a WROS study within 1-year doesn't make sense from a public safety standpoint since Lake Pleasant is already at least 27% above the WROS standard and adding the new marina will exacerbate its problems. In effect, you are making the problem worse before trying to solve it. Do not approve the new marina before MCPRD updates the recreation management plan by using the WROS process.

Planning and Public Input

I know I don't need to quote chapter and verse of Reclamation policies on planning and public input, but I found these excerpts extremely interesting and pertinent:

Recreation Management

<http://www.usbr.gov/recman/Ind/Ind-p04.pdf>

"Conduct necessary planning studies, research, assessments, and public involvement processes, in conjunction with managing partners where possible, to provide recreation facilities commensurate with public needs and Reclamation responsibilities and objectives."

Public Involvement in Reclamation Activities

<http://www.usbr.gov/recman/cmp/cmp-p03.pdf>

"The goals of this public involvement policy are to:

- A. Ensure that programs respond to public needs and concerns within Reclamation's overall mission.
- B. Provide meaningful opportunities for the public to participate and provide input in the decision-making processes."

An Assessment of the Bureau of Reclamation's Non-Federal Recreation Management Partners

<http://www.usbr.gov/pmts/planning/recpubs/NonFedRecre.pdf>

"More than 50 percent of the managing partners did not have a recreation management plan developed or updated in the last 5 years. This may not have been a problem several decades ago, but today it is. Planning, particularly recreation planning in the case of Reclamation's recreation management partners is necessary for resource, recreation, and financial sustainability."

"Reclamation recognized this need and in 2004 completed a new system for recreation inventory, planning, and management called the Water Recreation Opportunity Spectrum (WROS) system. **Managing partners should be made aware of this tool and encouraged to use it to develop or update their plans.** WROS is an indispensable tool for inventorying, planning, and managing water resources where recreation is an important public use and benefit to the local communities."

E-7

I don't believe Maricopa County has sound data on the LPRP visitor's opinions or needs. If the decision to add a second marina is based on the 10 year old Master Plan, and the EA indicates it is, then that information is out of date.

There were a lot of people (by my calculation there were more than 120,000 vehicles and 400,000 people) who visited LPRP in FY2006 and didn't have a boat. What did they do? They camped, they fished from shore, they swam, they played catch, they listened to music, etc. Would those 400,000 people want a 2nd marina? Have they had a reasonable opportunity to voice their opinions?

Here are a few, of many, questions that need to be asked of Maricopa County:

-Are the current and future needs of the general public best served by adding a second marina?

The 2nd marina serves the need of a segment of the public who can afford a \$100,000 boat and \$1000/month slip fees. But those needs are already served by the PHM and marinas at Bartlett, Saguaro, Canyon, Apache, and Roosevelt Lakes.

-What changes or additions to LPRP would the general public like to see? Better security? More restrooms? More on-shore recreational opportunities like bike trails, swim beach, ball fields, dog parks, playgrounds for kids, etc. ?

-Is the best use the Scorpion Bay/Dirty Shirt a marina, or a water park, or a swimming beach with fishing piers, ball fields and volleyball courts? None of those exist at the LPRP. And once a marina is built the opportunity for other, better uses of that site will be lost.

Its unfortunate none of these questions are answered in the EA and the general public was not engaged adequately through surveys, public meetings, etc. This needs to be done! The "Master Plan" needs to be

re-done or a Lake Pleasant Recreation Management Plan needs to be done so the general public needs and input can be obtained through public involvement processes.

E-7

I therefore strongly oppose a Finding Of No Significant Impact (FONSI), or even a Mitigated FONSI on the construction of the Scorpion Bay Marina & Yacht Club because it poses a significant impact to Public Safety and recreational boating quality, and because the decision to build the new marina is based on information that appears to be out of date, and because the general public has not been adequately involved through a full range of public hearings.

E-8

I ask the BR to go back to square one and do this thing the right way by completing a full Lake Pleasant Recreation Management Plan using the WROC process.

I offer my help in any way I can in completing a new plan. Please do not hesitate to call me if you have questions on my comments.

Sincerely,

Denny Anderson
Boater, Fisherman and resident of Maricopa County
602-867-4127

RESPONSE TO COMMENT LETTER NO. E
DENNY ANDERSON

- E-1. The FY 2006 monthly watercraft counts, presented in Table 1 of Appendix C to the EA, reflect the actual number of watercraft entering both LPRP and Pleasant Harbor Marina, based upon entry fees paid and recorded. These are not estimates. The estimates provided in your comments do not take into consideration the fact that, perhaps except for special events (such as the July 4th celebration), a certain amount of “turn-over” occurs at the parking lots and shoreline. This would result in more than just 421 launches per day.

We acknowledge the estimates developed for this study are higher than the actual number of boats. This is because of the assumptions used in estimating these numbers, such as all the wet slips and storage space in Pleasant Harbor Marina being rented out 100 percent of the time, and a full 20 percent of the moored watercraft go out on the lake each day. The estimates are meant to provide the reader with a relative comparison between the existing and future conditions, as well as among the alternatives under the future conditions. They should not be misconstrued as accurate actual counts.

- E-2. The document has been revised to correct this error. Thank you.
- E-3. We believe using assumptions which maximize the estimated number of boats that would be out on the lake on a given day adequately accounts for any boats stored within the 5-acre fenced area that are launched into the lake. A statement has been added in Appendix C to explain this. If there is some double-counting, this should also help to alleviate the concern expressed in Comment E-1 that our estimates are too low. See also response to Comment 4-6.

As noted in Appendix C to the EA, page C-3, most local marina operators queried felt the 20 percent reflects what occurs during weekends and major holidays. Although we could have used a lower estimate for weekdays, we decided to use the 20 percent estimate for both weekdays and weekends. This would result in an even more conservative estimate for weekday watercraft traffic than weekend and holiday watercraft traffic. As noted in our response to Comment 4-6, the 20 percent assumption is well above other estimates for similar studies, further substantiating that the 20 percent used for determining an average number of boats launched from wet or dry slips at Pleasant Harbor Marina reflects a “worst case” scenario.

We do not believe obtaining actual storage numbers would be helpful. The actual number of boats on the lake under existing conditions is not a static number. The number of occupied wet slips and dry storage varies and will continue to vary. Consider the message found on Pleasant Harbor Marina’s website indicating vacancy rates are at extremely low levels, which is noted in this comment. Yet Comment I-2 states on page 3, Footnote 1, “As of October 31, 2006, Pleasant Harbor Marina has over 153 vacancies.”

- E-4. Please see Reclamation’s general response to Comment Letter 17, under “Lake Carrying Capacity.” We could have used the annual average increase of 0.8 percent shown on

Table 5 to estimate future increases in watercraft use; however, given the 13 percent increase between FY 2005 and FY 2006 and the region's continuing population growth, we felt this would understate the likely annual increase in lake traffic under the No Action Alternative. Because the purpose of the estimates is to allow for a relative comparison among the alternatives and not to generate absolute numbers, we compared the anticipated increase in watercraft resulting from the proposed action and the action alternative to the existing condition. This provides a sufficient means for comparing the impacts of the two action alternatives, erring on the side of underestimating impacts from the No Action alternative.

- E-5. This comment serves to reinforce our determination in the EA that currently Lake Pleasant provides a suburban to urban experience on weekends during peak season. We believe this experience will not revert to one of a more rural setting in the absence of the proposed project. Please also see Reclamation's general response to Comment Letter 17 under "Lake Carrying Capacity."
- E-6. The WROS Users' Guidebook provides management guidelines recommended to be duly considered. Chapter 4 of the Guidebook acknowledges the guidelines provided "will continue to evolve and improve over time with management experience and greater input from professionals." They are meant to provide guidance, "yet be flexible and adaptable to special local situations." (Haas 2004). The Guidebook indicates "The fact that a guideline or standard is not being met does not, in and of itself, obligate or direct management action, but does signal that the appropriate level of due deliberation and diligence be taken." One must remember these WROS tools have numerical benchmarks which are strictly guidelines. Also, it should be noted that Figure 25 is designed to be applied at multiple locations on a water body (Haas 2004). Please also see Reclamation's general response to Comment Letter 17 regarding "Lake Carrying Capacity."

According to the U.S. Coast Guard, in 2003, 2004, and 2005, the national fatality rates were 5.5, 5.3, and 5.4 fatalities per 100,000 registered boats each year; at Lake Pleasant there was one fatality in 2003, and none in 2004 or 2005 (U.S. Department of Homeland Security 2005). This indicates Lake Pleasant is probably below the national average in fatalities. While the accident rate is of concern, it does not appear that Lake Pleasant is inherently more dangerous than other lakes. See also Reclamation's response to Comment 4-1.

Our research indicates over the past three years operator inexperience consistently has been among the leading causes, if not the leading cause, of boating accidents in Arizona. We agree with the ranking of "Level of boater management/rules/information/education/compliance" at Lake Pleasant as being "low." We believe boater education materials and awareness opportunities that would be made available through the proposed marina could lead to a reduction in accident rates. In addition, a marina on the western shore would provide an added sense of management presence.

- E-7. Public involvement related to the development of the MRP is described in more detail in Reclamation's general response to Comment Letter 17, under "Tiering." In addition, the

public has also had opportunities to offer input into park issues through their elected officials, in particular County-elected officials who conduct regular Board of Supervisor and also Parks Commission meetings. In addition, the County has performed its own customer satisfaction and user need surveys over the years. Both a draft and a revised draft EA were issued for public review and comment periods on this proposed marina and the general public was given ample opportunity to submit comments. Other than this comment, there were few public comments suggesting alternative recreational opportunities that would be better suited for the proposed project area.

The comment accurately quotes from one of Reclamation's policy manuals (LND-P04), which by definition provide the basic principles that guide our public recreation actions. As such they are guidance documents; local decision-makers and managing partners are allowed the flexibility on how to apply this guidance. The Assessment Report that is cited addressed the relationship between Reclamation and its non-Federal recreation management partners. The Report identified four recommendations: (1) assist the partners in developing or improving their recreation management plans; (2) encourage the use of best recreation business practices; (3) strengthen the partner's financial solvency; and (4) continue collaborative communications. We believe the proposed project affirmatively addresses these recommendations.

- E-8. Your opposition to issuance of a Finding of No Significance and support for reinitiating the planning process is noted.