Appendix E

Public Comment Letters and Response to Comments

Federal Agencies

Comment Letters and Response to Comments

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Yuma Field Office
2555 East Gila Ridge Road
Yuma, AZ 85365
www.blm.gov/az/

TAKE PRIDE IN AMERICA

In Reply Refer To:
1610 (C020)

January 13, 2011

Memorandum

To: Restoration Group Manager; U.S. Bureau of Reclamation, LC 8400, Lower Colorado Regional Office; P. O. Box 61470; Boulder City, Nevada 89006-1470

From: James T. Shoaff
Field Manager

Subject: Environmental Assessment for the Laguna Division Conservation Area

This memo is to submit the Yuma Field Office comments on the Laguna Division Conservation Area Environmental Assessment. Our comments are included in the attached document using "track changes" and also in a spreadsheet.

If you have any questions, please contact Planning and Environmental Coordinator David Daniels at 928 317-3206.

Attachments

01/18/11
1/20/11 8200

Please do not reformat or merge cells, columns, rows, etc., or change the order of the columns.

	Document:		Draft EA Laguna Division	
	Date Submitted:			1/14/2011
Item Number	**Page**	**Section**	**Commenter**	**Comment**
BLM-1	11		BLM	Need to add: DM 6.13, Yuma Field Office Resource Management Plan (1/10), • Interagency Standards for Fire and Fire Aviation Operations (2010), National Prescribed Fire Handbook (2010), Mittry Lake Wildlife Area Plan (?????)
BLM-2	13		BLM	In Appendix C; It is stated that 80% consumption will be obtained. This is not accurate, and should be 15-20 %. If MSCP wants to obtain higher consumption ~80%, creation of piles or use of roller-chopper throughout entire site will reduce left over material and root balls.
BLM-3	13		BLM	Appendix C needs completely rewritten based on comments in the EA
BLM-4	13		BLM	Proof of land ownership to is needed prior to project implementation and should be included in Appendix D (Title documents, survey notes, etc.) Some question regarding unsurveyed lands and possible state ownership. Land ownership and boundries along the Colorado river is a very complicated issue and more research needs to completed in order to determine ownership. Our Lands staff has sent a request to BLM cadastral survey group to get an opinion of land ownership. Currently Appendix D only discusses southwest corner of project with possible tribal ownership, where it needs to verify entire project land status.
BLM-5	13		BLM	Prior to the burn, Reclamation will establish fuel breaks on the perimeter and interior of the project site starting in summer of 2011. Interior fuel breaks include east/west fuel breaks throughout the project and additional fuel breaks surrounding sensitive areas, i.e marsh habitat. Prior to road construction, MSCP and BLM project managers will coordinate for construction specifications of fuel breaks and vegetation removal. The fuel breaks will be established through the use of heavy equipment. More specifically, perimeter fuel breaks will be created with a width of 1.5 times the adjacent vegetation, but no less than 30 foot wide, through the use of a dozer. Bends and corners of the fuel breaks will be established with a width of 2.5 times the adjacent vegetation, but no less than 60 feet. Along the interior of the fuel breaks, 40 feet of vegetation will be cleared with the use of a roller-chopper or dozer with brush rake attachment, allowing for no greater than 20% soil mixed with cleared vegetation. Within 14 days prior to the prescribed burn, Reclamation will maintain established fuel breaks with use of a water tender and operator to ensure roads are accessible by 2-wheel drive vehicles.
BLM-6	13		BLM	Reclamation needs okay from burn boss that equipment work can start post burn.
BLM-7	13		BLM	High amount of material left after burn from burnt standing trees and saltcedar root balls. BLM is not prepared to reburn this material.
BLM-8	17	2.3	BLM	Because the burn will only consume 15% to 20% of the biomass this will be required anyway.
BLM-9	18	3.0	BLM	Needs to include Haz Mat: used to be part of the military area, that will include barrals, unexploded ordinance, meth labs, etc. ID as a current FUDS area.
BLM-10	19	3.1	BLM	Reference to LTVA's adjacent to project area? Average population in winter: 2,000 people

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	Document:		Draft EA Laguna Division	
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Item Number	Page	Section	Commenter	Comment
BLM-11	20		BLM	Some concern from Irrigation districts regarding ash from RX on crops and food safety regulations. If burned between planting and harvest will drop ash on crops affecting product quality.
BLM-12	26	3.5	BLM	Recreation should probably have its own section apart from land "use" Also is land status addressed in this document?
BLM-13	26	3.5	BLM	Proof of land ownership to is needed prior project implementation and should be included in Appendix D (Title documents, survey notes, etc.) Some question regarding unsurveyed lands and possible state ownership.
BLM-14	26	3.5	BLM	Tthe whole imperial dam recreation area with the ltva as it is all part of the same general high use recreational area with a lot of snowbirds living there many with lung diseases and breathing problems which may be worsened during the burnings.
BLM-15	27	3.5	BLM	Lands needs to confirm land status. If not tribal, then who's land??
BLM-16	27	3.5	BLM	Proof of land ownership to is needed prior project implementation and should be included in Appendix D (Title documents, survey notes, etc.) Some question regarding unsurveyed lands and possible state ownership.Land ownership and boundries along the Colorado river is a very complicated issue and more research needs to completed in order to determine ownership. Our Lands staff has sent a request to BLM cadastral survey group to get an opinion of land ownership.
BLM-17	28	3.9	BLM	Many of the snowbirds living in the Imperial Dam Recreation Area LTVA would be living below poverty levels and they are residents there for half the year so this should be addressed.
BLM-18	30	4.1.2	BLM	In Appendix C; It is stated that 80% consumption will be obtained. This is not accurate, and should be 15-20 %. If want to obtain higher consumption ~80%, creation of piles or use of roller-chopper throughout site will reduce left over material and root balls.
BLM-19	32		BLM	Mitigation measures to burn contradict themselves. An easterly wind from 115 to 140 degrees is the only parameters for smoke not to enter: YPG, Hidden Shores and LTVA, agricultural areas and Yuma. The strong possibilities of obtaining this wind is unlikely.
BLM-20	32		BLM	This wind will cause all smoke to go into agriculture fields and Yuma. If Reclamations receives approval from YPG, Hidden Shores, IID housing, and the LTVA's, a southerly wind may be possible, which has been done in the past.
BLM-21	32		BLM	If wind changes direction post lighting, what is the action?
BLM-22	32		BLM	A burn in March through July would obtain a much greater consumption of vegetation but would be difficult to keep within containment lines
BLM-23	32		BLM	In Appendix C; It is stated that 80% consumption will be obtained. This is not accurate, and should be 15-20 %. If want to obtain higher consumption ~80%, creation of piles or use of roller-chopper throughout site will reduce left over material and root balls.

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Item Number	**Page**	**Section**	**Commenter**	**Comment**
BLM-24	32	4.2	BLM	Fire occurrence for proposed project site: only 2 known or reported wildfires within this site greater than 1 acre within last 20 years.
BLM-25	32	4.2	BLM	First ~140 acres in north of project have already be rehabilitated as part of the Mittry Burned Area Rehabilitation Project. Hundreds of cottonwood, willow, and mesquite have been established in this area.
BLM-26	32	4.2	BLM	This should be no effect, not negative effects. Salt cedar is used for migratory habitat.
BLM-27	33	4.2.2	BLM	YCRA would still be impacted.
BLM-28	33	4.2.2	BLM	This is not the same as what is said in the mitigation measures below.
BLM-29	33	4.2.2	BLM	This doesn't match the description of vegetation clearing activities above. When would clearing activities prior to the fire occur?
BLM-30	33	4.2.2	BLM	Why? Is it because the timing of these activities would avoid incubation?
BLM-31	34	4.2.3	BLM	Where is Figure 4?
BLM-32	35	4.2.3	BLM	Who will provide water tenders for fire suppression? MLWA and Colorado River waters are already contaminated with existing aquatic invasive species. Use of lake/river water will be put directly back into lake/river.
BLM-33	35	4.2.3	BLM	BLM would like to see the cultural survey record.
BLM-34	36	4.5.3	BLM	Is Reclamation going to ensure no persons within site prior to burn?
BLM-35	36	4.5.3	BLM	What constitutes as an unauthorized person? Currently, no signs are posted.
BLM-36	36	4.5.3	BLM	If does cross, what is going to happen? This is a constraint. Mitigation would be for immediate suppression.
BLM-37	36	4.5.3	BLM	In original proposed burn budget, structural protection on site was not included. Who will be conducting and paying for protection?
BLM-38	38	4.7.3	BLM	With areal ignition: will not take place within 100 feet of any body of water. Care will be taken to avoid accidental dispense of ignition material into bodies of water.
BLM-39	42		BLM	Do we need to include the Mittry and Imperial RX projects?
BLM-40	42		BLM	add Courtney Conway burning projects
BLM-41	42	4.10.2	BLM	Include Mittry South RX, Betty's Kitchen & Pratt thinning, Jetties, proposed fuel breaks
BLM-42	44	Recreation	BLM	Include signage and use permissions: 14 day area, no camping, etc. Should also include who is managing lands for recreation and law enforcement, see land status question below.
BLM-43	44	Recreation	BLM	Proof of land ownership to is needed prior project implementation and should be included in Appendix D (Title documents, survey notes, etc.) Some question regarding unsurveyed lands and possible state ownership.Land ownership and boundries along the Colorado river is a very complicated issue and more research needs to completed in order to determine ownership. Our Lands staff has sent a request to BLM cadastral survey group to get an opinion of land ownership.

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	Document:		Draft EA Laguna Division	
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Item Number	Page	Section	Commenter	Comment
BLM-44	44	Recreation	BLM	A brief discussion of HOW they would enhance the recreation activities would be appropriate as to a conclusion that that they would enhance them. Like what new rec. facilities or trails will be added to the area creating cumulative impacts to recreation such as increased usage by hikers, etc. for example.
BLM-45	46		BLM	What about verbal concerns still being brought up. i.e. Irrigation District & AZ & CA agricultural concerns

Response to Comments from Bureau of Land Management (BLM); Yuma Field Office

BLM-1	BLM's interest and participation in the Project is appreciated. Documents DM 6.13, *Yuma Field Office Resource Management Plan* (2010), and the *Interagency Standards for Fire and Fire Aviation Operations* (2010) were incorporated to Section 1, along with additional relevant documents. The *Mittry Lake Wildlife Area Plan* (MLWAP) was incorporated by Reference in Section 6. Full citation for the MLWAP can be found in section 6.
BLM-2	Comment read and acknowledged. See Appendix C, Objectives, Constraints, and Mitigation Measures for the Proposed Removal and Prescribed Fire Activities.
BLM-3	This comment is appreciated and is acknowledged.
BLM-4	This comment is appreciated and is acknowledged. See Section 3.5 under subsection entitled "Land Status" for discussion on land ownership of the project area.
BLM-5	The PFIA will develop a PBP that will address the establishment and maintenance of fuel breaks according to protocols set by the PFIA. Water tenders will be addressed and incorporated into the PBP.
BLM-6	This comment is appreciated and is acknowledged. See Section 2.2 under subsection entitled "Phase One – Removal and Clearing."
BLM-7	See BLM-2. Manual clearing of the proposed project site is anticipated if a prescribed fire is implemented to clear remaining biomass and prepare the site for construction activities.
BLM-8	This comment is appreciated and is acknowledged.
BLM-9	Hazardous materials are discussed in Section 3.0 under subsection Critical Elements Topics Removed from Further Analysis. At this time there are no known hazardous materials and contaminants identified or reported in the area by the authorized land managers delegated by Reclamation. If there is a discovery of any hazardous materials or contaminants within the project site, the site shall be appropriately remediated.
BLM-10	Discussion on Imperial Dam LTVA can be found in Section 3.1, Section 3.5, Section 3.9, Section 4.5, and Section 4.9.
BLM-11	Reclamation conducted two public scoping meetings on March 18, 2010 and coordinated a conference call with the Yuma Safe Produce Council.

	From these meetings, comments and concerns were discussed and are incorporated in this EA. A discussion on public involvement can be found in Section 5.0 in this EA and public comment letters and responses to comments can be found in Appendix E of this EA. Mitigation measures are found in section 4.5 and Appendix C.
BLM-12	See BLM-4.
BLM-13	See BLM-4.
BLM-14	See BLM-10. In the event of the implementation of a prescribed fire, the PFIA will establish procedures in the PBP to notify the public about the implementation of the prescribed fire method to ensure public health and safety.
BLM-15	See BLM-4.
BLM-16	See BLM-4.
BLM-17	See BLM-10 and BLM-14.
BLM-18	See BLM-2.
BLM-19	This comment is appreciated and is acknowledged. See Section 4.1.3.
BLM-20	See BLM-19.
BLM-21	Change in conditions post lighting of prescribed fire should be addressed in the PBP developed by the PFIA. Roles and agency responsibilities will be defined in the PBP.
BLM-22	This comment is appreciated and is acknowledged. See Appendix C for objectives, goals, constraints, and mitigation measures.
BLM-23	See BLM-2.
BLM-24	This comment is appreciated and is acknowledged.
BLM-25	This comment is appreciated and is acknowledged throughout this EA.
BLM-26	This comment is appreciated and is acknowledged. See Section 4.2.2.
BLM-27	See BLM-26.
BLM-28	See BLM-26.

BLM-29	See BLM-6. Creation of fuel breaks will occur prior to the prescribed fire. Activities will be conducted to the extent practicable to avoid impacts to LTVA and covered species activities. Activities can begin once 404 permitting is completed.
BLM-30	Removal of vegetation before breading season would reduce the impact to nesting birds in the area due to lack of habitat. Once disturbed, vegetation will not be available until habitat is restored in 2014.
BLM-31	This comment is appreciated and is acknowledged in Section 3.2 of this EA.
BLM-32	The PFIA will provide necessary equipment to perform burn. This includes but is not limited to fire suppression devices.
BLM-33	This comment is appreciated and is acknowledged.
BLM-34	See BLM-6. The PFIA will be responsible for surveying and removal of unauthorized persons during prescribed fire activities.
BLM-35	The term unauthorized persons will be defined in the PBP. Roles and agency responsibilities will be defined in the PBP.
BLM-36	Mitigation measures should be addressed in the PBP of the PFIA.
BLM-37	This comment is appreciated and is acknowledged. The budget for prescribed fire activities will be established by Reclamation and the PFIA.
BLM-38	This comment is appreciated and is acknowledged.
BLM-39	This comment is appreciated and is acknowledged.
BLM-40	This comment is appreciated and is acknowledged.
BLM-41	This comment is appreciated and is acknowledged.
BLM-42	See BLM-4.
BLM-43	See BLM-4.
BLM-44	This comment is appreciated and is acknowledged.
BLM-45	See BLM-11. Concerns are acknowledged and addressed in Appendix C.

State Agencies

Comment Letters and Response to Comments

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov

Janice K. Brewer
Governor

Henry R. Darwin
Acting Director

December 21, 2010

United States Department of the Interior
Bureau of Reclamation
Attn: Ms. Dana Anat (LC-2625)
P.O. Box 61470
Boulder City, NV 89006

Re: Yuma County: Draft EA-Laguna Division Conservation Area Riparian and Marsh Restoration-Enhancement Project

Dear Ms. Anat:

The ADEQ Air Quality Division has reviewed your letter, dated November 30, 2010, regarding the Laguna Division Restoration Project. The project, as described, will likely have a de minimis impact on air quality. However, considering the prevailing winds, and problems with 10-micron particulate matter nonattainment in the county, to comply with applicable air pollution control requirements and minimize any adverse impacts on public health and welfare, the following information is provided for your consideration, where applicable, during the construction phase:

REDUCE DISTURBANCE of PARTICULATE MATTER during CONSTRUCTION

This action, plan or activity may temporarily increase ambient particulate matter (dust) levels. Particulate matter 10 microns in size and smaller can penetrate the lungs of human beings and animals and is subject to a National Ambient Air Quality Standard (NAAQS) to protect public health and welfare. Particulate matter 2.5 microns in size and smaller is difficult for lungs to expel and has been linked to increases in death rates; heart attacks by disturbing heart rhythms and increasing plaque and clotting; respiratory infections; asthma attacks and cardiopulmonary obstructive disease (COPD) aggravation. It is also subject to a NAAQS.

The following measures are recommended to reduce disturbance of particulate matter, including emissions caused by strong winds as well as machinery and trucks tracking soil off the construction site:

I. Site Preparation and Construction
   A. Minimize land disturbance;
   B. Suppress dust on traveled paths which are not paved through wetting, use of watering trucks, chemical dust suppressants, or other reasonable precautions to prevent dust entering ambient air
   C. Cover trucks when hauling soil;

D. Minimize soil track-out by washing or cleaning truck wheels before leaving construction site;
E. Stabilize the surface of soil piles; and
F. Create windbreaks

II. Site Restoration
A. Revegetate any disturbed land not used;
B. Remove unused material; and
C. Remove soil piles via covered trucks.

The following rules applicable to reducing dust during construction, demolition and earth moving activities are enclosed:

- Arizona Administrative Code R18-2-604 through -607
- Arizona Administrative Code R18-2-804

Should you have any further questions, please contact me at (602) 771-2375 or David Biddle, of the Planning Section Staff, at (602) 771-2376.

Very truly yours,

Diane L Arnst, Manager
Air Quality Planning Section

Enclosures

Bret Parke, EV Administrative Counsel
David Biddle, EV Program Specialist
File No. 249599

c. If the burning would occur at a solid waste facility in violation of 40 CFR 258.24 and the Director has not issued a variance under A.R.S. § 49-763.01.

E. Open outdoor fires of dangerous material. A fire set for the disposal of a dangerous material is allowed by the provisions of this Section, when the material is too dangerous to store and transport, and the Director has issued a permit for the fire. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(e) and (D)(3)(f). The Director shall permit fires for the disposal of dangerous materials only when no safe alternative method of disposal exists, and burning the materials does not result in the emission of hazardous or toxic substances either directly or as a product of combustion in amounts that will endanger health or safety.

F. Open outdoor fires of household waste. An open outdoor fire for the disposal of household waste is allowed by provisions of this Section when permitted in writing by the Director or a delegated authority. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(e) and (D)(3)(f). The permittee shall conduct open outdoor fires of household waste in an approved waste burner and shall either:

1. Burn household waste generated on-site on farms or ranches of 40 acres or more where no household waste collection or disposal service is available; or
2. Burn household waste generated on-site where no household waste collection and disposal service is available and where the nearest other dwelling unit is at least 500 feet away.

G. Permits issued by a delegated authority. The Director may delegate authority for the issuance of open burning permits to a county, city, town, air pollution control district, or fire district. A delegated authority may not issue a permit for its own open burning activity. The Director shall not delegate authority to issue permits to burn dangerous material under subsection (E). A county, city, town, air pollution control district, or fire district with delegated authority from the Director may assign that authority to one or more private fire protection service providers that perform fire protection services within the county, city, town, air pollution control district, or fire district. A private fire protection provider shall not directly or indirectly condition the issuance of open burning permits on the applicant being a customer. Permits issued under this subsection shall comply with the requirements in subsection (D)(3) and be in a format prescribed by the Director. Each delegated authority shall:

1. Maintain a copy of each permit issued for the previous five years available for inspection by the Director;
2. For each permit currently issued, have a means of contacting the person authorized by the permit to set an open fire if an order to extinguish open burning is issued; and
3. Annually submit to the Director by May 15 a record of daily burn activity, excluding household waste burn permits, on a form provided by the Director for the previous calendar year containing the information required in subsections (D)(3)(e) and (D)(3)(f).

H. The Director shall hold an annual public meeting for interested parties to review operations of the open outdoor fire program and discuss emission reduction techniques.

I. Nothing in this Section is intended to permit any practice that is a violation of any statute, ordinance, rule, or regulation.

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Correction, subsection (C) repealed effective October 2, 1979, not shown (Supp. 80-1). Former Section R9-3-602 renumbered without change as Section R18-2-602 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-602 renumbered to R18-2-802, new Section R18-2-602 renumbered from R18-2-401 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

R18-2-603. Repealed

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-603 renumbered without change as Section R18-2-603 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-603 renumbered to R18-2-803, new Section R18-2-603 renumbered from R18-2-403 effective November 15, 1993 (Supp. 93-4). Repealed effective October 8, 1996 (Supp. 96-4).

R18-2-604. Open Areas, Dry Washes, or Riverbeds

A. No person shall cause, suffer, allow, or permit a building or its appurtenances, or a building or subdivision site, or a driveway, or a parking area, or a vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, without taking reasonable precautions to limit excessive amounts of particulate matter from becoming airborne. Dust and other types of air contaminants shall be kept to a minimum by good modern practices such as using an approved dust suppressant or adhesive soil stabilizer, paving, covering, landscaping, continuous wetting, detouring, barring access, or other acceptable means.

B. No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, trucks, cars, cycles, bikes, or buggies, or by animals such as horses, without taking reasonable precautions to limit excessive amounts of particulates from becoming airborne. Dust shall be kept to a minimum by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means.

C. No person shall operate a motor vehicle for recreational purposes in a dry wash, riverbed or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional, educational, retail sales, hotel or business premises. For purposes of this subsection "motor vehicles" shall include, but not be limited to trucks, cars, cycles, bikes, buggies and 3-wheelers. Any person who violates the provisions of this subsection shall be subject to prosecution under A.R.S. § 49-463.

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-604 renumbered without change as Section R18-2-604 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-604 renumbered to R18-2-804, new Section R18-2-604 renumbered from R18-2-404 and amended effective November 15, 1993 (Supp. 93-4).

R18-2-605. Roadways and Streets

A. No person shall cause, suffer, allow or permit the use, repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust suppressants, wetting down, detouring or by other reasonable means.

B. No person shall cause, suffer, allow or permit transportation of materials likely to give rise to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or covering the load, to prevent particulate matter from becoming airborne. Earth or other material that is deposited by trucking or earth moving equipment shall be removed from paved streets by the person responsible for such deposits.

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-605 renumbered without change as Section R18-2-605 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-605 renumbered to R18-2-805, new Section R18-2-605 renumbered from R18-2-405 effective November 15, 1993 (Supp. 93-4).

R18-2-606. Material Handling

No person shall cause, suffer, allow or permit crushing, screening, handling, transporting or conveying of materials or other operations likely to result in significant amounts of airborne dust without taking reasonable precautions, such as the use of spray bars, wetting agents, dust suppressants, covering the load, and hoods to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note

Section R18-2-606 renumbered from R18-2-406 effective November 15, 1993 (Supp. 93-4).

R18-2-607. Storage Piles

A. No person shall cause, suffer, allow, or permit organic or inorganic dust producing material to be stacked, piled, or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.

B. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note

Section R18-2-607 renumbered from R18-2-407 effective November 15, 1993 (Supp. 93-4).

R18-2-608. Mineral Tailings

No person shall cause, suffer, allow, or permit construction of mineral tailing piles without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as are approved by the Director.

Historical Note

Section R18-2-608 renumbered from R18-2-408, new Section R18-2-408 adopted effective November 15, 1993 (Supp. 93-4).

R18-2-609. Agricultural Practices

A person shall not cause, suffer, allow, or permit the performance of agricultural practices outside the Phoenix and Yuma planning areas, as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210, including tilling of land and application of fertilizers without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note

Section R18-2-609 renumbered from R18-2-409 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2).

R18-2-610. Definitions for R18-2-611

The definitions in Article 1 of this Chapter and the following definitions apply to R18-2-611:

1. "Access restriction" means restricting or eliminating public access to noncropland with signs or physical obstruction.
2. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to noncropland.
3. "Artificial wind barrier" means a physical barrier to the wind.
4. "Best management practice" means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM_{10} emissions from a regulated agricultural activity.
5. "Chemical irrigation" means applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system.
6. "Combining tractor operations" means performing two or more tillage, cultivation, planting, or harvesting operations with a single tractor or harvester pass.
7. "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM_{10} nonattainment area.
8. "Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.
9. "Committee" means the Governor's Agricultural Best Management Practices Committee.
10. "Cover crop" means plants or a green manure crop grown for seasonal soil protection or soil improvement.
11. "Critical area planting" means using trees, shrubs, vines, grasses, or other vegetative cover on noncropland.
12. "Cropland" means land on a commercial farm that:
    a. Is within the time-frame of final harvest to plant emergence;
    b. Has been tilled in a prior year and is suitable for crop production, but is currently fallow; or
    c. Is a turn-row.

ARTICLE 8. EMISSIONS FROM MOBILE SOURCES (NEW AND EXISTING)

R18-2-801. Classification of Mobile Sources

A. This Article is applicable to mobile sources which either move while emitting air contaminants or are frequently moved during the course of their utilization but are not classified as motor vehicles, agricultural vehicles, or agricultural equipment used in normal farm operations.

B. Unless otherwise specified, no mobile source shall emit smoke or dust the opacity of which exceeds 40%.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective February 3, 1993 (Supp. 93-1). Former Section R18-2-801 renumbered to Section R18-2-901, new Section R18-2-801 renumbered from R18-2-601 effective November 15, 1993 (Supp. 93-4).

R18-2-802. Off-road Machinery

A. No person shall cause, allow or permit to be emitted into the atmosphere from any off-road machinery, smoke for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.

B. Off-road machinery shall include trucks, graders, scrapers, rollers, locomotives and other construction and mining machinery not normally driven on a completed public roadway.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-802 renumbered to Section R18-2-902, new Section R18-2-802 renumbered from R18-2-602 effective November 15, 1993 (Supp. 93-4).

R18-2-803. Heater-planer Units

No person shall cause, allow or permit to be emitted into the atmosphere from any heater-planer operated for the purpose of reconstructing asphalt pavements smoke the opacity of which exceeds 20%. However three minutes' upset time in any one hour shall not constitute a violation of this Section.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-803 renumbered to Section R18-2-903, new Section R18-2-803 renumbered from R18-2-603 effective November 15, 1993 (Supp. 93-4).

R18-2-804. Roadway and Site Cleaning Machinery

A. No person shall cause, allow or permit to be emitted into the atmosphere from any roadway and site cleaning machinery smoke or dust for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.

B. In addition to complying with subsection (A), no person shall cause, allow or permit the cleaning of any site, roadway, or alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions may include applying dust suppressants. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective February 3, 1993 (Supp. 93-1). Former Section R18-2-804 renumbered to Section R18-2-904, new Section R18-2-804 renumbered from R18-2-604 effective November 15, 1993 (Supp. 93-4).

R18-2-805. Asphalt or Tar Kettles

A. No person shall cause, allow or permit to be emitted into the atmosphere from any asphalt or tar kettle smoke for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%.

B. In addition to complying with subsection (A), no person shall cause, allow or permit the operation of an asphalt or tar kettle without minimizing air contaminant emissions by utilizing all of the following control measures:

1. The control of temperature recommended by the asphalt or tar manufacturer;
2. The operation of the kettle with lid closed except when charging;
3. The pumping of asphalt from the kettle or the drawing of asphalt through cocks with no dipping;
4. The dipping of tar in an approved manner;
5. The maintaining of the kettle in clean, properly adjusted, and good operating condition;
6. The firing of the kettle with liquid petroleum gas or other fuels acceptable to the Director.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-805 renumbered to Section R18-2-905, new Section R18-2-805 renumbered from R18-2-605 effective November 15, 1993 (Supp. 93-4).

Response to Comments from the Arizona Department of Environmental Quality/Air Quality (ADEQ-AQ)

ADEQ/AQ-1 Due to the fact that our action may temporarily increase the ambient particulate matter levels, particulate measurements will be performed in accordance with the National Ambient Air Quality Standard to protect public health and welfare. The following measures will be taken to reduce disturbance of particulate matter, including emissions:

- Minimize land disturbance
- Suppress dust on traveled paths which are not paved through wetting, use of watering trucks, chemical dust suppressants, or other reasonable precautions to prevent dust entering ambient air
- Cover trucks when hauling soil
- Re-vegetate any disturbed land not used
- Remove unused material
- Remove soil piles via covered trucks

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov

Janice K. Brewer
Governor

Henry R. Darwin
Acting Director

January 18, 2011

Ms. Dana Anat
U.S. Department of Interior
Bureau of Reclamation
P.O. Box 61470
Boulder City, NV 89006

SENT VIA E-MAIL: danat@usbr.gov

Re: Draft Environmental Assessment for Laguna Division Conservation Area Restoration Project

Dear Ms. Anat:

Thank you for the November 30, 2010 notice on the Draft Environmental Assessment for the Laguna Division Conservation Area Restoration Project. The Arizona Department of Environmental Quality, Water Quality Division (ADEQ) is responsible for ensuring the delivery of safe drinking water to customers of regulated public water systems under the Safe Drinking Water Act, permits for proposed discharges to surface waters of the United States under the federal Clean Water Act (CWA), permits under the State Aquifer Protection Permit program and water quality certifications of certain federal licenses and permits. ADEQ would like to make you aware of some water quality issues that may need to be considered.

We agree that a CWA Section 404 permit may be required by the U.S. Army Corps of Engineers, and that a state-issued CWA section 401 certification of the permit may be required to ensure that the permitted activities will not result in a violation of Arizona's surface water quality standards. For questions, please contact Bob Scalamera at (602) 771-4502 or by e-mail at RS3@azdeq.gov. The CWA 401 application form can be downloaded from ADEQ's website: http://www.azdeq.gov/function/forms/appswater.html#dredge.

Depending on the scope of the CWA Section 404 permit, a permit for stormwater discharges may be required. Stormwater discharges associated with construction activities (clearing, grading, or excavating) that disturb one acre or more must obtain a general permit for coverage of stormwater discharges under the Arizona Pollutant Discharge Elimination System's (AZPDES) Construction General Permit. As part of permit coverage, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared, and implemented during the course of construction. The SWPPP must comply with ADEQ's Construction General Permit's SWPPP requirements, and must identify such elements as the project scope, anticipated acreage of land disturbance, and the best management practices that would be implemented to reduce soil erosion, and

contain or minimize the pollutants that might be released to waters of the U.S. In addition to preparing the SWPPP, the project proponent must file for permit coverage before construction. The Construction General Permit, SWPPP checklist, and associated forms are available on ADEQ's website at: http://www.azdeq.gov/environ/water/permits/stormwater.html#const. For questions, please contact Chris Henninger in our Stormwater and General Permits Unit at (602) 771-4508 or by e-mail at cph@azdeq.gov.

We appreciate the opportunity to review and provide comments. If you need further information, please contact Wendy LeStarge of my staff at (602) 771-4836 or via e-mail at wl1@azdeq.gov, or myself at (602) 771-4416 or via e-mail at lc1@azdeq.gov.

Sincerely,

Linda Taunt, Deputy Director
Water Quality Division

Response to Comments from the Arizona Department of Environmental Quality/Water Quality (ADEQ-WQ)

ADEQ/WQ-1 The ADEQ's interest in the Project is appreciated.

Due to the fact that our action may temporarily increase risk to water quality during the implementation of the project, Reclamation is in the process of submitting Section 404, 401, and 402 permits. Mitigation measures will be followed according to the outcome of the Section 404 permitting process.

THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV
REGION IV, 9140 E. 28TH ST., YUMA, AZ 85365

GOVERNOR
JANICE K. BREWER
COMMISSIONERS
CHAIR, JENNIFER L. MARTIN, PHOENIX
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J.W. HARRIS, TUCSON
DIRECTOR
LARRY D. VOYLES
DEPUTY DIRECTORS
GARY R. HOVATTER
BOB BROSCHEID

December 27, 2010

Bill Singleton
Bureau of Reclamation
P.O. Box 61470
Boulder City, NV 89006

Re: Laguna Division Conservation Area Draft Environmental Assessment

Dear Mr. Singleton:

The Arizona Game and Fish Department (Department) has reviewed the November 2010 Draft Environmental Assessment for the Laguna Division Conservation Area. At the present time the Department has no comments based on our understanding of the proposed action and the information provided in the Draft Environmental Assessment.

Thank you for the opportunity to review and provide comments this project. If you have any questions, please contact me at 928-341-4069.

Sincerely,

Tab Bommarito

Tab Bommarito
Habitat Specialist
Region IV, Yuma

cc: Karen Reichhardt, Bureau of Land Management
Pat Barber, Regional Supervisor, Region IV
Jill Dale, Bureau of Reclamation
Laura Canaca, PEP Supervisor, Habitat Branch
Leslie Fitzpatrick, US Fish and Wildlife Service
Troy Smith, Habitat Program Manager, Region IV

AGFD # M10-12271005

Response to Comments from the Arizona Game and Fish Department (AGFD)

AGFD-1	AGFD's interest and participation in the Project is appreciated.

Anat, Dana

From: Bruce Davis [bdavis@land.az.gov]
Sent: Wednesday, December 08, 2010 2:52 PM
To: Anat, Dana
Subject: Comment regarding Laguna division EA

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon:
I believe that you may have listed incorrect locations in Arizona for your project.

Page 6 of the EA states that the project lies within Sections 31 and 36 ot Township 6 South, Range 21 West. From Figure 2. it appears that you intended to say Section 31, T6S, R21W and Section 36, T6S, R22W.

The same holds true for T7S, R21W as sections 12, 13 and 14 are in T7S, R22W. I have verified these locations with our State Land Mapping system and use of your Figure 2.

If I am in error, please advise.
Sincerely,

Bruce S. Davis, Water Resource Specialist Arizona State Land Department Water Rights and Agriculture Section
1616 W. Adams Street
Phoenix, AZ 85007
602-542-2670
602-542-3507 (Fax)
bdavis@land.az.gov

Response to Comments from the Arizona State Land Department (ASLD); Water Rights and Agriculture Section

ASLD-1	Reclamation has verified your comments regarding the location descriptions on page 6 of the draft EA and the coordinates of the project site and the ASLD's coordinate description of the coordinates are the most accurate. The location description for the Project has been changed to reflect the correct and most accurate coordinate description in Section 1.0 (p.7).

JIM GIBBONS, *Governor*
GEORGE F. OGILVIE III, *Chairman*
MARYBEL BATJER, *Vice Chairwoman*
GEORGE M. CAAN, *Executive Director*

STATE OF NEVADA

MARK AMODEI, *Commissioner*
TOM COLLINS, *Commissioner*
DUNCAN R. MCCOY, *Commissioner*
BERLYN D. MILLER, *Commissioner*
LOIS TARKANIAN, *Commissioner*

COLORADO RIVER COMMISSION
OF NEVADA

MR OFFICIAL RECEIVED
12/30/10
12-30
1-5
2600
2635
E/11 75 2620
IC030-010

December 29, 2010

U.S. Bureau of Reclamation
Attention: Ms. Dana Anat (LC-2625)
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

Re: Comments on the Bureau of Reclamation's *Draft Environmental Assessment* (EA) for the *Laguna Division Conservation Area, Yuma County, AZ and Imperial County, CA*

Dear Ms. Anat:

The Colorado River Commission of Nevada (CRCN) and the Southern Nevada Water Authority (SNWA) have reviewed the *Draft Environmental Assessment Laguna Division Conservation Area* (EA) dated November 2010, prepared by the U.S. Bureau of Reclamation (Bureau) under the Lower Colorado River Multi-Species Conservation Program (MSCP), and are pleased to submit these joint comments in its regard. The attached comments are intended to strengthen the EA through clarification, corrections, and potential wording improvements.

The CRCN and the SNWA express their support for the proposed project. The inclusion of a large-scale riparian and marsh restoration and enhancement project in the Laguna Division Conservation Area (LDCA) is in line with the requirements of the MSCP and is considered to be highly beneficial to the overall environment in the project area.

Thank you for the opportunity to review and comment on the Draft Environmental Assessment for the Laguna Division Conservation Area. We appreciate the high level of effort, expertise, and collaboration that the USBR-MSCP Work Group brings to the table. If you have any questions, please feel free to contact me at (702) 486-2670.

Sincerely,

McClain Peterson
Manager, Natural Resources Program

MP/jln
Attachment

555 E. Washington Avenue, Suite 3100, Las Vegas, Nevada 89101-1065

Phone: (702) 486-2670
Fax: (702) 486-2695
TDD: (702) 486-2698
http://www.crc.nv.gov

Colorado River Commission & Southern Nevada Water Authority
DRAFT Bureau of Reclamation EA LDCA
Review Comments

Package: November 2010 Draft Environmental Assessment LDCA Date: 12/29/2010
Reviewer: CRC & SNWA Discipline: Engineering/Environmental Planning & Policy/Biology

Item No.	Reference	Comment	Resp Code	Response
1	General	Check all Table numbering/references. Some of the tables appear to be numbered and/or referenced incorrectly throughout the document.		
2	General	Please check inconsistencies in bulleted lists with uses of periods, semi colons, colons, commas, tenses, etc.		
3	Figure 1	It is not clear on this map what the red polygon is. Suggest expanding the legend to define the project area (and the red boundaryline).		
4	Figure 2	It is not clear what this map is depicting. Check legend related to the purpose of this figure; the map seemsbusy and confusing. A Site Map (or Project Map) might show the various proposed work elements and project phases over just the LDCA.		
5	Figure 3 [& in general]	Suggest adding more text in the document discussing the pipeline elements in greater detail with respect to proposed project work, i.e., design engineering, equipment/materials to be used, environmental consequences (impacts or effects) for each analyzed resource from each specific work element (and/or work phase), and proposed mitigation.		
6	Figure 4	This figure is not terribly useful or relevant if there is no overlay of the proposed action and with no vicinity map to show this graphic's data's importance or relevance. Suggest adding project boundary overlay to the figure and adding text discussion about why these data points [of these two bird species] in particular are presented, or omit figure entirely.		
7	Table 4	Not sure how useful or helpful this table is in the context of the project as a whole. Suggest some text discussion, or omit entirely if not relevant/important or useful to the project discussion.		
8	Section 1.1	First numbered list on page 9. Did you mean something like 'Avoid, minimize, and fully mitigate adverse effects of covered activities *by implementing LCR MSCP habitat and species conservation measures*...'?		
9	Section 2.2	Section 2.2 states "with up to 100 cfs of water that would be available for project use" then later it says "a maximum base water flow of 100 cfs." Then on page 14 of the document (16 of the pdf), it refers to flood events		

Package: November 2010 Draft Environmental Assessment LDCA Date: 12/29/2010
Reviewer: CRC & SNWA Discipline: Engineering/Environmental Planning & Policy/Biology

Item No.	Reference	Comment	Resp Code	Response
		and pulse flows. The document should specify further what the average, min, and max flow is, what the flow rate and duration of the flood/pulse flows are and the expected consumptive use (or change in consumptive use from now to then). My understanding is there is no change in consumptive use, but I think that should be stated clearly.		
10	Section 2.2 [& in general]	Suggest revising reach names on maps and in text with respect to this particular project. Figure 1 calls out Reach 1, 2, 3, etc. along the MSCP Planning Area, but page 14 discusses Reach 1, 2, etc. It is difficult for the reader to know that these reaches are different.		
11	Section 2.2	Table 1. Is there any work beyond 2014 planned, such as maintenance, fuels reduction/vegetation thinning over time, change of land ownership/management? Could cite LCR MSCP work plan or other document if there is more detail provided elsewhere.		
12	Section 2.2	LCR MSCP FEIS Re-Vegetation Design Criteria Box. Last two bullets. Is there any work planned beyond the 23 years? Fuels reduction? Any consideration of the need for vegetation thinning in the longterm? Who will do this? Consider monitoring and reporting requirements as per permits' terms and conditions.		
13	Section 3.1	Regulatory Setting, State paragraph. First sentence: administrative code reference should be for Arizona. Also, in general, where Arizona agency regulations and consultations are discussed, perhaps California agency regulations and consultations should also be mentioned if not already?		
14	Section 3.3	First sentence of first paragraph. Suggest adding what the outcome was of contacting the Native American tribes.		
15	Section 3.3	Last sentence of last paragraph. Suggest adding to the end of the sentence: "…for construction or any surface disturbing activities." Or perhaps move entire paragraph to Section 4.3.3 (although, there is already		

Package: November 2010 Draft Environmental Assessment LDCA Date: 12/29/2010
Reviewer: CRC & SNWA Discipline: Engineering/Environmental Planning & Policy/Biology

Item No.	Reference	Comment	Resp Code	Response
		similar language in Section 4.3.3).		
16	Section 3.4	In reference to 'routine wetland delineations' and 'wetlands investigations reports,' suggest adding information about USACE/Corps concurrence and/or consultation [in concert with the Reclamation 2010 report mentioned on page 25]. It would be appropriate to cite contact and/or documentation with the Corps regarding the site's jurisdictional delineations or determinations if there was or will be any (presuming yes since there will be 404 permitting).		
17	Section 4.1.2	Suggest moving the paragraph after the Estimated Fuel Consumption table to earlier in the section if the prescribed burn is the first action chronologically.		
18	Section 4.1.3 [& in general]	Suggest adding mitigation measures for during and [if any] after construction. Are there any mitigation measures for maintenance work? In general, a site map with the various proposed work elements and project phases within the LDCA and discussion of impacts (in Section 4.0) for each work element and work phase would help for clarity. The document seems heavy on discussing the prescribed burn and light on discussing the clearing, construction, pipeline, equipment/materials, ingress/egress roads, restoration (revegetation) phase, etc., especially regarding the environmental consequences.		
19	Section 4.2.2	Last sentence of first paragraph re: short-term impacts. Suggest stating that the short-term impacts would be permitted with applicable regulatory authorization via compliance documents.		
20	Sections 4.2.3, 4.5.3 [& in general (4.1.3, 4.5.3)]	The mitigation described in the document seems short on the construction portion of the project. Suggest adding discussion of construction's treatment of fuels, noise pollution, staging areas, truck and heavy load/equipment traffic, etc. during critical times for listed species (e.g., avoiding construction and heavy equipment use during bird breeding seasons, conducting pre-construction clearance surveys via qualified biologist before beginning any surface-disturbing work, etc.).		

Colorado River Commission & Southern Nevada Water Authority
DRAFT Bureau of Reclamation EA LDCA
Review Comments

Package: November 2010 Draft Environmental Assessment LDCA Date: 12/29/2010
Reviewer: CRC & SNWA Discipline: Engineering/Environmental Planning & Policy/Biology

Item No.	Reference	Comment	Resp Code	Response
21	Section 4.3.3	Do you need to add CA SHPO to the second paragraph of this section?		
22	Section 4.7.3	Suggest omitting first sentence in this section because your BMPs as part of your SWPPP and permit terms and conditions will serve as your mitigation to offset water quality impacts.		
23	Sections 4.7.3 & 4.10.4	Check '401 permit' use here. I think this is actually Section 402 of the Clean Water Act (National Pollutant Discharge Elimination System (NPDES)) when referencing a general stormwater permit and Storm Water Pollution Prevention Plan (SWPPP); however, a Section 401 water quality certification may be required in conjunction with a Section 404 permit.		
24	Section 4.8.2	Second sentence of third paragraph in this section. Suggest omitting the phrase "and would be similar to the existing intake structure in design." Perhaps better to leave this to the design to determine.		
25	Section 4.10.1	Gila Project paragraph. Add 'annually' to the last sentence of the section after the phrase '…300,000 acre-feet (af) of Colorado River water…'		
26	Section 4.10.4	First sentence of the Land Use and Recreation paragraph. Consider rewriting this sentence as it is awkward and difficult to understand with the use of so many 'negatives.'		
27	Section 4.10.4	Visual Resources paragraph. Regarding the mention of open water, is open water still part of the design? I seem to recall mention of a design change [during a project presentation by the consultant] that the planned open water area has been reduced or maybe even eliminated. If so, then perhaps open water references in the document need revised.		
28	Section 5.1	Consider adding USACE, AZ Dept of Environmental Quality, ICAPCD, and other county agencies, AZ SHPO, Cal/EPA, CA SHPO if these additional agencies were contacted about the project. The body of the document should probably also then reflect this consultation or coordination.		

Response to Comments from the State of Nevada Colorado River Commission of Nevada (CRCN) and Southern Nevada Water Authority

CRCN-1	The CRCN's interest in the project and comments are appreciated. This comment is appreciated and is acknowledged.
CRCN-2	This comment is appreciated and is acknowledged.
CRCN-3	This comment is appreciated and is acknowledged in Section 1.0
CRCN-4	See CRCN-3
CRCN-5	More technical information on project design details is provided in Appendix A. The impacts of the project design are discussed in Section 4.0 according to the critical elements identified for the proposed project.
CRCN-6	This comment is appreciated and is acknowledged. A project location map is incorporated showing survey points provided by AGFD.
CRCN-7	The data reported by this table indicates the presence of BRLA and SWFL directly adjacent to the proposed project site over time and is relevant to the Targeted Species discussion in Section 3.2 and Section 4.2.
CRCN-8	This comment is appreciated and is acknowledged.
CRCN-9	This comment is appreciated and is acknowledged. See section 2.2.
CRCN-10	The references to the three reaches within the levied water delivery system were used in past and recent presentations for the proposed project to the Laguna Steering Committee, conferences, public scoping meetings and other various meetings. Thus, Reclamation will continue to reference the three sections of the levied water delivery system as reach one, reach two, and reach three.
CRCN-11	After 2014, two to three years of anticipated maintenance activities would be conducted until the native plants and re-vegetation have established within the proposed project site. Beyond this estimated timeframe, there is no anticipation of maintenance.
CRCN-12	See CRCN-11. Maintenance of the site once project implementation and re-vegetation is complete during the 2-3 year period is to be determined.
CRCN-13	This comment is appreciated and is acknowledged.
CRCN-14	This comment is appreciated and is acknowledged.

CRCN-15	This comment is appreciated and is acknowledged.
CRCN-16	Reclamation is in the process of obtaining a CWA Section 404 permit from the Corps. This comment is appreciated and is acknowledged.
CRCN-17	This comment is appreciated and is acknowledged.
CRCN-18	This comment is appreciated and is acknowledged. See Section 4.0 to see mitigation for the construction phase of the project where applicable.
CRCN-19	This comment is appreciated and is acknowledged.
CRCN-20	See CRCN-18.
CRCN-21	This comment is appreciated and is acknowledged.
CRCN-22	This comment is appreciated and is acknowledged.
CRCN-23	This comment is appreciated and is acknowledged.
CRCN-24	This comment is appreciated and is acknowledged.
CRCN-25	This comment is appreciated and is acknowledged.
CRCN-26	This comment is appreciated and is acknowledged.
CRCN-27	This comment is appreciated and is acknowledged.
CRCN-28	This comment is appreciated and is acknowledged.

Organizations

Comment Letters and Response to Comments

Center for Biological Diversity · National Wildlife Federation
Pacific Institute · Sierra Club Southwest Waters Committee

December 30, 2010

Dana Anat (LC-2625)
Environmental Protection Specialist
Bureau of Reclamation
P.O. Box 61470
Boulder City, NV 89006

Re: Laguna Division Conservation Area draft Environmental Assessment

Dear Ms Anat:

On behalf of the Center for Biological Diversity, National Wildlife Federation, Pacific Institute, and the Sierra Club Southwest Waters Committee, we write to provide our comments on the Laguna Division Conservation Area (LDCA) draft Environmental Assessment (DEA). Our groups have a long and demonstrated interest in restoration of lower Colorado River habitats; the Pacific Institute was the original proponent of the Laguna Division restoration conceptual design and was a member the Laguna Division Planning Group. We strongly support restoration and enhancement of the Laguna Reach of the Colorado River, among other portions of the Colorado River and its delta.

Colorado River flows through the roughly six-mile long Laguna Reach, bounded by the Imperial and Laguna dams, are strictly controlled. Although the Laguna Reach boasts many former meanders and abandoned river channels, the Imperial Dam diverts more than 90% of the Colorado River's remaining flow into the All American and Gila Gravity Main canals, immediately upstream of the Laguna Reach. Total annual flow through the reach is about 400,000 acre-feet, primarily to sluice sediment from the All American Canal desilting works, as well as small volumes to sluice sediment below the dam and to maintain the elevation of Mittry Lake, south of the proposed project site. With the exception of high releases in 1998, flows through the reach over the past twenty years have remained within existing channels.

The reach bears little resemblance to pre-dam conditions. According to a March, 2007, Reclamation vegetation map based on a 2004 survey, the project area appears to contain only saltcedar and arrowweed communities. The old main river channel is now a backwater; most flows through the reach pass through the "California Wasteway," sluicing and settling sediment. Given Reclamation's tight hydraulic controls and the very degraded nature of the reach, the proposed project is very appropriate and welcome.

Given our long involvement in the project and clear interest in Lower Colorado River restoration, we were very surprised and disappointed not to have been notified of LDCA

project scoping. Some of the following comments would have been more appropriate at the scoping stage but, having been denied that opportunity, we offer them now.

We appreciate the Yuma Area Office's (YAO) release of 104 acres from the Laguna Division Sediment Disposal Site for use by the LDCA restoration project. To the best of our knowledge, the YAO does not know how much sediment is actually stored on the sediment disposal site, how much remaining storage capacity is available on the site, or how much storage will be required over the next fifty years. These unanswered questions are important because the current boundaries of the Sediment Disposal Site include several abandoned river channels that would be excellent restoration sites. The final EA should describe the operations of the Sediment Disposal Site, the amount of sediment stored on-site, remaining storage capacity, long-term storage needs, and the potential for the proposed restoration project to expand to include the river channels to the immediate west of the existing project footprint.

P. 12 of the DEA notes that Reclamation would have "up to 100 cfs" available for project use. How was this discharge rate determined? Why not 150 cfs or 200 cfs? According to more detailed project presentations, the net consumptive water use of the proposed project will be less than one percent greater than the current losses to saltcedar and other evaporative surfaces. Given the significant, measurable benefits of improved habitat diversity and expected benefits to listed species, why aren't additional flows considered for the project?

It is not clear why Section 2, "Description of Proposed Action and Alternatives," does not actually contain a detailed description of the proposed action, such as proposed acreages of the various habitat types. According to Appendix A, the proposed action would create 71 acres of open water, 97 acres of deep marsh, 174 acres of transition zone, 426 acres of cottonwood-willow, and 409 acres of mesquite habitats.

We would like to see an additional action alternative that increases the marsh and cottonwood-willow acreages by incorporating the Sediment Disposal Site abandoned river channel areas and additional flows.

Our organizations strongly support restoration of the Laguna Reach. The proposed action, including the provision for additional flows for the Old River Channel and for Mittry Lake, offers a welcome step in this direction. We believe that the proposed action could be more ambitious and could create additional, high quality habitats by expanding into unneeded areas of the Sediment Disposal Site. We support the implementation of the proposed action as described, with the understanding that Reclamation should pursue future expansion of the LDCA into the eastern portion of the Sediment Disposal Site and should dedicate additional Colorado River water to the project. Preserving these options for the future may require increasing the sizing and capacity of the water

delivery pipeline feeding the project site, but otherwise should not appreciably change the project design.

Thank you for your consideration of these comments. Please do not hesitate to contact us if you would like clarification or additional information on any of these suggestions.

Sincerely,

Michael Cohen
Senior Associate
Pacific Institute
mcohen@pacinst.org

Garrit Voggesser
Director
Tribal Lands Conservation Program
National Wildlife Federation
Voggesser@nwf.org

Fred Cagle
Chair
Sierra Club Southwest Waters Committee
fredcagle@sbcglobal.net

Robin Silver
Co-Founder/Board Member
Center for Biological Diversity
rsilver@biologicaldiversity.org

Response to Comments from the Center for Biological Diversity (CBD); National Wildlife Federation; Pacific Institute; Sierra Club Southwest Waters Committee

CBD-1 The Center for Biological Diversity (CBD), National Wildlife Federation, Pacific Institute, and the Sierra Club Southwest Waters Committee's support in the LDCA Restoration Project is appreciated.

Expansion of the Laguna Division Conservation Area boundary into Reclamation's dredge spoil boundary was considered and 104 acres was released for proposed project site. Further expansion into the dredge disposal area may interfere with the long-term storage needs of dredge spoil and reduce the remaining storage capacity of the site. This action would directly impede a main goal of the LCR MSCP to, "accommodate present water diversion and power production and optimize opportunities for future water and power development, to the extent consistent with the law" (LCR MSCP Habitat Conservation Plan, 2004). Further information regarding the dredge disposal site is beyond the scope of this EA.

CBD-2 Water needed to irrigate the Laguna Division Conservation Area was originally estimated from the available acreages for the project. Further consideration was taken after looking at gaging station data in the Main Canal known as USGS 0952250 Gila Gravity Main Canal at Imperial Dam, AZ-CA. The monthly values used were determined from the mean daily values from 1943 – 2009. Mean daily data flow data was compiled into maximum, minimum and monthly mean flows. From these values available water to the Laguna Division Conservation Area was determined by subtracting the capacity of the Main Canal, 2,200 cfs, by each monthly maximum release. The capacity of the Main Canal was used instead of the capacity of the Gila Basin because it is the limiting flow of the system. Historical monthly maximum values show an available flow as high as 225 cfs for project use. However, recent years, 2008 and 2009, show available flow decreasing to as little as 100 cfs in May of 2009. From these values it was determined that 100 cfs would adequately irrigate the proposed project site without detrimentally effecting downstream users or causing a shortage in the system.

CBD-3 Project details can be found in Appendix A "Laguna Division Conservation Area: Project Update for the MSCP Steering Committee. October 2010.

CBD-4 See CBD-1.

EDF
ENVIRONMENTAL DEFENSE FUND
Finding the ways that work

December 30, 2010

Dana Anat (LC-2625)
Environmental Protection Specialist
Bureau of Reclamation
P.O. Box 61470
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Comment on Laguna Division Conservation Area Draft Environmental Assessment

Dear Ms Anat:

Please accept this letter with comments from the Environmental Defense Fund (EDF) on the Laguna Division Conservation Area (LDCA) draft Environmental Assessment (DEA). EDF has long held an interest in management and restoration on the Colorado River.

First and foremost we commend USBR for considering a restoration project that has direct hydrologic linkage to the Colorado River. The proposed Laguna Division project is "river restoration" in a way that many projects of the Lower Colorado River Multi-Species Conservation Program are not, specifically in its location in the riparian corridor and in its use of river flows to supply the project with water. We are pleased to see USBR promoting this project for these reasons, and encourage USBR to develop additional restoration projects with these criteria.

Second, we urge USBR to explore the potential expansion of this restoration project to include USBR lands that have apparently been reserved for dredge spoils. We understand that USBR operations require lands to dispose of dredged materials. However, we consider restoration the best use of riparian lands, and urge USBR to explore both disposition of dredge spoils at another site, as well as opportunities to minimize the footprint needed to dispose of dredged materials such that restoration of the Laguna Division Conservation Area might be expanded to include more acres.

Finally, we would like to see USBR maximize the acreage in this project devoted to marsh and cottonwood-willow habitat types. The on-river location of this project makes it ideal for these habitat types that are otherwise quite rare along the Lower Colorado River.

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Thank you for the opportunity to comment, and please do not hesitate to let us know if you have questions.

Sincerely,

Jennifer Pitt

Jennifer Pitt
Director, Colorado River Project

Response to Comments from the Environmental Defense Fund (EDF)

EDF-1	See response to comment CBD-1.
EDF-2	Original criteria for project design included development 50 to 100 acres of open water / marsh, greater than 200 acres of cottonwood – willow, and less than 500 acres of upland habitat. The constraints for habitat development included available land and water for restoration purposes, minimization of both initial construction and long-term operation costs, and minimization to existing operations. Final habitat design looked at existing topography and depth to groundwater to determine which acreages of open water / marsh, cottonwood – willow, and mesquite habitats were available for site use. Due to the high groundwater table and low elevations, marsh and cottonwood – willow habitat types were maximized to their fullest extent, comprising of more than 768 acres versus 409 acres of mesquite throughout the project area.