CHAPTER III PLANNING ISSUES, OPPORTUNITIES, AND CONSTRAINTS

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Chapter III

Planning Issues, Opportunities, and Constraints

INTRODUCTION

This chapter describes the key factors—planning issues, opportunities, and constraints—that influenced development of this resource management plan / environmental assessment (RMP / EA).

The Bureau of Reclamation (Reclamation) followed an established land use planning process to prepare this RMP / EA. (See figure III-1, Steps in Resource Management Planning Process.) This process focuses on resolving issues that arise over the use and management of public lands and resources. A planning issue can be defined as an unrealized opportunity, an unresolved conflict or problem, an effort to implement a new management program as a result of new initiatives or laws and regulations, or a resource or public use value being lost. Not all issues are related to resource management; therefore, an RMP / EA cannot resolve all issues—some must be resolved administratively.

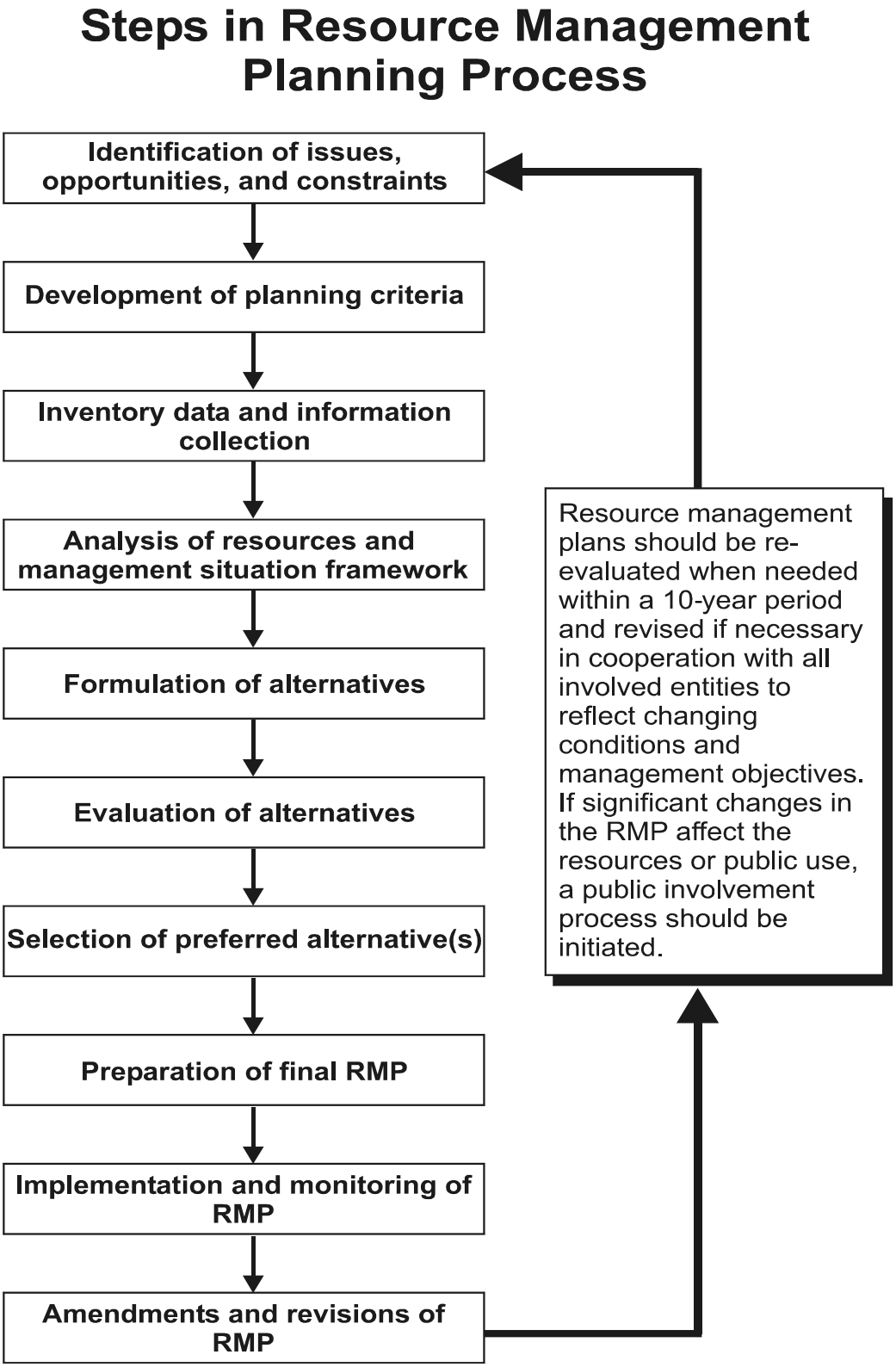
For this RMP / EA, Reclamation identified issues concerning the conflicting demands for consumptive and nonconsumptive uses of the land. The primary challenge is to protect natural and cultural resources while allowing uses that have a minimum effect on these resources. Reclamation used three areas of investigation to identify planning issues, opportunities, and constraints:

- Public involvement
- Collection and evaluation of existing resource data
- Review of its internal programs and policies

The planning issues, opportunities, and constraints identified in these investigations allowed Reclamation to formulate the necessary management actions and implementation strategies, as outlined in Chapter VI, Resource Management Plan. Chapter V, Affected Environment and Environmental Consequences, analyzes the effects of implementing the possible management plans (or “alternatives”) on resources in the study area.

PLANNING ISSUE IDENTIFICATION

To identify issues and concerns regarding management of the study area, this planning effort incorporated a public involvement process, as described in chapter I. In addition, Reclamation resource specialists collected and evaluated existing resource data and



Note: NEPA compliance activities should occur during the RMP planning process.

Figure III-1.—Steps in Resource Management Planning Process.

reviewed Reclamation programs and policies. Reclamation identified issues and concerns similar to those the public identified. Generally, the issues and concerns relate to the following:

- The Protective and Regulatory Pumping Unit's (PRPU) congressionally mandated authorized purpose of limiting groundwater pumping to meet the 1944 Water Treaty obligations.
- The availability of utility and transportation corridors to accommodate the needs of the city of San Luis and other communities.
- The compatibility of land uses within the study area with adjacent land uses.
- The availability of water and land for the anticipated expansion of the cities of San Luis and Yuma in the next 10 years.
- The preservation of flat-tailed horned lizard and associated habitat.
- The protection of the natural and cultural resources.
- The restriction of off-highway vehicle (OHV) use to preserve the natural and cultural resources of the area, in particular, the flat-tailed horned lizard.
- The availability of adequate access for hunting.

Reclamation then grouped the issues and concerns into seven "issue categories." The issue categories helped to (1) define the scope of each issue and concern and (2) develop specific goals and objectives to address each issue and concern. Goals and objectives are described in "Chapter VI, Resource Management Plan."

This RMP/EA addresses the following issue categories:

- Land use
- Water use
- Partnerships
- Natural and cultural resources management
- Public information and education
- Recreation management
- Health and safety

The description of each issue category follows.

Land Use Issue Category

Land use issues and concerns focused on developing a comprehensive land use strategy that details how Reclamation might balance increased demands for the use of lands within the study area while protecting natural and cultural resources and Reclamation's ability to meet its water delivery obligations to Mexico.

Water Use Issue Category

Water use issues and concerns focused on providing a water use strategy that will protect Reclamation's ability to meet its water delivery obligations to Mexico.

Partnerships Issue Category

Partnership issues and concerns focused on creating partnerships with a variety of entities to facilitate management of the study area.

Natural and Cultural Resources Management Issue Category

Natural and cultural resource issues and concerns focused on protecting the flat-tailed horned lizard and its associated habitat; protecting the unique desert habitat within the study area; controlling noxious weeds; managing threatened, endangered, and other special status species; and protecting Indian tribal interests.

Public Information and Education Issue Category

Public information and education issues and concerns focused on providing a variety of public information about the study area through different media (e.g., internet, brochures, radio, maps, and pamphlets); providing appropriate signing detailing the rules and regulations and land restrictions; and providing a variety of interpretative opportunities for the visiting public.

Recreation Management Issue Category

Recreation management issues and concerns focused on restricting OHV use; maintaining hunting access; providing limited day use opportunities and support facilities; and providing activities that are compatible with adjacent land uses and the Flat-Tailed Horned Lizard Rangewide Management Strategy.

Health and Safety Issue Category

Health and safety issues and concerns focused on providing appropriate law enforcement to enforce rules and regulations established for the study area; providing appropriate sanitation facilities; and removing existing trash, such as abandoned automobiles.

MANAGEMENT OPPORTUNITIES

Management opportunities exist within the study area to do the following:

- Protect, enhance, and interpret the natural resources
- Provide a limited range of recreation, commercial, and community opportunities and facilities, while not adversely affecting existing natural resources
- Evaluate, protect, and interpret cultural resources for public education and enjoyment

The following sections describe partnership opportunities, interpretive opportunities, and funding opportunities within the study area.

Partnership Opportunities

Partnership opportunities exist with other Federal, State, and local entities, as well as private entities, to increase Reclamation's capability to successfully manage resources in the study area. Reclamation could cooperate with the International Boundary and Water Commission, the U.S. Border Patrol (Border Patrol), and the Bureau of Land Management (BLM) to better define each agency's roles and responsibilities within the study area. The Arizona Game and Fish Department could help manage public use of the area. Reclamation can cooperate with the city of San Luis to provide limited public use facilities and investigate public-private partnerships to provide commercial services, such as campground facilities. Local organizations and citizen groups, as well as volunteers, could directly or indirectly support management of the area.

Interpretive Opportunities

Opportunities exist to interpret a variety of desert-adapted plants and animals and the unique desert habitat and surrounding desert landscape, as well as the cultural and historic resources within the study area. The interpretive program efforts could include installing appropriate signs that emphasize habitat protection and wildlife needs, area history, significance of the international boundary, among other things; providing facilities and programs that are accessible to persons with disabilities; and constructing hiking trails with limited parking areas.

Funding Opportunities

Supplemental funding may be available to Reclamation, as well as other Federal, State, and local entities. All funding sources should be investigated. Following are several examples of funding and management opportunities available to assist in managing lands and resources within the study area, whether Reclamation or a managing partner manages the area.

1998 Transportation Equity Act for the 21st Century (TEA-21)

Eligible projects under the Public Lands Highway Discretionary Fund include, but are not limited to, planning for Federal programs that benefit recreation development, parking, interpretive signage, trails, roadside rest areas, sanitary and waste facilities, and acquisition of certain lands. Efforts in identifying proposed projects should be coordinated among Federal, State, and local entities. Close coordination should occur at the early stages of project identification and formulation with the State and Federal highway departments.

National Park Foundation Grants Program

The National Park Foundation provides funding to parks for innovative, concrete projects, providing tangible and lasting benefits to the park. The foundation encourages fresh approaches to park problems and projects that help build an understanding of, and a constituency for, park values. The foundation will fund any project that has tangible benefits to parks. The most competitive grants range from $3,000 to $40,000, with no matching funds required. However, projects that leverage a foundation grant with matching funds, public or private, are preferred.

Toolbox for the Great Outdoors

Toolbox for the Great Outdoors (Toolbox) is a directory of Federal and State programs and other resources that can enhance visitor experiences at Federal recreation areas. An interactive compact disc (CD) showcases special messages from the leaders of six key Federal agencies about the Toolbox and about the vital role of partnerships. The American Recreation Coalition developed the Toolbox in cooperation with the Federal co-sponsors of Partners Outdoors XI, held in Henderson, Nevada, in January 2002. The Toolbox contains overviews of 20 creative tools and more than a billion dollars annually in potential resources that can supplement traditional appropriations to Federal agencies that provide recreation. The overviews are followed by detailed explanations, examples of uses of each tool at Federal sites, strategies for securing additional financial resources and staffing, links to websites, and other sources of information on the tools and contacts for further information and advice.

The highlighted tools include:

- Transportation-Related Tools
  - Scenic Byways
  - Recreational Trails Program
  - Transportation Enhancements
  - Intelligent Transportation Systems
  - Cooperation with Department of Defense and National Guard Units
- Wildlife and Fisheries Programs
  - Sportfish Restoration Account (Wallop-Breaux Fund)
  - Federal Aid for Wildlife Restoration (Pittman-Robertson)
- Volunteers, Fees, and Partner Receipts
  - National Recreation Fee Demonstration Program
  - Volunteers
  - Funding Through Congressionally Chartered and Federally Aided National Foundations
  - Friendraising: Use of National and Local Foundations
  - Judicial Sentencing of Non-Violent Offenders and Use of Fines and Penalties
  - State OHV Programs (Including Winter Parking Permits)
  - Challenge Cost-Share Agreements for Recreation and Wildlife
  - Private Investments in Recreation Facilities
  - Shared Use Facilities
- Recreation and Conservation Programs
  - Land and Water Conservation Fund
  - Rivers, Trails, and Conservation Assistance Program
  - Land Exchanges and Sales

The Toolbox for the Great Outdoors CD can be used on virtually all personal computers, and operates in an enhanced mode while connected to the internet. The program is designed for use by Federal land managers as well as recreation, tourism, and conservation community leaders who want to expand the quality of visitor experiences. The Toolbox allows users to go directly to tools of interest, queries users about needs, and recommends appropriate tools for consideration. Copies of the Toolbox for the Great Outdoors can be ordered from the American Recreation Coalition at 202-682-9530 or through its website, <www.funoutdoors.com>.

Reclamation Recreation Management Act of 1992, Title 28 and Potential Managing Partners

The Reclamation Recreation Management Act of 1992 is an amendment to the Federal Project Recreation Act of 1965, Public Law (P.L.) 89-72, that provides up to 50 percent Federal cost sharing for the planning, construction, and operation and maintenance of

recreation facilities with non-Federal public entities. It also provides 75 percent Federal cost sharing with non-Federal partners for fish and wildlife enhancement and up to 50 percent cost sharing to operate and maintain such facilities. Non-Federal public entities that have agreed to manage developed facilities and lands at Reclamation projects are to work with local Reclamation offices to identify proposed projects for funding. Congressional funds are appropriated annually and distributed for selected sites.

Section 7(c) of P.L. 89-72 clearly delegates Reclamation authority to contract with other Federal agencies to manage Reclamation land; however, the other agency must have congressional authority and the expertise necessary to perform the responsibilities Reclamation may wish to convey. The constraints on another Federal agency's management of Reclamation lands are discussed under "Federal Agency Constraints."

National Recreation Fisheries Coordination Council

Following is a list of possible internet sites compiled by the National Recreation Fisheries Coordination Council that provide additional information on funding opportunities for Reclamation and/or a potential managing partner:

1. A Guide to Funding Resources
   http://www.nal.usda.gov/ric/ricpubs/funding/funding1.htm
2. Catalog of Federal Domestic Assistance
   http://www.gsa.fdac/queryfdac.htm
3. Federal Research Grants Index
   http://fedix.fie.com/
4. Grant Programs Administered by EPA
   http://www.epa.gov/ogd/cfda.htm
5. Catalog of Federal Funding Sources for Watershed Protection
   http://www.epa.gov/owow/watershed/wacademy/fundindex.htm1#dept
6. National Fish and Wildlife Foundation
   http://www.nfwf.org/index.htm

Fee Retention

The ability to retain recreation-related fees to offset operation and maintenance expenses is an important consideration when managing recreation activities on Federal lands. In April 1996, the Congress passed the Recreation Fee Demonstration Program (P.L. 104-134). This program tests the feasibility of user fees as another way to help finance recreation programs on Federal lands. Although the original program did not include Reclamation, recent legislation proposals do include Reclamation.

Currently, user fees collected on most Federal sites, such as campgrounds that are not designated under the Recreation Fee Demonstration Program, are returned to the

Federal treasury and should be available for operation and maintenance the following year through congressional appropriations. However, congressional appropriations for the following year are usually less than the amount of user fees collected at the site. In contrast, under the Fee Demonstration Program, user fees are not returned to the Federal treasury but are kept for operation and maintenance of the site where the fees are collected.

Over the last several years, funding for most Reclamation recreation programs has steadily declined. The Fee Demonstration Program is intended to develop equitable ways for recreation users to help pay for the services they use. Even with the Recreation Fee Demonstration Program, congressional appropriations traditionally fund about two-thirds of the recreation program. Therefore, recreationists will get good value for their recreation dollars while helping to pay for a high-quality recreation experience.

As stated earlier, P.L. 89-72 authorizes Reclamation to enter into recreation management agreements with non-Federal entities, such as State, county, and local governments. P.L. 89-72 also authorizes the transfer of project lands or facilities to these agencies with terms and conditions that best promote development and operation of the lands and facilities for recreation purposes in the pubic interests. P.L. 89-72 states, "... entrance and user fees or charges collected at the project by non-Federal interests ... may be ... used to assist in repayment of costs." In addition to P.L. 89-72, the following congressional legislation also supports retention of user fees by a non-Federal managing partner:

- *United States Code*, USC 16, Part 4601-6a states:

  > ... any such contract may provide that the contractor...deduct a commission to be fixed by the agency head from the amount charged the public for providing such services.

- *Land and Water Conservation Fund* of September 3, 1964, P.L. 88-578, 78 Statute 897 states:

  > ... provision of law that permits States or political subdivisions to share in the revenues from Federal lands.

MANAGEMENT CONSTRAINTS

When agencies address management changes and other actions, they are constrained by their respective legislative authorities, budgets, personnel, current policies, and environmental limitations. The policies affecting management were discussed in Chapter II, Management Framework. The ability of land management agencies to manage environmental and recreational resources will always depend on maintaining sufficient personnel and on the ability of the agencies to obtain adequate funding to operate and maintain facilities and programs, as well as to protect and enhance existing opportunities and resources. The following discussion addresses the constraints associated with the study area.

Water Availability Constraints

The principal constraint to development within the 5-mile zone is the 160,000-acre-foot-per-year limit on groundwater pumping imposed by Minute No. 242 of the International Boundary and Water Commission. Of this amount, up to 140,000 acre-feet must be reserved for possible delivery by the United States to Mexico. The remaining 20,000 or more acre-feet are available for other uses as approved or acknowledged and accounted for by the United States. During years when Reclamation does not require the 140,000 acre-feet to meet its water delivery obligations to Mexico, authorized users other than Reclamation may pump water from within the 5-mile zone in excess of 20,000 acre-feet, to the extent that the total pumping from within the 5-mile zone does not exceed 160,000 acre-feet in any calendar year.

Legislative Constraints

Project planning or development on Federal land may trigger implementation of and adherence to certain rules, laws, and Executive orders. These include, but are not limited to, those mentioned in chapter II as well as the Clean Water Act, Clean Air Act, Americans with Disabilities Act, and the National Environmental Policy Act. These legislative mandates require Federal land management agencies to consider the effects of their management decisions on endangered or threatened species, water quality, Indian trust assets, recreation, fish and wildlife, and cultural resources. For example, if management recommendations involve a Federal action that would cause a site disturbance, a cultural resource inventory would have to be conducted before the action could be implemented.

Federal Agency Constraints

In general, the Property, Commerce, and Tax and Spend for the General Welfare Clauses of the Constitution provides the authority for Reclamation and other Federal agencies to function. This authority, however, is granted to the Congress, not to the Executive branch. Thus, the various agencies function on the basis of delegation of authority from the Congress in the form of statutes. The Reclamation Act of 1902, BLM's Federal Land Policy Management Act of 1976, and the U.S. Forest Service National Forest Management Act of 1976 are examples of acts that delegate congressional authority to the Executive branch. As discussed previously, Section 7(c) of P.L. 89-72 clearly delegates Reclamation authority to contract with other Federal agencies to manage Reclamation land; however, the other agency must have congressional authority and the expertise necessary to perform the responsibilities Reclamation may wish to convey. In addition, the disposition of the fees collected on Reclamation land by another Federal agency would have to be addressed. Certain fees may have to be deposited in Reclamation’s treasury account, instead of another Federal agency’s account, or deposited in the Reclamation fund as a credit to the project. In either case, the fees collected by another Federal agency would not be available for on-site use or to defer the costs of operation and maintenance.

A specific Federal agency constraint that would apply directly to the management of the study area would be the Border Patrol's federally mandated mission of providing law enforcement activities within the study area. The Border Patrol's activities within the study area may limit Reclamation's ability to manage for certain resources; comply with existing and future laws, regulations, and Executive orders; and limit authorization of certain land use proposals to certain individuals or entities.

Environmental Constraints

Limiting factors, such as slopes, soils, wetlands, critical habitat, and the lack of an adequate land base, can constrain future development. Facilities cannot be located on unstable soils, extreme slopes, on or near wetlands and critical habitat areas, or within land areas that do not have a sufficient land base to accommodate such development (e.g., the physical carrying capacity of the land may be exceeded). The existence of any one of the following factors would make an area less suitable for recreation or commercial development:

- Presence of a wetland or riparian vegetation or habitat
- Presence of certain wildlife species, such as flat-tailed horned lizard
- Presence of sensitive habitat for certain wildlife species
- Poor soils for constructing foundations and installing septic systems
- Hazardous geologic conditions, such as a fault zone

Adequate Geographic Information System mapping can identify areas that may constrain or limit future development.

Carrying Capacity Constraints

Carrying capacity can be described as the ability of a resource to accommodate a user population at a reasonable threshold without the user population adversely affecting the resource. Carrying capacity levels for the study area have not been determined. Carrying capacity can be subdivided into four categories: (1) social, (2) physical, (3) environmental (or ecological), and (4) facility.

Social Carrying Capacity

Social carrying capacity can be described as the effects that resource users have on one another. The number, type, and location of recreation users encountered sometimes affect the recreation experience. The social carrying capacity differs among users and depends on the type of experience sought and the tolerance of the individuals or groups using the resource. For example, a recreationist seeking a wilderness experience will not tolerate the sights and sounds of other recreationists, while a user of

an urban environment not only tolerates but expects to encounter other users. Social carrying capacity also depends on the availability, size, use, and management of the resource.

Physical Carrying Capacity

Physical carrying capacity can be described as the area that is available to a recreationist for a specific recreation activity. The challenge is to provide adequate access to the public, while optimizing the number and variety of recreational opportunities within the available land base.

Environmental Carrying Capacity

Environmental (or ecological) carrying capacity can be described as the effects that a level of recreation use will have on resources, such as vegetation, fish, wildlife, soils, water, and air. Activities with high impact, such as off-road vehicle use, can adversely affect natural resources. The challenge is to provide an adequate number of facilities and opportunities to meet existing and future demand without adversely affecting the environmental resources.

Facility Carrying Capacity

Facility carrying capacity can be described as the ability of an existing facility to accommodate the current level of recreation use. User conflicts can result if a facility has reached its carrying capacity limits.