RESPONSE TO COMMENT LETTER NO. I
STEPTOE & JOHNSON LLP for DAVID MAULE-FFINCH & PENSUS GROUP

I-1. Please see Reclamation's general response to Comment Letter 17, especially the "Purpose and Need" discussion.

I-2. Please see Reclamation's general response to Comment Letter 17, especially the "Lake Carrying Capacity" discussion.

I-3. The analysis of surface acres and number of watercraft in the EA is not intended to be a capacity study. Please see Reclamation's general response to Comment Letter 17, under "Lake Carrying Capacity" for a more detailed discussion. The analysis in the EA is intended to provide a comparison of the number of watercraft currently using Lake Pleasant and the potential impacts resulting from the anticipated increase in watercraft counts expected to occur as a result of the action alternatives. As part of this evaluation, we provided a simple comparison of watercraft densities for similarly situated recreation lakes in the Maricopa County area, using readily available information. Table 3 in the final EA indicates the boating densities at Lake Pleasant, even with conservative estimates of increased watercraft numbers, would still be well within the range of acres per boat established for lakes administered by the Forest Service within Maricopa County. We agree the factors mentioned in this comment are important in the context of a capacity study. Please also see response to Comment F-1.

I-4. In the absence of data on daily launches from the public boat ramps located on the eastern shore of Lake Pleasant, Reclamation considers the 20 percent estimate to be adequate for purposes of this evaluation. Another commenter thought our estimate was too high (see Comment E-1). Our research indicates this 20 percent estimate is very conservative (see e.g., Bosley 2006). Please also see response to Comment 4-6.

The purpose of the EA was not to establish a maximum number of boats that use Lake Pleasant on a Saturday or Sunday, but rather to describe the existing environment and current experience of water users at Lake Pleasant, and to provide the readers and decision-makers a means to compare that to the anticipated future with or without the project being implemented. In determining the watercraft numbers were incorrectly compiled for the initial July draft EA, we discovered only monthly tallies are available for the public boat ramps on the eastern shore. Rather than trying to estimate a peak use that may occur two to four times a year, we concluded we could not reasonably estimate a maximum number of boats entering the Lake over the July 4th weekend, as was done in the initial draft EA. We decided the peak season weekend day <u>average</u> daily watercraft count for Lake Pleasant would provide the readers and decision-makers with a sense of the typical experience of watercraft users at Lake Pleasant on a Saturday or Sunday during the peak summer season. We then developed the methodology presented in Appendix C of the revised draft EA to represent that number. By using the June 2006 weekend visitation totals as the basis for this estimate, the resulting estimate is a very conservative one; there were only 6 days in FY 2006 where the LPRP daily tally of watercraft entering the Park exceeded 842, one of which was July 3, 2006.

Without more specific information, we cannot determine a reasonable estimate for the number of "sneak-ins" that result in additional watercraft on the Lake. Given our conservative assumptions in estimating watercraft use, we believe the estimates adequately address any "sneak-ins."

I-5. Please see Reclamation's general response to Comment Letter 17 regarding "Lake Carrying Capacity," and Comment I-3 above.

Overcrowding is an issue of demand, and one that cannot be solely linked to marina development. We do not agree that marina development automatically equates to overcrowding. The proposed marina would provide additional storage for watercraft. While this may result in some increase in boats using the Lake, some of this storage may be used by boats already using Lake Pleasant. We and MCPRD believe the proposed marina would support public use and satisfy the public's need for watercraft storage at Lake Pleasant for those portions of the Lake that are accessible through public land and/or are not on private land.

Regarding the comment on page 10 in the second paragraph of Comment Letter I, we would like to reiterate it is the **feeling** of being overcrowded that may be alleviated by the marina (with such things as provision of additional boating and parking areas, shorter waiting times to enter the Park and/or Lake, and the resultant decrease in congestion). On this same page in the third paragraph of Comment Letter I, the remainder of the sentence that is quoted from the EA has been omitted in this comment (see *italicized* text below from page 36 of the October 2006 revised draft EA):

> "Providing new facilities and opportunities would have a beneficial effect on the quality of the visitor experience *for those users seeking a suburban or urban type of recreational experience*."

This would include visitors that desire modern conveniences and amenities, such as a snack shop, convenience store, improved parking facilities, lighting, and flush toilets. Earlier in this section, the EA also indicates those visitors desiring a more rural experience would be adversely impacted as visitation increases and those users may eventually choose to visit other reservoirs located further away.

Currently, MCSO may close the public boat ramps in the event it believes the quantity of watercraft on the water creates a safety hazard; this will continue to apply to any future condition, no matter which alternative is chosen. Although noted in the description of the No Action alternative, this acknowledgement was inadvertently not carried forward into the discussions for the two action alternatives, where it could also occur. The EA has been revised to correct this. To address the increase in conflicts among the different types of boaters that is anticipated to result from the proposed project, the County has committed to undertake a WROS management study. As noted in the EA, this effort would include a public education and outreach component. We do not agree it needs to be completed before the marina can be approved, nor do we believe the study would be constrained by

the presence of a marina within LPRP. Instead, the marina's presence could provide a sense of added management presence at the Park until the study is completed and implemented.

We agree CO poisoning at Lake Pleasant is a concern; however, this issue is not directly linked to overall boats on the water. CO exposure is generally associated with voluntary boat concentrations in areas such as Humbug Cove or an individual's close proximity to a single CO source. CO poisoning can occur with just one boat when people swim next to a running engine. As pointed out at the end of this comment, overcrowding may occur within Humbug Cove even when relatively few boats are on the Lake as a whole. The boaters need to be made aware of the dangers of running an engine with swimmers nearby in the water. The marina would assist in public education by making information available to visitors regarding the dangers of CO poisoning.

I-6. Please see Reclamation's general response to Comment Letter 17, regarding "Purpose and Need" and "Alternatives Including the No Action Alternative."

I-7. Thank you for your comments regarding the methodology we used in the EA to estimate potential air pollutant emissions that could be generated by this proposed project. These estimates were used to determine whether or not the CO, PM_{10}, or ozone *de minimis* thresholds would be exceeded.

To address the concerns identified in this comment regarding our methodology, we discussed our methodological approach with staff from the Maricopa County Air Quality Division (MCAQD). The MCAQD staff described the methodology and models used to calculate the pleasure craft-related emissions that are included in emission inventory reports. In MCAQD's 2002 emissions inventory of nonroad mobile sources, the emission calculations for most of the nonroad sources, including pleasure craft, were derived from use of U.S. Environmental Protection Agency's (EPA) NONROAD2002 model. This model has since been superceded by the NONROAD2005 model.

EPA published a technical report on the methodology and data it uses in its NONROAD model, to allocate nonroad mobile equipment populations from the national to State and county levels (EPA 2005). According to that report, the NONROAD model is designed to use various types of economic and industry-related information regarding equipment population or activity. It apportions national equipment populations and their associated activity to State and county levels For pleasure craft, the model uses nationally gathered statistics on boat/engine sales and gasoline consumption distribution estimates, as well as county-level Census water surface area data. There have been adjustments made to the model in an attempt to account for limitations associated with using water surface area alone to establish both national and State level pleasure craft numbers, and the inability to accurately predict where pleasure craft are actually operated. Also in this report, EPA encourages State, regional and local air agencies to utilize local survey data as a more accurate means to assess boat populations and activity at the county level when using the NONROAD model (EPA 2005).

In our discussions, MCAQD staff reiterated EPA's recommendation that default NONROAD model values be adjusted where local data are available, and stressed that local data are preferred whenever they are available. Based upon this guidance from MCAQD, Reclamation chose to utilize EPA's NONROAD2005 model, substituting local survey data for the default values in the national model, to calculate potential emissions from watercraft sources for the proposed project for purposes of determining compliance with the general conformity rule.

In keeping with EPA's and MCAQD's recommendation to substitute local survey data for EPA default values in the NONROAD model, Reclamation provided estimates of the numbers, types and sizes of the motors that would be stored at the proposed marina and used out on Lake Pleasant. These estimates were based upon the premise that the watercraft motor numbers, types and sizes at the proposed marina would approximate the same percentages of those found at Pleasant Harbor Marina. As with the previous approach, we conservatively assumed all boats stored at the proposed marina would be new boats to Lake Pleasant, rather than assuming some boats would be existing boaters that currently either haul their boats or store them at Pleasant Harbor Marina. We also conservatively assumed every slip and dry stack storage space at the proposed marina would be rented, and that up to 36 additional watercraft would launch from the new public boat ramp.

Reclamation attempted to inventory the boat motor sizes/types found at the existing Pleasant Harbor Marina, to establish the ratio of the various sizes and types of motors that are found at the existing marina. Reclamation was unable to obtain timely entrance to the marina to conduct this inventory. Staff from the proposed marina concession had previously conducted a partial inventory of both the wet and dry slips within Pleasant Harbor Marina. Although a 100 percent inventory was not completed, all the highest polluting engines were identified. Estimates for boats not specifically identified were conservatively allocated to favor higher emission boat motor types. In addition, Reclamation assumed personal watercraft associated with houseboats also would be present. Further, the 36 watercraft associated with the new public boat ramp were all assumed to have the higher emission motors. These estimates of the numbers, types and sizes of boat motors were provided to MCAQD, and were then used in place of default values in the NONROAD2005 model. Upon receipt of the model's output from MCAQD, we revised the final EA accordingly.

Appendix D of the final EA has been revised to more fully explain the revised methodology for estimating air emissions, and includes MCAQD's model run results. Appendix D has also been revised to more clearly indicate the source of the emission factors used in calculating construction-related emissions.

I-8. The estimate in the initial July 2006 draft EA, that 233 acres would be lost as a result of the project, was an error that was corrected in the revised draft EA. The total number of acres included in the concessionaire's easement is 164 acres; of the 164 acres, 93 acres are below elevation 1,702 feet, and 71 acres are located above elevation 1,702 feet. Of these

71 acres, 37 acres would be permanently modified as a result of excavation, grading, and/or construction of facilities.

I-9. Subsequent to issuing the July 2006 draft EA, it was discovered that with currently available technology, A+ effluent may not be achievable 100 percent of the time due to turbidity concerns. B+ effluent is the minimum level required for reuse in a drip irrigation system, which has been designed for the proposed marina by a certified professional landscape architect. In addition, a 10,000-gallon effluent holding tank is included in the plans as a precautionary measure. Maricopa County Environmental Services would need to approve and permit the wastewater system prior to construction. To assert "the only option is for the facility to discharge the water into the Lake at a later date after this NEPA process is complete" is incorrect. Other options, such as planting additional vegetation to be irrigated and/or expanding the areas that are irrigated, or adding additional storage capacity are available should effluent exceed irrigation needs.

I-10. The EA indicates there is a relationship between the groundwater and water within Lake Pleasant. It states, "Depending on distance and location from the lake surface, groundwater levels generally fluctuate in direct response—but lag in time—to changes in lake levels." It also points out "groundwater flows toward the lake with the hydraulic flow gradient depending upon location and lake fluctuation conditions…." In the report entitled "Analysis of Test Hole Data, Lake Pleasant, Maricopa County, Arizona" by Paul A. Manera, Inc., dated July 12, 1991, the report concludes "The variations of the water levels from that of the lake level indicate that there is at least a minimal boundary between the lake and the ground water. Those water levels west of the lake are all higher than the lake level, indicating a slope of the water level toward the lake." Based upon these findings, the Lake Pleasant Regional Park Water System Master Plan prepared by Standage & Truitt Engineering, April 1992, indicates on page 6, "This suggests that the aquifer providing water to these well sites has a source other than the lake." As stated in the EA, Lake Pleasant acts as a local recharge boundary condition for the MCPRD wells, especially Well No. 4. This well is registered with the Arizona Department of Water Resources; its Registry ID is Well 55-532652. The drilling of this well and its operation are in compliance with all applicable State regulations.

The comment that the County is currently in non-compliance for drinking water is incorrect. As the EA states in section 3.2.1.1, the Park's "wells are regulated as a community water supply and are tested monthly for microbiologic analysis, and annually for nitrates, to ensure compliance with potable water standards….The system was most recently inspected on June 23, 2006, and was found to be in compliance with all ADEQ requirements."

I-11. Reclamation's directives do not require that a Resource Management Plan (RMP) be prepared for every project, as is implied by this comment. Nevertheless, we believe the 1995 Recreation Master Plan is functionally similar to an RMP. It includes guidelines regarding development within designated areas to protect sensitive natural resources. In addition, a Cultural Resources Management Plan was completed for LPRP in 2004, which is used in carrying out National Historic Preservation Act Section 106 compliance for new

development within the Park. As indicated in the EA, pursuant to our 1990 Contract with the County, MCPRD has assumed full recreational management responsibility for LPRP and its associated Federal lands.

I-12. A revised biological assessment and the revised draft EA were transmitted to the FWS on October 25, 2006. In a memorandum dated November 6, 2006, FWS provided concurrence with Reclamation's determination that the proposed project may affect, but is not likely to adversely affect the bald eagle. A copy of Reclamation's submittal to FWS and FWS' concurrence memorandum are provided in the final EA as Appendix G.

The EA has been revised to indicate there would be no substantial impact to aquatic species and sport fish from implementation of the proposed project. The creation of interstitial spaces during the placement of excavated rock below elevation 1,702 feet, as proposed by the marina contractor in his 404 permit application, would provide additional habitat for fish.

I-13. The EA acknowledges a convenience center and boat sales facility are being considered for development at the intersection of 87th Avenue and State Route 74, and that it would be at least 3 to 5 years before this project would be undertaken. While informal discussions between County and Reclamation staff have occurred over the last couple years regarding this project, meaningful actions have not been taken regarding its implementation, and additional analysis of its impacts is not provided in the EA because there is insufficient information regarding the center/facility to provide any meaningful discussion in the EA. Also, no information is known about the proposed lodging facilities that would allow a meaningful discussion of the cumulative impacts—the size of the facility, potential location, or timing of the project. This site-specific implementation level EA need not address potential, but speculative, future developments. Please also see Reclamation's response to Comment Letter 17 regarding "Tiering."

I-14. The method used for counting visitors back when the MRP was prepared is no longer used. MCPRD formerly used traffic counters to determine attendance/use. A formula was applied to the number of vehicles counted entering the Park to derive the number of persons per vehicle visiting the Park. Statistical methods used in preparing the Master Plan cannot be verified. The traffic counters are no longer used and have been removed. Currently MCPRD takes the number of paid entries registered each day and applies a multiplier to determine the average number of people per vehicle entering the Park. The formula has been developed by Arizona State University and is subject to update/methodology change with each survey. The number of watercraft launched each day from LPRP is based on paid entries registered on a daily basis.

I-15. The EA has been revised to provide additional description of the impacts of the proposed project on non-boating recreational uses.

I-16. The previous assessments determined that expected noise levels would be non-significant. In our current assessment, anticipated noise levels would be consistent with what has already been assessed. There are no additional noise sensitive receptors that have been

introduced since those assessments were made; therefore, the expected noise levels from the proposed project are anticipated to remain non-significant. The biological assessment determined that noise levels would not adversely affect the bald eagle; the FWS concurred with this conclusion.

I-17. The EA simply acknowledges that any future management actions could impact the entire Lake. No management alternatives are being considered herein however, and the scope of the EA is not affected. Maricopa County already has jurisdiction over all watercraft on Lake Pleasant. That includes all watercraft entering the Lake from any shore, boat ramp, or from the edge of Pleasant Harbor Marina's easement (Reclamation 1992). Any management strategies or policies regarding watercraft on Lake Pleasant would necessarily need to apply to all watercraft on the Lake proper. As stated in the EA, there would be a public education and involvement process associated with the WROS study. This study will need to be conducted sometime in the future regardless of the outcome of the currently proposed project. We expect all stakeholders, including representatives from both Pleasant Harbor Marina and MWD, would be invited to participate in this study process.

I-18. The facilities identified in this comment were not included in the marina Request for Proposal, and are not part of the proposed project. Much of the recreational development described in the MRP has been constructed, including the facilities identified in this comment, with the exception of the beach. According to MCPRD, there was an attempt to establish a beach along Lake Pleasant within the LPRP; however, this proved to be unsuccessful due to the water fluctuations eroding the beach. See also responses to Comments 17-47 and H-4.

I-19. See Reclamation's response to Comment 4-6 and the first paragraph of Reclamation's response to Comment E-3 (regarding space for 375 vehicles, not 380).

I-20. The revised EA was corrected to reflect the actual acreage contained within the marina's easement.

I-21. With the addition of Action Alternative 1 to the revised draft EA, the information regarding the minimum number of slips specified under the UMA was irrelevant and confusing, and thus it was omitted.

I-22. The "347" in the first sentence of this comment refers to the July 2006 draft EA's estimated current number of boats on the Lake on an annual average day. The "583" was identified in the July 2006 draft EA as representing the number of watercraft estimated to be on the Lake on a given day after the proposed marina is in place—an increase of 236 watercraft. The remainder of this comment misinterprets the information provided in the revised draft EA. The October 2006 revised draft EA also anticipates the proposed project could result in an increase of up to 236 watercraft on the Lake on a given day (200 watercraft from the marina, plus 36 watercraft resulting from the provision of 36 parking spaces at the new public boat ramp).

I-23. The percentages identified in this comment do not refer to the same measurement. The 14 percent increase in the revised draft EA refers to the peak season weekend day average daily count, and the 68 percent in the initial draft EA referred to the annual average daily use. To compare apples to apples, the increase represented by adding 236 watercraft as a result of implementing the proposed project was stated as 68 percent in the initial draft EA (using an incorrect estimate of 347 watercraft for the current annual average daily count). This was corrected to 37 percent in the revised draft EA (using the more accurate estimate of 645 watercraft for the current annual average daily count). The percentage changed due to the estimated current annual average daily count almost doubling after compilation errors were detected and corrected.

I-24. The Corps' Arizona Section, Regulatory Branch, routinely performs its own NEPA compliance rather than participating as a "cooperating agency" in the preparation of a Reclamation NEPA document. Our normal practice is to provide the Corps with a copy of every document prepared pursuant to NEPA that is circulated for public review. We sent the Corps a copy of both the July 2006 draftEA and the October 2006 revised draft EA.

I-25. Your support for preparation of an EIS is noted. Please see Reclamation's general response to Comment Letter 17, regarding "Tiering," "Purpose and Need," and "Lake Carrying Capacity." The Lake Mead National Recreation Area is managed by the National Parks Service. The National Park Service's EIS was prepared to analyze the impacts of several different alternatives for the long-term management of the Lake Mead National Recreation Area, which encompasses Lakes Mead and Mohave and their associated shoreline and development areas. Lake Mead has a surface area of 157,900 acres with over 700 miles of shoreline, and Lake Mohave has a surface area of 28,260 acres with 150 miles of shoreline. Its very designation as a National Recreation Area underscores its national significance. The EA for the proposed LPRP marina, on the other hand, is to evaluate the site-specific impacts of a single marina development within a regional park managed by MCPRD pursuant to a contract with Reclamation. We believe the scope and potential significance of the two projects are substantially different and simply are not comparable.