
CHAPTER 5

5 CONSULTATION AND COORDINATION

This chapter summarizes the consultation and coordination Reclamation has conducted with various state, federal and local agencies in preparing for and compiling this Draft EIS. Public involvement consisted of two phases: 1) project scoping and 2) coordination with tribal, federal, and state agencies, and the District. The District participated in the consultation and coordination activities in recognition of its position as the recipient of the title transfer, its role as the operating agency for Division facilities, and its detailed knowledge of the resources of the project area. Consultation and coordination will continue through the preparation of the Final EIS.

5.1 PROJECT SCOPING

Reclamation filed a Notice of Intent (NOI) to prepare an EIS in the *Federal Register* on July 31, 2001. The NOI described the project and the NEPA process, announced public scoping meetings, and invited public comment on the scope and content of the environmental review (Appendix H). Letters were sent to federal, state, and local agencies, tribes, organizations, and individuals announcing the scoping meetings. Public scoping meetings were held on August 15, 2001 at the Antelope Union High School in Wellton, Arizona, and on August 16, 2001 at the Reclamation Yuma Area Office in Yuma, Arizona.

Four comment letters were received during the scoping process (Appendix B). The issues raised in comments included various aspects of water supply and return flows in the Yuma-Transboundary area of the Colorado River system, including concerns for the habitat in the Colorado River delta area of Mexico. The issues raised are summarized in Table 1-1 in Chapter 1.

5.2 FEDERAL AGENCY COORDINATION

5.2.1 U.S. Fish and Wildlife Service

Under Section 7(a)(2) of the ESA, 16 USC. § 1536(a)(2), each federal agency must, in consultation with the Secretary of the Interior, insure that any discretionary action authorized, funded, or carried out by the agency “is not likely to jeopardize the continued existence of any [listed] species or result in the destruction or adverse modification” of designated critical habitat. To assist agencies in complying with the requirements of Section 7(a)(2), the statute and implementing regulations set out a detailed consultation process for determining the biological impacts of a proposed discretionary activity. The consultation is described in regulations promulgated at 50 CFR § 402. The Proposed Action/Preferred Alternative is a discretionary federal action by Reclamation and is therefore subject to compliance with the ESA.

1 By letter to the FWS on February 22, 2002, Reclamation requested a list of special status
2 species (i.e., endangered, threatened, and candidate species) in the project area to help focus
3 the biological resources assessment. The FWS responded by letter on March 7, 2002, to
4 Reclamation providing a list of endangered species that may potentially occur in the project
5 area, and commenting on the need to protect riparian habitat. Copies of these letters are
6 included in Appendix F. Reclamation also arranged two meetings with the FWS as part of
7 this coordination. The first of these was a meeting in the FWS Phoenix office on February
8 11, 2002 to discuss need and procedures for a field assessment of habitat that may be used
9 for special-status species. The second was a joint field inspection on March 5, 2002, of the
10 Gila River corridor and other lands involved in the Proposed Action/Preferred Alternative to
11 familiarize participants with the types of habitat involved and to assess the likelihood of
12 important habitat for special status species.

13 Following the consultation activities cited above, the FWS concluded that an informal
14 consultation on endangered species would be appropriate for the Proposed Action. By letter
15 of March 10, 2003, Reclamation advised the FWS of the results of the Biological Resources
16 Assessment prepared for the proposed action and requested concurrence on the conclusions
17 with regard to special status species, as discussed in Section 3.6. Reclamation received
18 concurrence from the FWS in June 2003 that the Proposed Action/Preferred Alternative may
19 affect, but is not likely to adversely affect two listed species: the Yuma clapper rail and the
20 southwestern willow flycatcher (Appendix F).

21 **5.2.2 Bureau of Land Management**

22 BLM land management programs are related to the Proposed Action/Preferred Alternative in
23 that 1) the District boundaries border BLM lands at various points, 2) certain tracts of BLM
24 land lying within the District boundaries contain segments of the Gila River Flood Channel
25 on rights-of-way granted by BLM, and 3) the District has requested concurrence from BLM
26 for a boundary extension to include the upstream end of the Gila River Flood Channel
27 within the District boundary. Representatives of the BLM Yuma Field Office have
28 participated in periodic coordinating meetings between Reclamation and the District since
29 early 2001. Through discussions at these meetings, various BLM interests and potential
30 points of BLM involvement in the Proposed Action/Preferred Alternative were addressed
31 and mutual concerns resolved. BLM also participated in a field inspection of habitat types
32 on affected lands.

33 **5.2.3 National Historic Preservation Act Compliance**

34 Section 106 of the NHPA of 1966, as amended, requires federal agencies to take into
35 account the effects of their actions on historic properties and to afford the Advisory Council
36 on Historic Preservation (Council) a reasonable opportunity to comment when an action will
37 have an effect on historic properties. The Council's recommended approach for consultation

1 of the Protection of Historic Properties is found at 36 CFR 800 (FR Vol. 65, No. 259,
2 December 12, 2000, pages 77698-77739).

3 The first step of the Section 106 process, as set forth at 36 CFR 800.3(a), is for the agency
4 official to “determine whether the proposed federal action is an undertaking as defined in §
5 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects to
6 historic properties.” Reclamation has determined that the Proposed Action/Preferred
7 Alternative meets the definition of an undertaking, and that the undertaking has the potential
8 to affect cultural resources because certain lands will be released from federal ownership. As
9 described below, Reclamation is in the process of consulting with the Arizona SHPO
10 regarding the assessment and protection of cultural resources in the project area. In the event
11 Reclamation and the SHPO concur that there will be an adverse effect to historic properties
12 as a result of the title transfer, Reclamation will notify the Council of the finding pursuant to
13 36 CFR 800.6(a)(1). If the consulting parties agree that a programmatic agreement (PA)
14 should be prepared pursuant to 36 CFR 800.14(b), Reclamation shall invite the Council to
15 participate in the consultation as specified at 36 CFR 800.6(a)(1)(I)(C).

16 **5.3 TRIBAL CONSULTATION**

17 The project area has played a role in the ancestral Native American cultures of the region, as
18 discussed in Section 3.7. Reclamation is consulting with many Indian tribes and
19 communities who have expressed interest in the Proposed Action. Government-to-
20 government consultation was initiated by letter, with telephone follow-up, to Indian tribes
21 and communities in the Colorado River Basin informing them about the title transfer and
22 requesting their input regarding cultural interest in the project area. Various tribes responded
23 with requests for additional information and/or commented on the Proposed
24 Action/Preferred Alternative. The individual tribes and the communities contacted are listed
25 in Table 5-1.

26 Primary concerns expressed by Indian tribes and communities are that their cultural interests
27 in the project area be recognized and that the proposed change in ownership and
28 management of the federal lands not adversely affect cultural remains or other interests in
29 the project area. A particular point of concern was the preservation of archeological remains
30 at Antelope Hill and the avoidance of disturbance to cultural resources in the project area.
31 Reclamation land on which Antelope Hill is located is not included in the Proposed Action/
32 Preferred Alternative. Reclamation has continued government-to-government consultation
33 by meeting with interested tribes to provide more information on the Proposed Action/
34 Preferred Alternative and to obtain information on cultural resources of importance to the
35 tribes and communities. Such contacts included presentations by Reclamation at the May 17,
36 2002 and April 25, 2003 meetings of the Four Southern Tribes Cultural Resources Working
37 Group at Maricopa, Arizona, and Reclamation-sponsored meetings in Yuma on July 11,

1 2002 and in Phoenix on July 12, 2002. Subsequently, copies of the Class I survey report
 2 (SRI, 2002) were mailed to 20 interested tribes for review. On February 25, 2003,
 3 Reclamation conducted a tribal coordination meeting in Phoenix at which the discussion was
 4 devoted primarily to the scope of the proposed archeological fieldwork program, as
 5 discussed in Section 3.7. The meetings conducted by Reclamation were announced by letters
 6 to tribes and communities that had expressed interest in the proposed title transfer.

7 **TABLE 5-1 INDIAN TRIBES AND COMMUNITIES COORDINATION**

Indian Tribe or Community Contacted by One or More Letters	Date on which the Tribe or Community Attended a Meeting with Reclamation (blank space signifies nonattendance)
Agua Caliente Band of Cahuilla Indians	
Ak-Chin Indian Community	5/17/02, 7/12/02, 2/25/03
Augustine Band of Mission Indians	
Cabazon Band of Mission Indians	
Campo Band of Mission Indians	
Chemehuevi Tribe	
Cocopah Indian Tribe	
Colorado River Indian Tribes	
Fort McDowell Mohave/Apache Indian Community	
Fort Mohave Indian Tribe	7/12/02
Gila River Indian Community	5/17/02, 2/25/03
Havasupai Indian Tribe	
Hia-Ced O'odham Alliance	5/17/02
Hopi Tribe	
Hualapai Tribe	7/12/02, 2/25/03
Kaibab Paiute Tribe	7/12/02
Morongo Band of Mission Indians	
Navajo Nation	
Pascua Yaqui Tribe	
Quechan Indian Tribe	7/11/02, 2/25/03
Salt River Pima-Maricopa Indian Community	5/17/02, 2/25/03
San Carlos Indian Tribe	
Santa Rosa Band of Mission Indians	
Tohono O'odham Indian Nation	5/17/02, 7/12/02
Tonto Apache Tribe	
Torres-Martinez Desert Cahuilla Tribe	
Yavapai-Prescott Indian Tribe	

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1 5.4 STATE AGENCY COORDINATION

2 5.4.1 Arizona Game and Fish Department

3 The AGFD is responsible for conserving the wildlife resources of the state and
4 administering hunting and fishing regulations. Consultation with the AGFD was initiated on
5 February 11, 2002 at the meeting in the Phoenix office of the FWS through attendance of a
6 representative of the Yuma Field Office of the AGFD. Further coordination occurred with
7 the AGFD participation in the March 5, 2002 field review of the project area habitat. On
8 March 6, 2002, Reclamation sent a letter to AGFD requesting a current list of state-protected
9 species in the project area. The AGFD responded by letter on March 21, 2002 enclosing the
10 requested list with explanatory documentation. Consultation with the AGFD is still in
11 progress. Copies of these letters are included in Appendix F.

12 5.4.2 Arizona State Historic Preservation Office

13 The Arizona SHPO, a division of Arizona State Parks Department, is responsible for the
14 identification, evaluation, and protection of the prehistoric and historic cultural resources of
15 Arizona in accordance with the National Historic Preservation Act. Reclamation and the
16 District met with members of the SHPO staff on December 6, 2001 to describe the Proposed
17 Action/Preferred Alternative, request guidance regarding the cultural resources assessment
18 of lands involved in the Proposed Action, and identify means to address the conservation of
19 cultural resources. The concept of a Programmatic Agreement with SHPO was discussed as
20 a possible option to set forth responsibilities for the future protection and maintenance of the
21 historic irrigation system as an element of "living history". Representatives of SHPO also
22 participated in the tribal meeting in Phoenix on February 25, 2003, and participated in the
23 discussions regarding the archeological fieldwork program. Consultation with the SHPO is
24 ongoing.

25 5.5 NON-GOVERNMENTAL ORGANIZATION AND GENERAL PUBLIC 26 COORDINATION

27 Coordination with non-governmental organizations and the general public has, up to the
28 preparation of this Draft EIS, been conducted primarily in the form of the scoping process
29 described in Section 5.1. Notification of the Proposed Action/Preferred Alternative and the
30 scoping process included letters to numerous non-governmental agencies in the western
31 United States and to a mailing list of property owners in the District, in addition to public
32 announcements in various media. Coordination with non-governmental agencies and the
33 general public will continue with the issuance of the Draft EIS, with an accompanying
34 invitation to provide comments and notification of hearings to receive public comment on
35 the Draft EIS.

1 **5.6 WELLTON-MOHAWK IRRIGATION AND DRAINAGE DISTRICT**
2 **COOPERATION**

3 Reclamation and the District have been working together to define various details of the
4 implementation plan for the Proposed Action/Preferred Alternative. Reclamation and the
5 District entered into an MOA on July 10, 1998 to establish terms and conditions for the
6 proposed title transfer, including guidelines under which the Division would be operated
7 following the transfer. The MOA, contained in Appendix A, was cited in Public Law 106-
8 221 as the process under which the transfer was to be conducted, subject to certain
9 stipulations in the law. Under the terms of the MOA, Reclamation and the District have
10 formed an Oversight Committee to guide the transfer activities. The Oversight Committee
11 conducts periodic meetings to coordinate such activities as inventories of facilities and lands
12 to be transferred, land appraisals, environmental review, and administrative provisions
13 needed to implement the transfer. Such close coordination is a practical necessity because of
14 the amount and dispersal of facilities and lands involved, and the District's operational
15 responsibilities and experience.