



United States Department of the Interior



BUREAU OF RECLAMATION
Phoenix Area Office
6150 West Thunderbird Road
Glendale, AZ 85306-4001
January 3, 2025

IN REPLY REFER TO:
PXA0-1500
2.1.4.17

VIA ELECTRONIC MAIL AND U.S. MAIL

Subject: Notice of Availability – Draft Environmental Assessment for the Proposed Issuance of an Enhancement of Survival Permit and Proposed Construction of a Fish Barrier in Eagle Creek – Graham and Greenlee Counties, Arizona (Action by 30 days from the date at the top of this letter)

Dear Interested Party:

The United States (U.S.) Bureau of Reclamation (Reclamation), as the lead federal agency, and the U.S. Fish and Wildlife Service (USFWS) have prepared a Draft Environmental Assessment (EA), describing the potential environmental effects of two proposed actions: (1) USFWS proposes to issue an Enhancement of Survival Permit (EOS Permit), contingent on approval of a Conservation Benefit Agreement (CBA), pursuant to section 10(a)(1)(A) of the Endangered Species Act (ESA) of 1973, as amended (16 United States Code 1531 et seq.); and (2) Reclamation proposes to construct a fish barrier in Eagle Creek (Figure 1).

EOS Permit and CBA

USFWS's proposed action would be issuance of an EOS Permit, subject to approval of the CBA, under section 10(a)(1)(A) of the ESA and its implementing regulations (50 Code of Federal Regulations Parts 13 and 17) and policies (64 *Federal Register* (FR) 32717, 52686, and 69 FR 24084). Freeport-McMoRan Morenci, Inc., and the Morenci Water and Electric Company (collectively, the "Applicants") are working with USFWS on the development of the CBA. If the CBA is approved, the proposed EOS Permit would authorize incidental take of spikedace (*Meda fulgida*), loach minnow (*Tiaroga cobitis*), Gila chub (*Gila intermedia*), and narrow-headed gartersnake (*Thamnophis rufipunctatus*) resulting from the implementation of the CBA as well as the Applicants' existing land uses and infrastructure including a diversion dam (near river mile 14) and appurtenant facilities adjacent to Eagle Creek (Figure 2 and Figure 3).

Eagle Creek Fish Barrier

Reclamation's fish barrier construction program is one of several actions included in a May 15, 2008, USFWS Biological Opinion (BO) designed to partially mitigate the impact of the delivery of water through the Central Arizona Project and its potential to introduce and spread nonnative aquatic species to the Gila River Basin. A key conservation measure of the BO calls for the construction of fish barriers to assist in native fish conservation efforts.

INTERIOR REGION 8 • LOWER COLORADO BASIN

ARIZONA, CALIFORNIA*, NEVADA*

* PARTIAL

Reclamation proposes to construct one concrete fish barrier in Eagle Creek to prevent upstream incursion of nonnative fish (Figure 4). The barrier would be constructed in Eagle Creek on private lands owned by the Applicants between river mile 51 and 52 (3698411 Northing, 640417 Easting, UTM NAD 83, Zone 12S).


The Draft EA is available for public review on Reclamation’s Phoenix Area Office website at <https://www.usbr.gov/lc/phoenix/index.html>. A paper copy or CD of the Draft EA can be obtained by calling Reclamation at (623) 773-6257 or by emailing Mr. Jeremy Welch at jwelch@usbr.gov.

Comments are due within 30 days of the date at the top of this letter. All comments should be submitted to: Bureau of Reclamation, ATTN: Eagle Creek EOS Permit and Fish Barrier Project Draft EA, 6150 W. Thunderbird Rd., Glendale, AZ 85306 or via email to jwelch@usbr.gov.

Please be aware that by law, your name, address, and other personal identifying information may be made publicly available at any time. Individuals may request that their personal identifying information be withheld from public review by stating so prominently at the beginning of your comment. We cannot guarantee that we will be able to do so; however, we will honor your request to the extent allowable by law. All comments from organizations or businesses will be available for public inspection in their entirety.

If you have questions, or would like to discuss the project, please contact Mr. Jeremy Welch, Natural Resource Specialist, at (623) 773-6257 or via email at jwelch@usbr.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability, may dial 711 (TTY, TDD, or TeleBraille) to access telecommunication relay services.

Sincerely,

ALEXANDE
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ALEXANDER SMITH
Date: 2024.12.27
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Alexander B. Smith
Area Manager

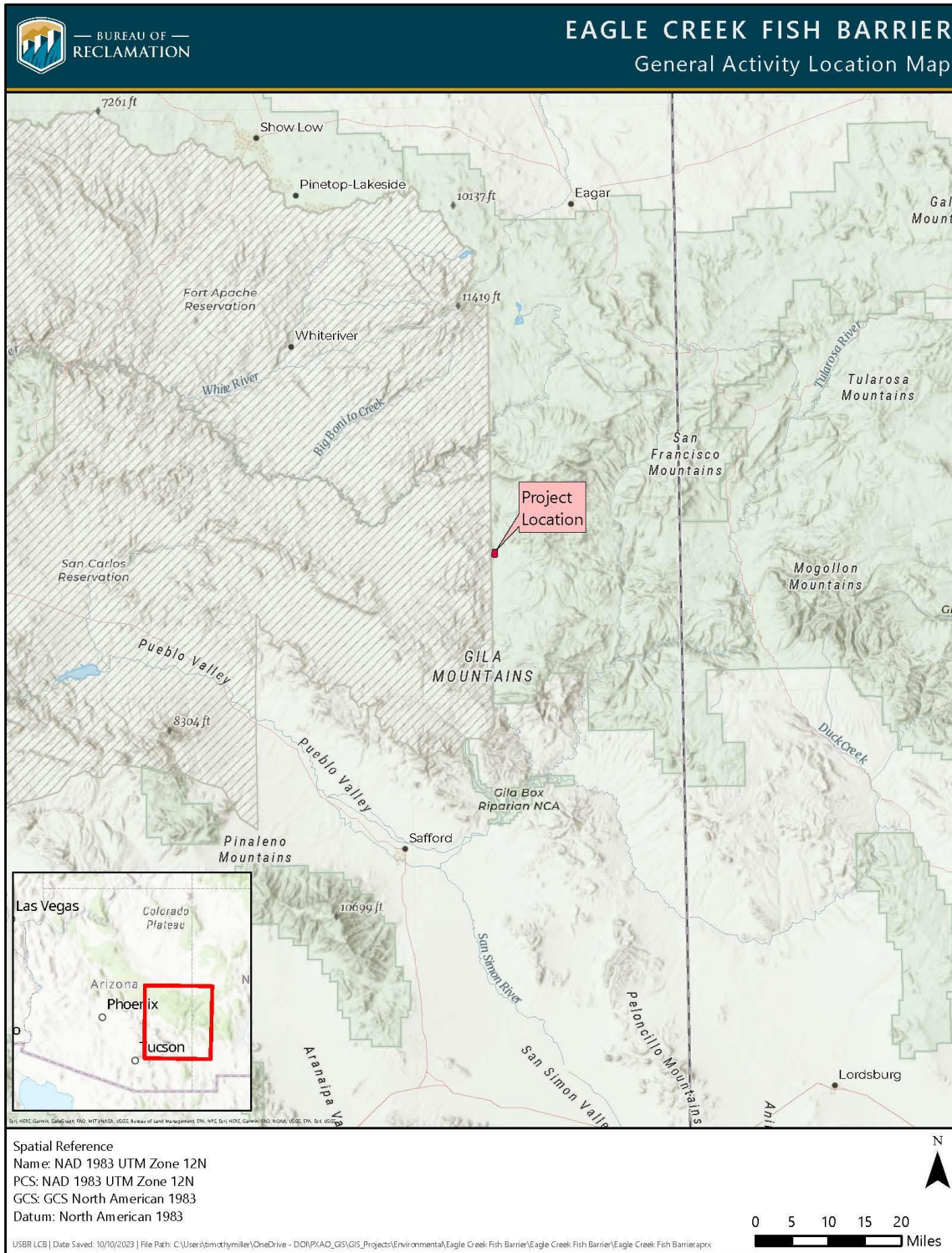


Figure 1. General Location of the Proposed Fish Barrier.

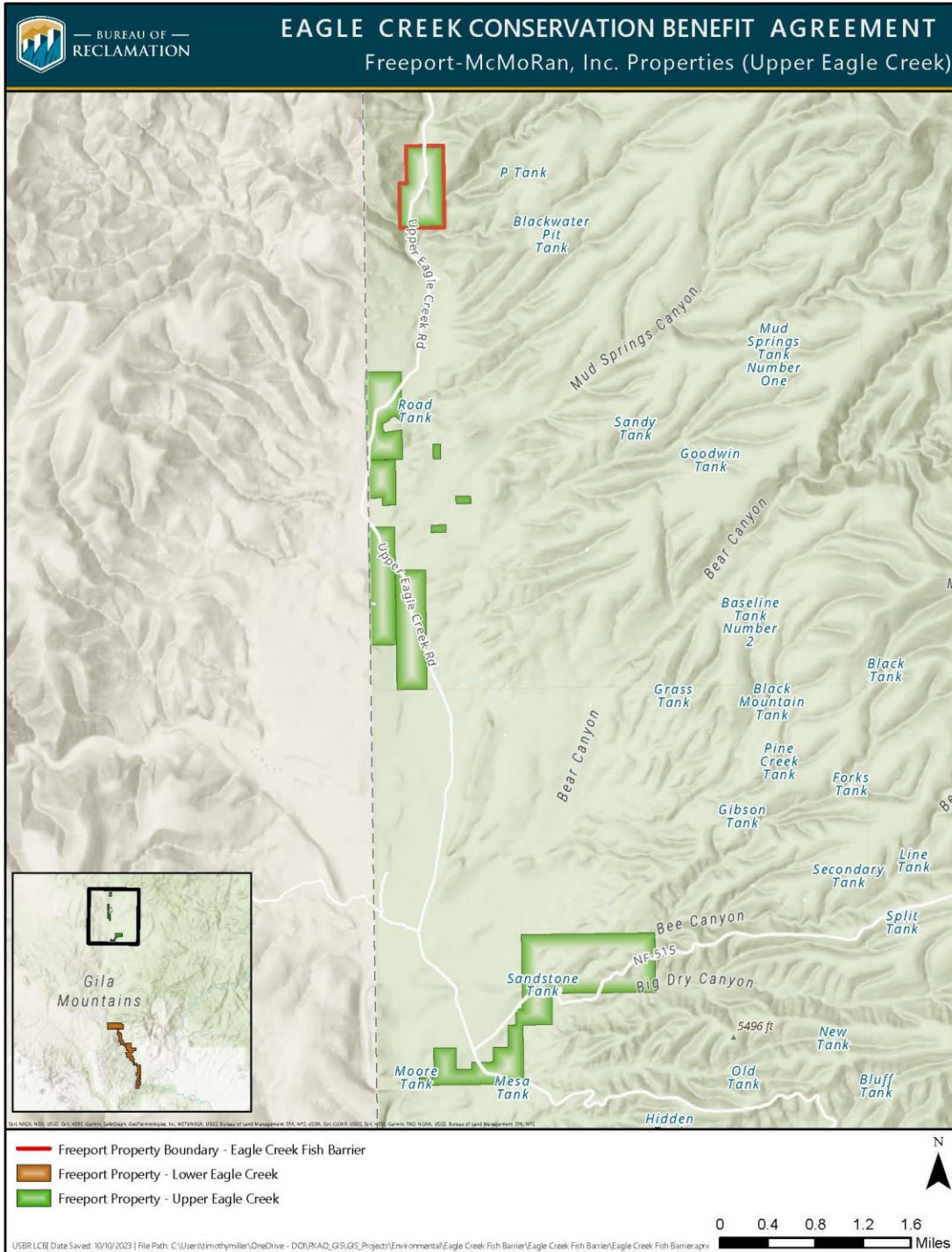


Figure 2. Freeport-McMoRan Properties along Upper Eagle Creek.

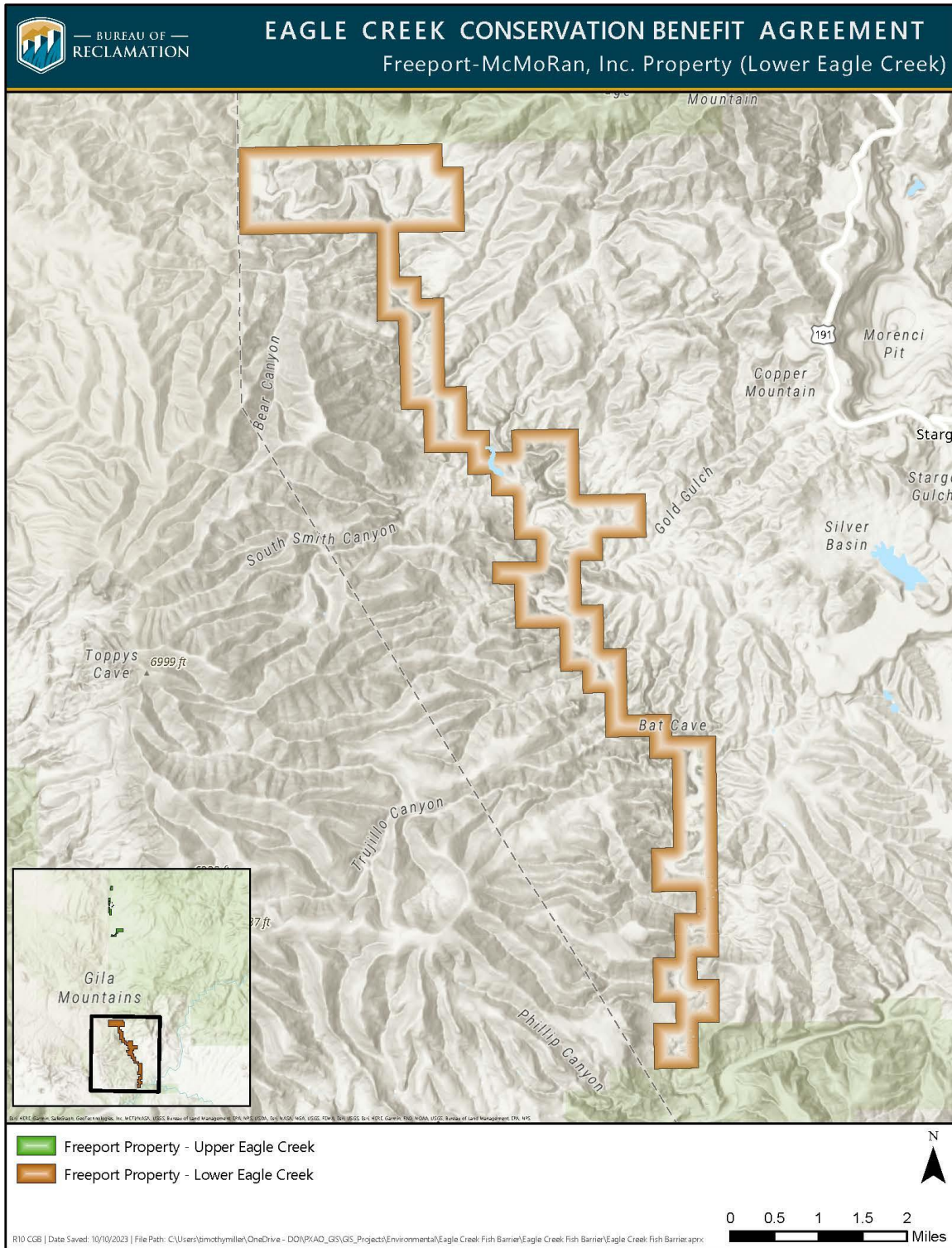


Figure 3. Freeport-McMoRan Properties along Lower Eagle Creek.

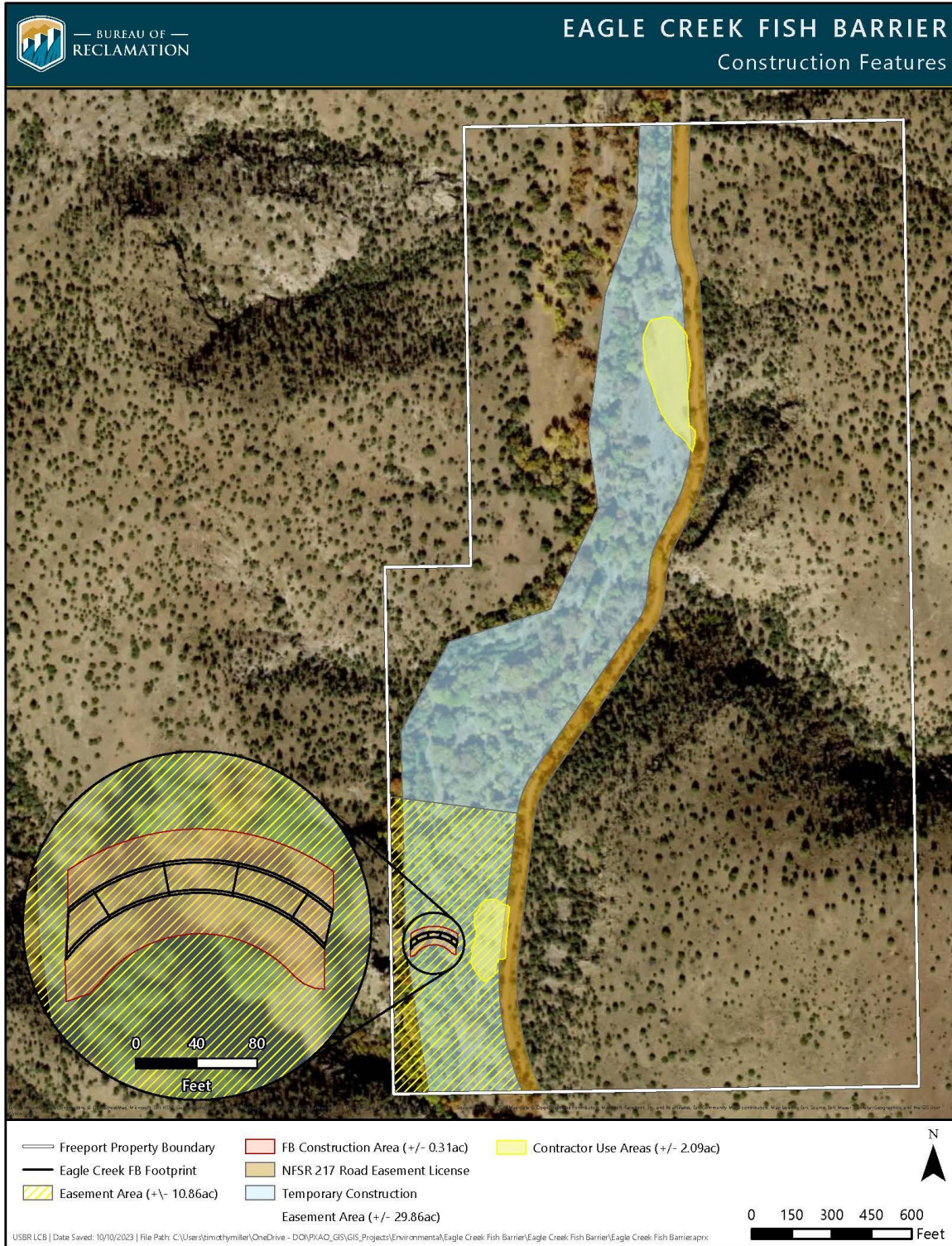


Figure 4. Construction Features of Proposed Fish Barrier in Eagle Creek.