

United States Department of the Interior
Bureau of Reclamation
Lower Colorado Region
Phoenix Area Office

FINDING OF NO SIGNIFICANT IMPACT

PROPOSED CONSTRUCTION AND OPERATION OF THE
SCORPION BAY MARINA & YACHT CLUB
AT
LAKE PLEASANT REGIONAL PARK
MARICOPA COUNTY, ARIZONA

FINAL ENVIRONMENTAL ASSESSMENT

Approved:  Date: February 23, 2007
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INTRODUCTION

The Bureau of Reclamation (Reclamation) has prepared an Environmental Assessment (EA) to disclose the potential environmental impacts resulting from the proposed construction and operation of Maricopa County Parks and Recreation Department's (MCPRD) proposed Scorpion Bay Marina & Yacht Club (Marina). The Marina would be located along the western shore of Lake Pleasant within Lake Pleasant Regional Park (LPRP). LPRP encompasses 23,361 acres of federally-owned land, including Lake Pleasant itself, which are managed for recreation by MCPRD pursuant to a recreational management agreement between Reclamation and Maricopa County (Contract No. 9-07-30-L0298, executed June 29, 1990 [1990 Contract]). Lake Pleasant, the reservoir formed by New Waddell Dam, occupies approximately 9,970 surface acres when the reservoir is at its maximum conservation storage elevation of 1,702 feet. New Waddell Dam and Lake Pleasant are part of the Central Arizona Project, a Federal project authorized by the Colorado River Basin Project Act of 1968 (Public Law 90-537).

The general project area falls within northern Maricopa and southern Yavapai counties. The Marina would be located in Section 8, Township 6 North, Range 1 East, of the Gila and Salt River Baseline and Meridian. The Marina complex encompasses 164 acres, 93 acres of which are below elevation 1,702 feet.

As the recreation land management agency for LPRP, MCPRD has determined there is a need for a marina and its associated amenities at LPRP. A marina was included in the LPRP 1995 Master Recreation Plan (MRP), which was the culmination of a comprehensive multi-year planning effort led by MCPRD in its role as Park manager. The MRP identifies recreational developments the County should construct and operate as part of the enlarged LPRP, which resulted from construction of New Waddell Dam. MCPRD currently proposes to construct and operate a marina through a concession Use Management Agreement with the Lake Pleasant Marina Partners LLC. This proposal would provide expanded boating access, boat storage capacity, and associated recreational facilities in a manner that will address the increasing demand for these services and provide financial resources for the maintenance of LPRP.

Under the proposed action, the Marina concessionaire would construct and operate a full-service marina in the vicinity of Scorpion Bay and Peninsula Boulevard along the western shore of Lake Pleasant, within LPRP. The project would be developed in four phases. Construction of the first phase would begin immediately upon approval by Reclamation and the County, and acquisition of all necessary permits. It is anticipated this first phase would be completed within about 6 months. The remaining three phases would be initiated based upon demand for facilities and services. Although there is no set timetable for these remaining phases, the concessionaire has indicated Phase II could commence within 1 to 2 years, and Phase III could commence within 3 to 5 years, after completion of Phase I, assuming there is sufficient demand. No estimate has been provided for Phase IV. The proposed marina complex would include parking for vehicles and boat trailers, a wastewater treatment plant, a new public boat ramp, dry-stack storage and repair building, wet-slip docks, fueling dock, boat rental operation, a snack/supply shop, and other

ancillary facilities. If fully built out, the Marina would have 800 wet slips, and dry stack storage for up to an additional 200 boats. Potable water and electricity would be supplied by the County's existing utilities' infrastructure.

BACKGROUND

Reclamation's public scoping period for this project began on March 1, 2006, and officially ended on March 24, 2006, although public comments continued to be accepted after that date. Five letters were received; relevant issues identified in those letters have been addressed in the EA.

A draft EA was made available to the public for a 21-day public review and comment period on July 28, 2006. The *Arizona Republic* published an article on July 1, 2006, indicating Reclamation would be issuing a draft EA on the proposed marina, and provided information on how to receive a copy of the document. Another article on the proposed marina and the findings of the draft EA was published in the *Arizona Republic* shortly after the draft EA was issued for public review on July 28, 2006. Sixty-five comments were received, of which 53 were short e-mail statements (46 in support and 7 in opposition). In preparing responses to comments, it was discovered that errors had been made in gathering available data on actual daily and monthly watercraft counts. These actual watercraft counts are the basis for estimating current and future watercraft use on the lake.

Due to the discrepancy between the estimated current watercraft use identified in the July draft EA, and the estimated current watercraft use based upon corrected data, Reclamation issued a revised draft EA for a second public review and comment period. The EA also was revised where appropriate in response to comments that had been received during the initial public review and comment period. The revised draft EA included consideration of an Action Alternative A – Downsized Marina, in response to comments requesting consideration of a smaller-sized marina. The public review and comment period for the October 2006 revised draft EA was October 24 to November 17, 2006.

Nine comment letters were received during this second public review and comment period, three of which were authored by those who had also commented during the initial public review and comment period. Two additional comment letters have been received subsequent to the close of the comment period. The EA has been revised and provides additional information, corrections, and clarifications in response to comments received, where appropriate. Appendix H of the final EA includes copies of all comment letters received, as well as Reclamation's responses.

ALTERNATIVES CONSIDERED

Reclamation's EA considers three alternatives: The No Action alternative, under which the proposed marina would not be constructed; the Proposed Action alternative, consisting of the construction and operation of a marina with storage capacity for 1,000 watercraft

(800 wet slips and 200 dry slips); and Action Alternative A – Downsized Marina, consisting of the construction and operation of a smaller-sized marina with storage capacity for 804 watercraft (604 wet slips and 200 dry slips).

Under the No Action alternative, the proposed marina would not be constructed, and it is assumed there would be no marina on the western shore of Lake Pleasant in the foreseeable future. Pleasant Harbor Marina, located on Lake Pleasant just east of New Waddell Dam, would be the sole marina. MCPRD would not be able to provide the conveniences and amenities associated with a full service marina that are desired by LPRP’s visitors and patrons. Given the recent and ongoing rapid development in this portion of Maricopa County, and Lake Pleasant being the only large water body serving this growing population, at some point demand for marina slips could exceed available supply, with or without Pleasant Harbor Marina’s planned expansion of 560 storage spaces (160 wet slips and 400 dry slips). It is anticipated watercraft use of Lake Pleasant would continue to increase and that at some point, strategies would need to be implemented by MCPRD to better manage crowding issues and conflicts among watercraft users on Lake Pleasant.

Under the Proposed Action alternative, the marina would be constructed in four phases and have storage capacity for up to 1,000 watercraft. The initial phase would establish the infrastructure (e.g., water deliver system, wastewater treatment plant, restroom facilities, snack/supply store, and grading for parking) for the entire marina complex, and provide a public boat ramp and a 248-wet slip marina with a gas dock. The timing of the subsequent phases would be contingent upon demand for additional watercraft storage. The second phase would provide an additional 64 wet slips. The third phase would consist of adding up to 292 wet slips and construction of a 200-slip dry stack building. The last phase would provide up to an additional 196 wet slips and include improvements to the public watercraft trailer parking area.

Under Action Alternative A – Downsized Marina, there would be storage capacity for up to 804 watercraft at full build-out. Phases I through III would be implemented as described under the Proposed Action alternative. As with the Proposed Action alternative, Phases II and III would be implemented contingent upon demand for additional watercraft storage. There would be no Phase IV under this action alternative.

MAJOR CONSIDERATIONS

The following have been taken into consideration in Reclamation’s deliberations whether a Finding of No Significant Impact is appropriate, or an environmental impact statement should be prepared, based upon the EA and the comments we have received from the public.

1. The proposed project is consistent with the requirements of the 1990 Contract, the LPRP MRP, and the overall recreation management plans and goals for New Waddell Reservoir identified in Appendix C of the 1984 Central Arizona Project Regulatory

Storage Division Final Environmental Impact Statement (1984 EIS). The No Action alternative would not satisfy the purpose and need for the project.

2. Reclamation has concluded a smaller-sized marina would result in a similar amount of environmental impacts as the Proposed Action alternative. The amount of land needed and the environmental impacts resulting from land-disturbing activities would be about the same for either of the action alternatives. There would be slightly less temporary turbidity resulting from the elimination of 196 wet slips under Action Alternative A; however, the environmental impact of this temporary turbidity would be minimal.

Action Alternative A was added and evaluated as a result of concern expressed by several commenters that the capacity of the proposed marina would result in overcrowding of Lake Pleasant. In the long-term future there could be less boats using Lake Pleasant if a marina having a smaller total capacity is constructed; however, Reclamation believes watercraft use of the Lake and overcrowding are issues of demand that cannot be solely linked to marina development. Reclamation believes a more effective method of dealing with the issue of overcrowding is through proper management rather than by limiting opportunities and services. As noted in the EA, MCPRD indicated a marina with a smaller capacity than that considered under Action Alternative A would not be economically viable.

One commenter expressed the belief that another marina is not needed but, if there is a need for additional marina facilities, the existing marina could fulfill that need because it has the ability to increase its storage by 160 wet slips and 400 dry stack storage spaces. The proposed marina would operate with oversight by MCPRD, a public entity, and would offer the public a choice in the type of setting and conditions under which to store or rent their watercraft. MCPRD is not in a position to require or control the expansion of the existing marina.

3. The proposed project would not result in significant impacts to the environment. The final EA provides a description of the existing conditions of resource areas that could be affected, and potential impacts that are anticipated to result from implementing the proposed project. Following is a summary of impacts to resource areas that are given special consideration by Reclamation and/or were identified to be of special concern in comments received during the public review and comment periods.

a. Water Resources. There would be no measurable changes to surface and ground water quantity and quality from implementing the proposed action. There would be short-term impacts in the immediate area from placement of rockfill material into waters of the U.S., which would result in localized temporary turbid conditions below the water surface during and immediately following placement of the rock material. Additional temporary localized turbid conditions would result from drilling holes to install anchors into the lake-bottom, underwater excavation, or inundation of excavated areas. When construction is conducted under water, temporary construction engineering controls would be used to reduce the potential of soil sediments extending beyond the immediate area, such as placement of silt barriers around the excavation work area. These impacts to waters of the

U.S. are being addressed through the U.S. Army Corps of Engineers' 404 permitting process.

The project area is subject to minor sheet flow during heavy rains. In compliance with Clean Water Act Section 402 stormwater pollution prevention regulations, surface water flows off the project area would be diverted around the construction area. A permanent stormwater retention basin would be constructed to contain surface water flows from the parking areas of the marina.

In accordance with the provisions of 40 CFR § 112.7, a Spill Prevention Control and Countermeasures Plan would be prepared and implemented to prevent the release of petroleum products onto or into surrounding soil or surface waters. As stated in the EA, there have been no reported spill incidents at Lake Pleasant with the existing marina in place; no additional threat is envisioned as a result of a second marina being operated at the Lake.

The construction and operation of the proposed project would not adversely affect the primary purposes of New Waddell Dam and Lake Pleasant, related to the Central Arizona Project. The widely variable fluctuation in reservoir levels resulting from deliveries of Central Arizona Project water from Lake Pleasant have been taken into account in the design of the Marina.

A few comments were received regarding concern about water quality impacts from an increased number of boats on Lake Pleasant. The existing marina has been in operation for over 10 years. As indicated in the EA, there has been no detection of human or animal fecal waste in Lake Pleasant water in the 3 years that CAWCD has been testing for cryptosporidium and giardia. The Marina would be equipped with a "state-of-the-art" boat pump-out system to remove and transport waste from boats to the marina's lift station. This would reduce the potential for vessel sewage discharges that could cause water pollution concerns. The Marina wastewater treatment system would treat the effluent to B+ or better quality; the effluent would be used to irrigate landscaping and existing desert vegetation. No effluent would be discharged to waters of the U.S.

One commenter raised concern that groundwater pumped for the proposed project from the County wells would affect other water rights holders. The Marina's potable water would be supplied by MCPRD's existing water distribution system, which was designed in anticipation of a marina complex operating at LPRP. The water anticipated to be needed by the marina at completion of the proposed project, less than 45 acre-feet per year, would not exceed the existing system's capacity, nor would this additional withdrawal affect adjacent landowners' wells. The MCPRD wells would continue to operate in compliance with all applicable State regulations. There would be no adverse impact from the additional potable water used by the Marina.

b. Recreation. The project area, along the western shore of Lake Pleasant, has been identified as the location for a proposed marina since 1983; it is currently used for undeveloped dispersed camping, boating, and picnicking. The construction and operation

of the Marina would result in displacement of these activities. There are numerous other locations within LPRP which provide this opportunity for undeveloped recreational activities. The loss of this area would not be considered significant.

There would be temporary impacts to recreational activities at LPRP during construction of Phase I of the Marina. Public access to the area for dispersed recreational activities would be prohibited upon initiation of project construction due to safety concerns. Grading and excavation at the project site would result in temporary and periodic noise and dust. Construction activities would be limited to daylight hours. Dust abatement measures would be employed to minimize dust and air pollution. Delivery of the Marina's dockage and anchorage equipment would cause temporary increases in truck traffic along State Route 74 and Castle Hot Springs Road. There would also likely be delays at LPRP's main entry station and along North Park Road to Peninsula Boulevard. No road closures are anticipated to be required.

With the degree of development and population growth occurring both regionally and locally, visitation to LPRP and use of Lake Pleasant are expected to increase regardless of the presence or absence of the Marina. Several commenters expressed concern regarding the size of the proposed marina and/or that an additional marina would result in overcrowding at Lake Pleasant. The marina would not directly affect land-based recreational activities at LPRP. With the availability of the modern conveniences associated with a marina, however, visitors desiring an urban type of experience are more likely to visit LPRP. Visitors that want to avoid a feeling of overcrowding, as well as users that enjoy a more primitive experience, may choose to use the lake on weekdays rather than weekends, visit other areas of LPRP, or may travel further distances to less developed recreational venues.

The proposed marina would provide facilities on the western shore of Lake Pleasant to address boaters' desire and/or need for additional mooring and storage facilities, and other modern amenities and conveniences associated with a marina. While this may result in some increase in boats using the Lake as described in the EA, some of this storage may be used by boats already using Lake Pleasant. It is noted that even using a conservative (high) estimate of additional watercraft using Lake Pleasant upon completion of all four phases of the proposed project, the number of acres per boat at Lake Pleasant would still fall within the range experienced at the other reservoirs in Maricopa County.

Using Reclamation's Water Recreation Opportunity Spectrum (WROS) Users' Guidebook's range of acres per boat as a general guide, the amount of watercraft currently estimated to occur on Lake Pleasant during holiday and peak season (May through July) weekends is indicative of an urban-type experience. This conclusion is supported by comments submitted on both the July 2006 draft and October 2006 revised draft EA. While implementation of the proposed project may result in visitors having an urban-type experience sooner and/or somewhat more frequently than without the project, in the absence of the project the lake experience is not expected to revert to one of a more rural nature. Because the proposed project would be built based upon demand in phases over

the course of several years, any increase in watercraft on Lake Pleasant resulting from the proposed marina would occur gradually. Nevertheless, the number of visitors experiencing a feeling of overcrowding may increase, especially among long-time users of the Lake.

To address increased watercraft use and potential conflicts that are anticipated to occur into the future, MCPRD has committed to initiate a WROS study for LPRP within one year of commencement of the proposed marina's operation. The purpose of the study would be to determine how to manage the number of boats that are on the Lake at any given time, given the physical conditions of the Lake, as well as other consideration such as social standards, visitor behavior and preference, users' and managers' perceptions, and administrative factors. This effort would assist MCPRD in determining strategies to be implemented to better manage watercraft on the Lake and identifying under what conditions these strategies should be implemented. Reclamation has agreed to participate in the WROS study. The WROS approach includes a public education and involvement process; therefore, Reclamation envisions other stakeholders at Lake Pleasant would be invited to participate in the study. MCPRD, as the Park manager, would be responsible for implementing the management strategies.

c. Socioeconomic Resources. Several commenters expressed concern that the Marina would attract additional watercraft and inexperienced boaters. They believe this, in turn, would increase both the number of boats and conflicts among the boats, resulting in a public safety hazard. One commenter believes a specified number of boats, estimated during the development of the conceptual recreation plan for New Waddell Dam in the early 1980's, is the maximum number of boats that can safely be allowed on Lake Pleasant. The commenter believes because that estimate is already being exceeded on a regular basis, no additional boats should be allowed on the Lake. In Reclamation's view, that specified number of boats was an estimate used during the development of the conceptual recreation plan and for the purpose of determining benefits.

The Maricopa County Sheriff's Office (MCSO) is authorized to close the public boat ramps at Lake Pleasant if it believes the number of watercraft on Lake Pleasant poses a safety hazard. According to the MCSO, if more boats are on the water, there is a chance more incidents would occur. With or without implementation of the proposed project, it is anticipated there would be an increase in the number and types of watercraft that use Lake Pleasant. This, in turn, is likely to result in an increase in conflicts among the different types of boating activities (e.g., fishing, water skiing, sailing, and speed boating). As the local jurisdiction that provides the majority of the day-to-day law enforcement on the lake, the MCSO has indicated it would add additional manpower on a daily basis if required. Conducting the WROS study and establishment of management strategies would provide Maricopa County with additional management tools with which to address these public safety concerns.

The Marina concession would have security staff for its facility 24 hours a day, 7 days a week. Additional security staff would be hired for holiday weekends and special events, to handle parking and crowd control issues related to the Marina complex. The Marina security staff would coordinate with the existing law enforcement agencies that

currently work within LPRP. Reclamation believes the Marina and its staff would lend a sense of management presence on the western portion of LPRP and on Lake Pleasant. The Marina staff would be trained in emergency and fire protection protocol. The location of the Marina next to the heliport at LPRP Operations Center would greatly reduce response time in emergency situations requiring aerial evacuation.

Under the Use Management Agreement, the marina concession must pay MCPRD a percentage of the annual revenue generated by the concession. Pursuant to the 1990 Contract, these funds must be used by MCPRD for the operation and maintenance of LPRP. The Marina concession would be responsible for maintaining all of its facilities and the land over which it has responsibility, under the oversight of MCPRD. With implementation of the proposed project, MCPRD would be able to divert existing resources currently used to manage the project area, and receive additional resources for managing LPRP overall.

d. Air Quality. Air emissions attributable to the proposed project for carbon monoxide, ozone, and particulate matter with a diameter up to 10 micrometers, would not exceed the *de minimis* thresholds which would require that a conformity determination be conducted, in accordance with the Environmental Protection Agency's General Conformity Rule.

One commenter indicated Reclamation's methodology for calculating air emissions that would result from the proposed project was flawed. Reclamation sought guidance from the Maricopa County Air Quality Division (MCAQD) to determine a more suitable approach for calculating potential emissions. As a result, Reclamation revised its methodology to be consistent with that used by MCAQD in compiling the County's own emission inventory reports. Appendix D to the final EA provides a detailed explanation of the revised methodology, as well as the recalculated emissions.

e. Cultural Resources. No impacts to cultural resources are anticipated to result from the proposed project. There are two sites eligible for listing on the National Register of Historic Places near the western boundary of the marina complex. Reclamation's archaeologist determined that indirect impacts are unlikely. This is because unlike undeveloped dispersed recreation (e.g., picnicking or camping where visitors are inclined to explore the surrounding area), there would be more focused activities at the marina (where boaters use the marina as a staging area to access their watercraft). Other eligible or potentially eligible sites beyond the "area of potential effect" are included in the Cultural Resources Management Plan that is used to guide new development within LPRP, to protect cultural sites against adverse impacts. As noted in the EA, the State Historic Preservation Officer concurred with Reclamation's finding of no historic properties affected by the proposed project.

The contract specifications for work involving land-disturbing activities would include the requirement that should previously unidentified cultural resources, especially human remains or burials, be encountered during land disturbing activities on the property,

work in that location must cease immediately, and that personnel from Reclamation's Cultural Resource Branch be notified.

Reclamation initiated consultations with the Ak Chin Indian Community, Gila River Indian Community, Hopi Tribe, Pascua Yaqui Tribe, Salt River Pima-Maricopa Indian Community, Yavapai-Apache Nation, and Yavapai-Prescott Indian Tribe, regarding the presence of traditional cultural properties on the subject property. None were identified by these Tribes.

f. Biological Resources. The construction and operation of the proposed project would not significantly affect the biological resources within the immediate project area, nor within the general vicinity of LPRP. Construction of the land-based portion of the marina complex would result in permanent disturbance of approximately 37 acres of Arizona upland subdivision vegetation above elevation 1,702 feet. Some of this area was previously cleared and is devoid of vegetation. Much of the native vegetation that is present has been disturbed by vehicular use, dispersed camping, and other informal recreational use.

Placement of rockfill below elevation 1,702 feet, to construct portions of the marina, would result in the loss of about 7.5 acres of jurisdictional waters of the U.S., and cause temporary impacts to aquatic species. The U.S. Army Corps of Engineers' permit application indicates these impacts would be mitigated by constructing fish habitat structures and developing a rock reef for aquatic species in Lake Pleasant.

Reclamation concluded the construction and operation of the proposed project may affect, but is not likely to adversely affect, the federally protected bald eagle. To ensure there are no adverse impacts to the bald eagle, the marina concessionaire has agreed to implement the following measures for the proposed action:

- (1) Post signage at the new public boat ramp and at the Marina. These signs would provide information to educate the public on bald eagle activities, restrictions associated with the bald eagle closure, and the need for proper disposal of unused fishing line to prevent the eagles from becoming tangled in improperly discarded line.
- (2) Provide monofilament disposal stations at the new public boat ramp to assist boaters and shore anglers in properly disposing of used fishing line.
- (3) Contribute funds to the Arizona Bald Eagle Nestwatch Program to defray the costs of supporting the Lake Pleasant nestwatch observation post. The details of this funding are identified in the final EA.

In a memorandum dated November 6, 2006, Fish and Wildlife Service concurred with Reclamation's finding with the inclusion of the above-mentioned measures; a copy is provided in Appendix G to the final EA. A few commenters raised concern that the proposed project would adversely affect the bald eagle, especially due to potential violations of the bald eagle closure during the nesting season. The FWS indicated its

belief that the funds to be provided to the Arizona Bald Eagle Nestwatch Program would continue the monitoring needed to prevent watercraft recreation from causing disturbance to the bald eagles at the nest site. The other measures would protect the eagles from becoming entangled in improperly disposed fishing line.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the EA and careful consideration of comments received during both public review and comment periods and afterwards, Reclamation has determined construction and operation of the proposed project, consisting of the four-phased Scorpion Bay Marina and Yacht Club, will not significantly impact the environment. Preparation of an environmental impact statement is not required.

Documents related to this action are identified below.

Bureau of Reclamation. *Final Environmental Impact Statement, Regulatory Storage Division - Central Arizona Project (INT FES-84-4)*. Boulder City, NV, 1984.

Bureau of Reclamation. *Final Environmental Impact Statement, Regulatory Storage Division - Central Arizona Project Stage III Report Addendum, Appendix C*. Boulder City, NV, 1984.

Bureau of Reclamation. *Final Environmental Assessment, New Waddell Dam Lake Pleasant Regional Park Master Recreation Plan*. Phoenix, AZ, 1997.

Bureau of Reclamation. *Final Environmental Assessment – Proposed Construction and Operation of the Scorpion Bay Marina & Yacht Club*. Phoenix, AZ, 2007.

Cella Barr Associates. *Lake Pleasant Regional Park Master Plan* (prepared for Maricopa County Recreation Services Department). Phoenix, AZ, 1995.

Haas, Glenn, Dr. Robert Aukerman, Vernon Lovejoy, and Darrell Welch. *Water Recreation Opportunity Spectrum Users' Guidebook*. Lakewood, CO: U.S. Department of the Interior, Bureau of Reclamation, Office of Program and Policy Services, Denver Federal Center, July 2004.