

4.0 CONSULTATION AND COORDINATION

4.1 PLANNING REQUIREMENTS AND REGULATIONS

The following is a summary of selected statutes, regulations, and Executive Orders pertaining to the preparation of EISs on Federal land, including information relevant to this FEIS.

- **National Environmental Policy Act (NEPA) of 1969. Public Law 91-190, 42 United States Code (U.S.C.) 4321-4370(e), as amended.** NEPA provides that Federal agencies prepare EIS documents for major Federal actions significantly affecting the human environment. This policy requires Federal agencies to take the environmental consequences of proposed actions as well as input from State and local governments, Indian tribes, the public, and other Federal agencies into consideration in their decision-making process. The CEQ was established under NEPA to ensure that all environmental, economic, and technical considerations are given appropriate consideration in this process. This FEIS complies with NEPA statutes and regulations. A DEIS was made available for public review (refer to Section 4.6).
- **Clean Water Act of 1977, as amended.** Section 404 of this Act identifies conditions under which a permit is required for construction projects that result in the discharge of fill or dredged material into waters of the United States. There are some jurisdictional waters of the United States within Reach 11. The City of Phoenix will prepare a detailed jurisdictional delineation, confirm this with COE, and obtain necessary permits prior to any site construction. Section 402 of this Act identifies conditions under which a permit is required for the discharge of pollutants from a point source into waters of the United States. No permits would be required as there would be no pollutants discharged as a result of the proposed alternative. However, if pollutants would be discharged to waters of the United States as a result of constructing facilities, then the City would be required to comply with Section 402 regarding stormwater point source discharges.
- **Safe Drinking Water Act of 1974, as amended.** Section 1424 of this Act regulates underground injection into an aquifer, which is the sole or principal drinking water source for an area. No underground injection is proposed as part of any alternative for the Reach 11 project.
- **Executive Order 11988, Floodplain Management, May 24, 1977.** Executive Order 11988 requires avoiding or minimizing harm associated with the occupancy or modification of a floodplain. The alternatives for this project would not cause any harm to the floodplain. Any recreation amenity or facility developed at Reach 11 would need to be sited and operated in such a manner so that it would not result in adverse modifications to the floodplain, conflict with the basin's primary function as a flood detention basin, or cause harm to any adjacent or downstream landowner.
- **Executive Order 11990, Protection of Wetlands, May 24, 1977.** Executive Order 11990 requires Federal agencies or Federally funded projects to restrict uses of Federal lands for the protection of wetlands through avoidance or minimization of adverse impacts. The Order was

issued to “avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative.” No wetlands will be affected by this project.

- **Wild and Scenic Rivers Act of 1968.** This Act requires consideration of wild and scenic rivers in planning water resources projects. Developing water resources projects is prohibited on any river designated for study as a potential component of the national wild and scenic river system. There are no such rivers or candidates in the area that would be affected by this project.
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994.** This Order directs Federal agencies to identify and address, as appropriate, disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority populations and low-income populations. There were three public scoping meetings and 15 community leader interviews held for the Reach 11 project. Because the alternatives would not introduce disproportionately high and adverse human health and environmental effects on the surrounding population, there would be no adverse effect as defined by this Executive Order.
- **Executive Order 13007, Indian Sacred Sites, 1996.** Executive Order 13007 requires that all Executive Branch agencies having responsibility for the management of Federal lands will, where practicable, permitted by law, and not clearly inconsistent with essential agency functions, provide access to and ceremonial use of Indian sacred sites by Indian religious practitioners and will avoid adversely affecting the integrity of such sacred sites. The Order also requires that Federal agencies, when possible, maintain the confidentiality of sacred sites. In July 1999, Reclamation contacted tribal governments with traditional cultural affiliations to the region to solicit information about potential traditional cultural places and resources that may have significance for those tribal communities. These tribes include the Salt River Pima Maricopa Indian Community, Gila River Indian Community, Ak-Chin Indian Community, Tohono O’odham Nation, Fort McDowell Yavapai Nation, Hopi Tribe, and Zuni Pueblo. Only the Hopi Tribe indicated any interest in the project and no specific traditional cultural resources or concerns have been identified at this time. Reclamation will comply with this Executive Order where applicable.
- **Fish and Wildlife Coordination Act (FWCA) of 1934, as amended.** This Act requires coordination with Federal and State wildlife agencies (FWS and AGFD) for the purpose of mitigating losses of wildlife resources caused by projects such as Reach 11. The scoping report and DEIS for this project were provided to FWS and AGFD for review, and Reclamation’s consideration of FWS’ and AGFD’s comments on the DEIS satisfy the requirements of the FWCA.
- **Endangered Species Act of 1973, as amended.** Section 7 of the Act requires Federal agencies to consult with the FWS to ensure that undertaking, funding, permitting, or authorizing an action is not likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Critical habitat, as defined under the Act, exists only after FWS officially designates it. Critical habitat are areas (1) within the geographic area, occupied by a species at the time it is listed, on which are found those physical or biological

features essential to the conservation of the species and that may require special management consideration or protection; and (2) those specific areas outside the geographic area, occupied by a species at the time it is listed, essential to the conservation of the species. Reclamation has determined that the habitat within Reach 11 is not suitable for supporting the cactus ferruginous pygmy-owl. Surveys will not be required prior to development of recreational facilities within Reach 11.

- **National Historic Preservation Act (NHPA) of 1966, as amended.** Federal undertakings must comply with Section 106 of NHPA, which mandates that potential effects on significant historic properties be considered prior to approval of such undertakings. Significant historic properties are defined as sites, districts, buildings, structures, and objects eligible for the National Register of Historic Places. Consideration of these resources is to be made in consultation with the SHPO and other interested agencies and parties. Reclamation has consulted with the SHPO regarding potential impacts to the single property eligible for listing on the National Register of Historic Places, in compliance with the NHPA.
- **Native American Graves Protection and Repatriation Act (1990) (25 USC 3001-3013).** This Act requires protection and repatriation of Native American cultural items found on, or taken from, Federal or tribal lands, and requiring repatriation of cultural items controlled by Federal agencies or museums receiving Federal funds. Should previously unidentified cultural resources, especially human remains, be encountered during construction, work will stop immediately at that location and Reclamation's Cultural Resources Branch will be notified to ensure proper treatment of these resources.
- **Clean Air Act of 1963, as amended.** This Act requires any Federal entity engaged in an activity that may result in the discharge of air pollutants to comply with all applicable air pollution control laws and regulations (Federal, State, or local). This Act directs the attainment and maintenance of the NAAQS for six different criteria pollutants, including carbon dioxide, ozone, particulate matter, sulfur oxides, oxides of nitrogen, and lead. Implementation of the proposed project would include ground-disturbing activities that would create short-term fugitive dust and PM₁₀ air quality impacts. Measures would be incorporated into construction specifications to minimize potential dust emissions. A dust control plan would be completed and implemented in accordance with Maricopa County Permit requirements. A SIP Conformity Analysis will be conducted if it is determined the total number of acres to be disturbed concurrently during any given time merits such an analysis. Long-term air quality impacts are not expected to result from operation and use of the recreation facilities.

In addition to the statutes and policies listed above, the 1986 RLUA between Reclamation and the City constitutes a legally binding constraint to the master planning process. It states that Reach 11 must be planned for secondary recreation uses that are consistent with the primary purpose of Reach 11 as a flood detention basin.

4.2 PROJECT CONSULTATION

During the planning process for this EIS, formal and informal efforts were made by Reclamation to involve other agencies, the City, community groups, and members of the public. Reclamation initiated the planning process in August 1998 with the publishing in the *Federal Register* of the

Notice of Intent (NOI) to prepare the EIS and the onset of the scoping period. Throughout scoping and the development of the master plan alternatives, public meetings were held and a series of interviews was conducted with representatives of community groups, recreation organizations, and state agencies. Newsletters were distributed throughout the planning process to keep the public updated, which included forms that could be used to provide written comments on the project. As part of the resource inventory, members of the project team formally and informally contacted various relevant agencies to request data to supplement Reclamation’s existing resource database. This chapter describes the consultation and public involvement efforts that served to identify the issues and concerns considered in this EIS as described in Chapter 1.

4.3 AGENCY AND PUBLIC SCOPING

The scoping period began with publishing of the NOI in the *Federal Register* on August 11, 1998. The initial public scoping meeting was held on September 10, 1998, and two other public meetings were held at key milestones in the development of the master plan, on February 10, 1999 and July 13, 1999. Table 4-1 summarizes public meeting attendance.

TABLE 4-1 PUBLIC MEETING ATTENDANCE		
Meeting date	Meeting location	Number in attendance
September 10, 1998	Paradise Valley Community Center, Phoenix	229
February 10, 1999	Paradise Valley Community Center, Phoenix	124
July 13, 1999	Paradise Valley Community Center, Phoenix	128

Each of these meetings was conducted in an open house format. Displays were stationed around the room that explained the project process and schedule, the components of the EIS, data collected, and alternative concept plans. Representatives from Reclamation, the City, and Dames & Moore and BRW (now URS) were available to answer questions and receive input. Presentations also occurred during the February and July meetings and were followed by question and answer sessions and a public comment session.

The purpose of the first meeting was to obtain input on the planning issues and criteria and determine the scope of the EIS. The second and third meetings were intended to continue to collect additional public input in conjunction with the development of alternative plan concepts and the draft master plan. At the second and third meetings, attendees were able to comment specifically on the conceptual plan alternatives and the eventual Proposed Action. Input from all three meetings contributed to the range of alternatives and development of a preferred plan.

A total of 170 comments was received by November 6, 1998, the advertised close of the scoping period. However, comments continued to be received and considered throughout the entire planning and EIS process. In all, more than 260 individual comments and two petitions were received prior to publication of the DEIS. These comments were received in written form, via email, and through telephone calls to the project team. Public comments were also accepted during the five Parks Board meetings at which the project team made presentations (see Section 4.5.5).

In addition to the NOI, Reclamation sent a scoping notice to approximately 40 Federal, State, and local government agencies in August 1998. Responses were received from the AGFD, FWS, ADEQ, Arizona State Land Department, and COE and are provided in Appendix A.

As part of the scoping process, a series of 15 interviews was conducted with 22 individuals. The interviewees represented recreation groups, conservation organizations, developers, and government agencies. The purpose of these interviews was to ensure awareness of the project among potentially affected parties, assess the issues to be addressed, and understand concerns regarding the master plan and EIS. Table 4-2 summarizes the interviews that occurred.

Each of the interviews was documented, and each individual was mailed a brief summary of the interviews for his or her information and review. Comments received during these interviews are summarized below.

TABLE 4-2 COMMUNITY INTERVIEWS		
Organization or Agency	Name	Date of Meeting
Paradise Valley Soccer Club	Rob Mobley	August 10, 1998
Paradise Valley Girls' Softball	Richard Hawley	August 11, 1998
Don't Waste Arizona	Steve Brittle	August 11, 1998
North Phoenix Partners/ Desert Ridge Development	Mike Martin	August 11, 1998
Sereno Soccer Club	Orest Jejna	August 14, 1998
Arizona Game and Fish Department	Tim Wade	August 14, 1998
Central Arizona Homebuilders Association	Tom Simplot	August 14, 1998
Sierra Club	Chris Gehlker	August 17, 1998
Desert Ridge Homeowners Network	Terry Mahoney	September 29, 1998
Arizona State Land Department	Gordon Taylor	August 18, 1998
Sonoran North Responsible Development Advocates	Chris Estes	August 25, 1998
Maricopa Audubon Society	John Delventhal	August 18, 1998
Desert View Village Planning Committee	Terri Newton, City of Phoenix Planning Department	July 24, 1998
Paradise Valley Village Planning Committee	Lynn Favour, City of Phoenix Planning Department	July 24, 1998
Citizens' Environmental Awareness League	Chris Klein	July 23, 1998
Arizona State Horsemen's Association Arizona Horse Lovers' Foundation Equestrian Users of Reach 11	Carl Taylor Jean Anderson Rick Johns Sheri Novkov Sharon Dickerson	October 27, 1998
Landmark Paradise Ridge Development	Steve Barrett	April 14, 1999

4.3.1 Equestrian Groups

The project team met with a group of equestrian organization representatives and current equestrian users of Reach 11. The organizations included the Arizona State Horsemen's Association, an umbrella group that includes 24 riding organizations and about 1,000 members; the Reach 11 Equine Committee, an advisory group to the City of Phoenix; and the Arizona Horse Lovers' Foundation, a charity organization that anticipates funding some Equestrian

Center improvements. In addition, two equestrian users of Reach 11 who are not affiliated with any particular group contributed to the interview.

In general, the interviewees agreed that they would prefer Reach 11 to remain the way it is—an equestrian area with trails. It was noted that Reach 11 is unique due to its proximity to the urban area, flat topography, and desert vegetation. In addition, improvements to the existing equestrian facilities in Reach 11 are planned. Key issues raised included how to separate multiple uses within Reach 11 and provide safe access across and under roadways that traverse Reach 11.

4.3.2 Recreation Groups

Interviewees included representatives from the Paradise Valley Soccer Club, Sereno Soccer Club, and Paradise Valley Girls' Softball. Several athletic clubs have large memberships of more than several thousand participants in the area of Reach 11; however, these leagues have difficulty finding available fields in the area. They typically travel to fields in other parts of the Phoenix metropolitan area and would like more fields in areas where they live. The key issue raised was the need for more soccer and softball fields to meet the existing organizations' requirements including lighted fields.

4.3.3 Environmental Organizations

Interviewees included representatives from Citizens' Environmental Awareness League, Don't Waste Arizona, Sierra Club, Maricopa Audubon Society, and Sonoran North Responsible Development Advocates. Several conservation organizations believe that Reach 11 offers the best urban habitat in Phoenix for birdwatching and hiking opportunities. Key issues raised included how to maintain wildlife migration routes and reduce habitat fragmentation, and the preservation of desert vegetation. The possibility of a constructed wetlands for the purpose of groundwater recharge or wildlife habitat enhancement raised concerns about the source of the water supply, permanence of the supply, and mosquitoes.

4.3.4 Government Agencies

Interviewees included representatives from the Arizona State Land Department, a major landowner north of Reach 11, and the AGFD. Consultation with the FWS also occurred. At that time, FWS advised that xeroriparian vegetation in Reach 11 may need to be surveyed for the endangered cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*). Key issues included habitat enhancement, reduction of habitat fragmentation, and maintenance of wildlife migration routes. It was noted that a water feature would require a dependable, permanent water supply and that controlling mosquitoes is considered by these agencies as a quality-of-life issue rather than a health issue.

4.3.5 Developers

The project team interviewed representatives from North Phoenix Partners (responsible for the Desert Ridge development), Landmark Land Development Company (which has completed the planning for the Paradise Ridge development) and the Home Builders' Association of Central Arizona. In general, developers would support recreation activities that would add value to the

area. Key issues raised included the potential for golf facilities in Reach 11 and the zoning of parcels adjacent to Reach 11 for resort/hotel uses.

The issues raised by the public are detailed in Chapter 1. Overall, the most prominent issues raised in interviews pertaining to the scope of the EIS included the impacts on water use and groundwater, impacts on vegetation and wildlife and the potential for minimizing habitat fragmentation, accessibility to and throughout Reach 11, and impacts on adjacent land uses. The primary issues that were raised by the community included a concern for the continuation of equestrian activities in Reach 11, the potential environmental impacts of plan implementation, and the high demand for fields and sports facilities.

4.3.6 Indian Tribes

In July 1999, Reclamation contacted tribal governments with traditional cultural affiliations to the region to solicit information about potential traditional cultural places and resources that may have significance for those tribal communities. These tribes include the Salt River Pima Maricopa Indian Community, Gila River Indian Community, Ak-Chin Indian Community, Tohono O’odham Nation, Fort McDowell Yavapai Nation, Hopi Tribe, and Zuni Pueblo. Only the Hopi Tribe indicated any interest in the project and no specific traditional cultural resources or concerns have been identified at this time.

4.4 AGENCY CONSULTATION

Formal and informal consultation with relevant agencies has occurred throughout the planning process. The EIS analyses were conducted based on information from the following government agencies:

- U.S. Bureau of Reclamation
- U.S. Fish and Wildlife Service
- Arizona State Land Department
- Arizona Game and Fish Department
- City of Phoenix Parks and Recreation Department
- City of Phoenix Planning Department
- State Historic Preservation Officer
- Arizona Department of Transportation
- Flood Control District of Maricopa County
- U.S. Army Corps of Engineers

4.5 PUBLIC PARTICIPATION ACTIVITIES

In addition to the activities associated with scoping and the master plan development, there have been numerous opportunities for public awareness and input including (1) the use of media coverage, (2) newsletters and a mailing list, (3) posted notices, (4) community open houses and the public scoping meeting, and (5) Parks Board meetings.

4.5.1 Media Coverage

Articles appeared in several local newspapers including the *Arizona Republic* and *Paradise Valley Independent* to announce the community open house and public scoping meeting and provide a general project background. In addition, on three occasions the Reach 11 project was the subject of a City-run cable access channel program on which representatives from the environmental consultants and the City appeared. The shows were aired throughout Fall 1998, Winter 1999, and Fall 1999.

4.5.2 Newsletter and Mailing List

The first project newsletter was distributed in late August 1998. The newsletter's primary purpose was to introduce the project and schedule, and announce the community open house and public scoping meeting. It was sent to parties on a project mailing list composed of households located within 0.5 mile of Reach 11, for a total of approximately 17,750 addresses. Additional sources for the mailing list included contact lists from earlier Reach 11 projects, the Northeast District Park's activity and interest group mailing list, the Parks Board mailing list, the list of active community groups and interested parties from the City of Phoenix District 2 Councilman's Office, the village planning committee lists for Desert View and Paradise Valley, and neighborhood groups from Neighborhood Services. As scoping progressed, the mailing list was revised to include respondents from the community and those who requested to continue receiving information on the project. Additional copies of the newsletter were mailed upon request.

A second newsletter was distributed in January 1999 and the third newsletter was mailed in June 1999. All newsletters included project updates and schedules, comment forms to be completed and returned for consideration, and meeting announcements. Additional flyers with meeting notifications also were mailed as appropriate.

4.5.3 Posted Notice

Project newsletters and copies of comment forms were posted on a bulletin board located at the Phoenix Equestrian Center in Reach 11.

4.5.4 Community Open Houses and Public Scoping Meetings

The public scoping meeting and first community open house was held on September 10, 1998 at the Paradise Valley Community Center. There were 230 attendees to the open house-format meeting. During the meeting, 50 written comments were collected on the forms provided. Project team representatives from the City, Reclamation, Dames & Moore and BRW (now URS) were available for informal discussion and to answer questions.

A second community open house was held on February 10, 1999 to present master plan concepts and solicit public comment. A total of 124 people attended the meeting and 32 written comments were received. In addition, 22 individuals spoke at the meeting.

The third community open house was held on July 13, 1999 to present the preliminary proposed recreation master plan and receive public comment. This meeting was attended by 128 people

and 29 written comments were received. Approximately 30 individuals spoke during the public comment period at this meeting.

4.5.5 Parks Board Meetings

The Parks Board consists of seven citizens appointed by the Phoenix City Council and mayor for five-year terms. The Parks Board establishes operating policies for park facilities and advises the City Council on parks and recreation needs. The Parks Board has functioned as a steering committee for the Reach 11 Master Plan and must approve the plan along with Reclamation.

Five presentations were conducted before the Parks Board during the project. These meetings were open to the public and were announced in project newsletters. The first occurred in August 1998 and was an informational briefing. The second occurred in November 1998 and presented an overview of the project process, schedule, and recreation needs assessment. The third meeting occurred in February 1999 and presented the master plan concepts and scoping issues, and presented an opportunity for the public to express their views to the Parks Board. In July 1999, the project team presented the preliminary proposed master plan to the Parks Board as part of an informational meeting. The Parks Board approved the proposed master plan at its September 1999 meeting. Public comment occurred at these meetings as well.

Additional meetings in which members of the project team discussed Reach 11 included the Desert Ridge Homeowners Association Meeting, a North Phoenix Chamber of Commerce meeting, and a public breakfast meeting with Councilman Tom Milton from District 2, the City district in which Reach 11 is located.

4.6 DRAFT ENVIRONMENTAL IMPACT STATEMENT REVIEW

Public review of the DEIS provided an opportunity for public and agency participation. A notice of availability (NOA) and public hearing was published in the *Federal Register* on November 7, 2001 (66 FR 56345-56346). The public hearing was held the evening of December 11, 2001, at the Paradise Valley Recreation Center, 17402 North 40th Street, Phoenix, Arizona. In addition to the *Federal Register* notice, a notice advertising the public hearing also was published in the *Arizona Republic*, Northeast Zone, and the *Scottsdale Tribune* on November 28, 2001.

Thirteen individuals attended the hearing (not including City of Phoenix, Reclamation, and consultant staff). The hearing began at 6:35 p.m. Four individuals provided oral comments. One speaker expressed her strong support for the Proposed Action master plan and urged the City of Phoenix to enhance equestrian trails between Cave Creek and Scottsdale roads. A couple of speakers questioned why alternatives other than the Proposed Action were still being considered; they thought that the decision had already been made to eliminate all but the Proposed Action from consideration. Another speaker requested that concerns of neighborhoods located west of Reach 11 be considered.

The speakers asked numerous other detailed questions as well (e.g., lighting, location of underpasses, vector control, and the design of foot bridges). The proceeding went off-record for approximately 30 minutes, during which time City of Phoenix and Reclamation staff answered questions informally. The hearing was adjourned at 7:35 p.m. A copy of the transcript from the

public hearing is available for public inspection at Reclamation's Phoenix Area Office, 2222 West Dunlap Avenue, Phoenix, Arizona, 85021.

By the end of the 60-day public review period, a total of nine comment letters had been received. All written and oral comments were compiled, analyzed, and summarized. Appendix D in this FEIS contains the written public comments and agency responses. Following the publication of an NOA in the *Federal Register*, distribution of the FEIS, and a 30-day public availability period, Reclamation will issue a Record of Decision summarizing the findings and decisions regarding the Proposed Action.