

**United States Department of the Interior  
U.S. Fish and Wildlife Service  
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AESO/FA

December 29, 2003

Ms. Cindy Lester  
Chief, Regulatory Branch  
U.S. Army Corps of Engineers  
3636 North Central Avenue, Suite 760  
Phoenix, Arizona 85012-1936

Dear Ms. Lester:

Thank you for Public Notice 1999-15350-AP (PN) dated December 1, 2003, issued by the U.S. Army Corps of Engineers. The Central Arizona Water Conservation District has submitted an application for a Section 404 Clean Water Act (CWA) permit to construct and operate a groundwater recharge project near Tonopah, Maricopa County, Arizona (Section 4, T2N, R7W). These comments are provided under the authority of and in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended U.S.C. 661 et. seq.) (FWCA), but do not constitute our final review of the permit application under the FWCA.

We recommend that the total impact of the development that would be authorized by your agency be assessed, including parts located on uplands and any secondary and cumulative effects. We recommend that the impact assessment also evaluate indirect effects and any interrelated and interdependent activities. The PN states the purpose of the proposed project is to store excess Central Arizona Project (CAP) water underground to benefit CAP municipal and industrial sub-contractors and other CAP customers. Accordingly, we recommend that your impact assessment not only address the main distribution pipeline and recharge basins, but also the effects of the "benefit" to CAP municipal and industrial sub-contractors and other CAP customers.

The Regulations For Implementing The Procedural Provisions Of The National Environmental Policy Act (NEPA) (40 CFR, Parts 1502.16 and 1508.8), prepared by the Council on Environmental Quality states the environmental consequences of an action include both direct effects and "Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems."

In regards to CAP water entitlements, we recommend that the scope of analysis include not only the impacts of delivery systems, but also the impacts of municipal and commercial development resulting from the allocation and use of CAP water. For assessing impacts to biological resources, we recommend that the analysis include potential effects of municipal and industrial development on vegetation communities and local and regional wildlife resources; including potential shifts in community structure, changes in diversity and relative abundance, and long-term effects on population demographics and viability. We recommend that the analysis includes a more thorough quantification of the impacts on biotic communities. We believe this approach would be consistent with prior environmental documentation prepared for the CAP.

The Final Environmental Statement for the CAP, prepared by the Bureau of Reclamation (BR), September 26, 1972, lists the objectives of the CAP on page 6. The second bulleted objective is “[t]o provide a supply of water for municipal and industrial uses in areas that have no surface-water rights available and are presently using an overdrafted ground-water resource, or a source of lower quality.” The Arizona Game and Fish Department in their November 19, 1971, comments to Reclamation on the 1971 draft environmental statement for CAP stated “[i]t is quite likely that the environmental impact of development associated with the use of Central Arizona Project water will be significantly greater than the impact of the physical features of the project.” The Final Environmental Impact Statement for Water Allocations and Water Service Contracting for CAP, prepared by Reclamation, March 19, 1982, states on page 89:

The availability of CAP water could create two types of primary impact-inducing elements: 1) the water delivery system, and 2) municipal and industrial growth. Associated with delivery system construction activities will be a series of short-term changes in the local economy, and a series of direct impacts to physiographic features, and the disruption or destruction of biological and cultural resources. Associated with use of the water will be municipal and industrial growth, changes in local population size, and distribution and land use. In turn, population and land use changes will result in a series of changes in water-related, sociological, economic, biological, physiographic, recreational and cultural resources.

The PN states that a preliminary determination has been made that an environmental impact statement is not required for the proposed work. As such, we assume that your agency is preparing an environmental assessment (EA) in accordance with the NEPA. We request that the draft EA be submitted to our office so we may evaluate the significance of environmental impact of construction of the recharge project and the associated benefits to municipal and industrial sub-contractors and other customers.

The PN states that the applicant is currently developing a mitigation proposal. No other information regarding the nature of mitigation is included in the PN. In accordance with existing regulations and procedures, mitigation measures should be developed that first address the issues of avoidance and minimization, and lastly compensation. For compensation, mitigation and monitoring measures should be developed that address the totality of project related impacts, including indirect effects. We request that the draft mitigation plan be prepared and submitted to our office for review.

If we can be of further assistance please contact Mike Martinez (x224) or Don Metz (x217).

Sincerely,

/s/ Steven L. Spangle  
Field Supervisor

cc: Regional Administrator, Environmental Protection Agency, San Francisco, CA  
Supervisor, Project Evaluation Programs, Arizona Game and Fish Department, Phoenix, AZ

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