

# RECLAMATION

*Managing Water in the West*

## Planet Ranch Lease

Final Environmental Assessment LC-14-15

Volume One

Finding of No Significant Impact and Environmental Assessment

Lower Colorado Region, Boulder City, Nevada



U.S. Department of the Interior  
Bureau of Reclamation  
Lower Colorado Region  
Boulder City, Nevada

July, 2015

## Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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## List of Acronyms or Abbreviations

<b>Acronym or abbreviation</b>	<b>Term</b>
2005 Biological Opinion	Biological and Conference Opinion on the Lower Colorado River Multi-Species Conservation Program, Arizona, California and Nevada
Act	Bill Williams River Water Rights Settlement Act of 2014
AF	Acre-foot
AFY	Acre-foot per Year
ADEQ	Arizona Department of Environmental Quality
ADWR	Arizona Department of Water Resources
AGFC	Arizona Game and Fish Commission
AGFD	Arizona Game and Fish Department
ARMCO	Arizona Ranch and Metals Company
ARS	Arizona Revised Statutes
Assessment	Environmental Site Assessment
BIA	Bureau of Indian Affairs
Bill Williams River NWR	Bill Williams River National Wildlife Refuge
Big Sandy River-Planet Ranch Agreement	Big Sandy River-Planet Ranch Water Rights Settlement Agreement
BLM	Bureau of Land Management
CAP	Central Arizona Project
CEQ Regulations	Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA
2011 Class I	Class I Cultural Resources Records Review for the 3,418-acre Planet Ranch Property for the U.S. Bureau of Reclamation-Lower Colorado Regional Office, La Paz and Mohave Counties, Arizona
DOI	Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
GHG	Greenhouse Gases
HCP	Habitat Conservation Plan
IPAC	Information, Planning, and Conservation System
LCR MSCP FEIS/EIR	Lower Colorado River Multi-Species Conservation Plan, Final Programmatic Environmental Impact Statement/Environmental Impact Report
FPPA	Farmland Protection Policy Act
Freeport	Freeport Minerals Corporation
Hualapai BWR Agreement	Hualapai Tribe Bill Williams River Water Rights Settlement Agreement
LCR	Lower Colorado River
LCR MSCP	Lower Colorado River Multi-Species Conservation Program
Lease	Lease for 3,418 acres of land and 5,549 AFY of associated

## List of Acronyms or Abbreviations

<b>Acronym or abbreviation</b>	<b>Term</b>
Lease area	water rights within Planet Ranch
MBTA	3,418 acres of land included in Lease
MPO	Migratory Bird Treaty Act
MSCP	Mine Plan of Operations
NEPA	Multi-Species Conservation Program
NHPA	National Environmental Policy Act of 1969, as amended
NRHP	National Historic Preservation Act
RDA	National Register of Historic Places
Reclamation	Rural Development Area
Reservation	Bureau of Reclamation
Review area	Hualapai Reservation
ROFR	One-mile review buffer around Lease area studied in 2011
Secretary	Class I
Service	Right of First Refusal lands
TCP	Secretary of the Interior
Tribe	U. S. Fish and Wildlife Service
U.S.	Traditional Cultural Property
USACE	Hualapai Tribe
USFS	United States of America
Wilderness	U.S. Army Corps of Engineers
	U.S. Forest Service
	Wilderness Area

# Finding Of No Significant Impact (FONSI)

LC-14-15

for

Final Environmental Assessment for Planet Ranch Lease

Boulder City, Nevada

Based on a thorough analysis of the potential environmental impacts presented in the Environmental Assessment (EA), The Bureau of Reclamation (Reclamation) finds that implementation of the Proposed Action will not significantly affect the quality of the human environment within or adjacent to the project area, therefore an Environmental Impact Statement will not be prepared.

Accordingly, this FONSI is submitted to document environmental review and evaluation of the Proposed Action Alternative in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended.

Prepared: Faye Steiner Date: July 9, 2015  
Natural Resource Specialist

Recommended: [Signature] Date: July 10, 2015  
Manager, Environmental Compliance Group

Approved: [Signature] Date: 7/10/15  
Chief, Resources Management Office

# Background

Reclamation is proposing to acquire a lease for 3,418 acres of land and 5,549 acre-feet per year (AFY) of associated water rights (Lease) within the property known as “Planet Ranch” from the Freeport Minerals Corporation (Freeport) to benefit the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). This Federal action is authorized and directed by the Bill Williams River Water Rights Settlement Act of 2014 (Act). The Final EA for the Proposed Action is attached to and incorporated by reference into this FONSI.

The Act, signed into law on December 16, 2014 (Public Law 113-223), directs the Secretary of the Interior (Secretary) to enter into the *Big Sandy River-Planet Ranch Water Rights Settlement Agreement* (Big Sandy River-Planet Ranch Agreement) and the *Hualapai Tribe Bill Williams River Water Rights Settlement Agreement* (Hualapai BWR Agreement) (Agreements). The Agreements settle certain water rights claims among certain parties in the Bill Williams River watershed in Arizona and provide for the Lease to benefit the LCR MSCP.

The *Lower Colorado River Multi-Species Conservation Program, Final Programmatic Environmental Impact Statement/Environmental Impact Report (LCR MSCP FEIS/EIR)* provided NEPA compliance for the LCR MSCP. The LCR MSCP FEIS/EIR included analysis of the lower Bill Williams River as a potential location for implementation of the LCR MSCP Conservation Plan in the “Off-Site Conservation Area Alternative” because of the lower Bill Williams River’s high potential for the creation of cottonwood-willow riparian and honey mesquite habitat. The LCR MSCP FEIS/EIR resulted in the *Record of Decision, Lower Colorado River Multi-Species Conservation Plan*, which describes the selected alternative for the LCR MSCP. The selected alternative incorporated the “Off-Site Conservation Area Alternative”, thus identifying the lower Bill Williams River, specifically Planet Ranch and Bill Williams River National Wildlife Refuge (Bill Williams River NWR), as potential locations for implementation of the LCR MSCP.

## Alternatives Considered

A No Action Alternative and a Proposed Action Alternative were considered. Under the No Action Alternative the Big Sandy River-Planet Ranch Agreement would not be implemented. Reclamation would not acquire the Lease; consequently the habitat would not be used to meet the goals of the LCR MSCP. Freeport would remain the owner of the entire 8,389 acres of Planet Ranch and associated water rights of 15,561 AFY.

## The Proposed Action

Under the Proposed Action the Big Sandy River-Planet Ranch Agreement would be implemented and Reclamation would acquire the Lease. Upon execution of the Big Sandy River-Planet Ranch Agreement, Freeport (lessor) would issue the Lease to Reclamation (lessee) to maintain habitat and implement future restoration projects toward achieving the goals of the LCR MSCP Habitat Conservation Plan through April, 2055. Freeport would retain ownership of the remaining 4,971 upland acres of Planet Ranch and associated water rights of 10,012 AFY. On the same date as the execution of the Lease, Freeport would donate the 3,418 acres of land and 5,549 AFY of

associated water rights included in the Lease through a warranty deed to Arizona Game and Fish Commission (AGFC). Freeport's interests as lessor of the property would then be assigned to AGFC thus making AGFC the lessor and Reclamation the lessee. Until a restoration plan is developed, activities at the Lease area would be limited to maintenance of existing facilities.

Reclamation would be responsible for complying with all terms of the Lease and for ensuring appropriate environmental compliance for all Federal actions undertaken by Reclamation on the leased property.

## **Environmental Commitments**

The following measures will be implemented as part of the Proposed Action to reduce or eliminate impacts to resources:

### ***Biological Resources***

The following minimization measures will be incorporated into maintenance activities to prevent harassment, injuries, or mortalities to listed, candidate, species of conservation concern, and species protected by the Migratory Bird Treaty Act (MBTA):

- Education on listed species will be provided to staff and contractors by an approved biologist. This education program will include information to aid in species identification, current status, and actions to avoidance controls.
- All ground disturbing activities will only occur within previously disturbed areas.
- Maintenance project areas with suitable habitat will be surveyed for listed, candidate, species of conservation concern, and nesting migratory birds protected by the MBTA. If any are detected:
  - No nesting habitat for listed species will be removed or degraded.
  - Project activities will be scheduled outside the nesting period during which these species are likely to be utilizing the area.
  - If project activities cannot be scheduled outside the nesting period, an experienced biologist will identify exclusion areas to avoid impacts to nesting birds.
- A maximum speed limit of 25 mph will be established within the Lease area to reduce the potential for tortoises, lowland leopard frogs, northern Mexican gartersnakes, and other ground dwelling species to be struck by vehicles.
  - If species are encountered, they are not to be handled and would be allowed to leave the area on their own volition. If there is a risk of mortality or entrapment, an approved biologist will be notified and appropriate actions will be taken.
  - All excavations, such as trenches, will be backfilled immediately after the activity is completed or covered if left unattended over night to prevent entrapment of wildlife

such as tortoises, frogs, or snakes. Trenches will be checked regularly and prior to backfilling to ensure no wildlife is trapped.

## **Environmental Impacts and Findings**

Implementation of the Proposed Action will not result in significant impacts to any of the resources evaluated in the EA. The reasons for this determination are summarized by resource below. References to the location of the supporting information in the EA are given in parenthesis.

### ***Floodplains and Wetlands***

Impacts to floodplains and wetlands were evaluated with respect to Executive Order (EO) 11988 “Floodplain Management” and EO 11990 “Protection of Wetlands”. Acquisition of the Lease would have a beneficial impact to floodplains and wetlands within the Lease area and on the Bill Williams NWR. All actions within the Lease area would comply with EO 11988 and EO 11990 (EA, page 24).

### ***Agricultural Resources***

Impacts to agricultural resources were evaluated with respect to the Farmland Protection Policy Act (7 U.S.C. 4201). The analysis tiered to the analysis from the LCR MSCP FEIS/EIR which included a “worst case scenario” evaluation that assumed all farmland was important farmland because important farmland has not been mapped to date on the Bill Williams River. This analysis concluded that the impact of the Off-Site Conservation Area Alternative on Agricultural Resources was not found to be significant because the potential development of 7,772 acres of agricultural land in the three areas represented only 2.8 percent of the total 269,000 acres of agricultural land in the LCR MSCP planning area. Any future NEPA compliance for habitat development would include a review to determine if any Important Farmland would be irreversibly altered (EA, page 25).

### ***Transboundary Impacts***

The LCR MSCP FEIS/EIR evaluated transboundary impacts for the LCR MSCP, and determined there would be no transboundary impacts from conservation areas such as Planet Ranch that are located off the main-stem of the Colorado River (EA, page 25).

### ***Greenhouse Gases and Climate Change***

A small amount of greenhouse gases may be emitted if vehicles or various other fuel using equipment were used during maintenance activities at the Lease area. These emissions would be intermittent and are not expected to have a quantifiable impact on regional greenhouse gas emissions. In accordance with the draft Council on Environmental Quality guidance on Consideration of GHGs and the Effects of Climate Change in NEPA Reviews, no further analysis of GHGs was determined necessary at this time. Any future NEPA compliance for restoration and additional maintenance activities would include analysis of GHGs as appropriate (EA, page 25).

## **Hydrology**

The Proposed Action would have an indirect beneficial impact to hydrology because there would be fewer water rights available for use at Planet Ranch; potentially resulting in more water remaining within the Planet Valley aquifer and contributing to base flows of the Bill Williams River.

Potential cumulative impacts to hydrology associated with the Big Sandy River-Planet Ranch Agreement were identified. There is potential for lower flows on the Big Sandy River from water use at the Wikieup well field. Any potential decreases in the Bill Williams or Big Sandy River flows due to subsurface pumping would likely have the greatest effect on surface water during relatively dry water years and during the lowest flow period in the driest months of average water years. However, the overall impact of the Big Sandy River-Planet Ranch Agreement was found to be beneficial as it would result in a limitation of annual diversions to 10,055 AFY. There is also potential for impacts to surface flows on the Bill Williams River NWR from water use at Planet Ranch during periods of drought. Although surface flows may be reduced from this water use during dry periods, the reduction in surface flows would be considerably less than if the Lease were not acquired and the entire 15,560 AFY were used for agriculture.

Potential cumulative impacts are expected to be largely beneficial to hydrologic resources. This beneficial impact would be due to the reduced amount of surface water rights that would be exercised in the Bill Williams River watershed, potentially increasing the availability of water in the watershed (EA page 31).

## **Biological Resources**

The Lease is administrative in nature and would not directly impact common fish and wildlife, migratory birds, or Federally listed species or designated critical habitat within the Lease area. A reduction in the use of water rights for agricultural purposes on Planet Ranch would be a positive indirect impact as it will allow for more water to remain in the Bill Williams River and benefit the riparian habitat on the Lease area and downstream on the Bill Williams River NWR.

Negative impacts to wildlife are possible from maintenance activities. Reclamation completed informal Endangered Species Act Section 7 consultation with the Fish and Wildlife Service for the Proposed Action for the California least tern and the northern Mexican gartersnake. Reclamation assessed the effects and anticipated them to be insignificant and discountable, and determined that the Proposed Action *may affect but is not likely to adversely affect* the California least tern and the northern Mexican gartersnake. Impacts to the southwestern willow flycatcher, yellow-billed cuckoo, and Yuma clapper rail were considered in the Biological and Conference Opinion on the LCR MSCP, Arizona, California, and Nevada. No adverse effect to designated or proposed critical habitat for the southwestern willow flycatcher, yellow-billed cuckoo, and northern Mexican gartersnake is expected as a result of the Proposed Action because maintenance of the existing equipment, infrastructure, and roads within the Lease area will be conducted within previously disturbed areas. The Service concurred with Reclamation's determinations.

Potential cumulative impacts were identified from maintenance activities. This may result in minor habitat loss and degradation within the Bill Williams River Watershed. Potential cumulative impacts were also identified in association with the Big Sandy River-Planet Ranch Settlement Agreement. Potential lower flows on the Big Sandy River from water use at the Wikieup well field may have impacts to riparian vegetation and wildlife habitat during dry periods. However, the 10,055 AFY limit on water consumption will decrease the overall cumulative impacts to wildlife and wildlife habitat within the watershed. A greater availability of water in the Bill Williams River is expected to have a beneficial impact to biological resources as a result of water uptake by vegetation within the riparian corridor and more water remaining in the river for use by aquatic species. Long-term benefits to the Bill Williams River watershed and overall health of the riparian corridor are anticipated once restoration is established. The cumulative impacts of the activities within the Bill William River Watershed are expected to be largely beneficial to plant and wildlife communities as they ultimately enables the LCR MSCP to implement goals and objectives for the benefit of LCR MSCP covered species (EA, page 36).

### ***Cultural Resources/Traditional Cultural Properties/Sacred Sites***

There would be no direct, indirect, or cumulative impacts to cultural resources from the acquisition of the Lease. Federal and/or State laws developed to preserve and manage cultural resources would apply to activities undertaken at the Lease area.

No Traditional Cultural Properties (TCP) or sacred sites have been identified in the Lease area. Tribal consultations to identify TCPs or sacred sites will continue when specific restoration plans are developed (EA, page 43).

### ***Indian Trust Assets***

Direct or indirect impacts to Indian trust assets (ITA) were not identified because there are no ITAs identified at or in the immediate vicinity of Planet Ranch. The Big Sandy River-Planet Ranch Agreement and the Hualapai BWR Agreement would have positive impacts to ITAs. There would be no cumulative impacts to ITAs from the Proposed Action and the Agreements because the Proposed Action would not cause direct or indirect impacts to ITAs (EA, page 46).

### ***Land Use***

The Proposed Action would result in the 3,418 acre Lease area changing from private to State ownership. The EA compared the existing jurisdiction by acres to the new potential acres for Mohave County and the Bill Williams River watershed. The changes in jurisdiction were not found to be significant as the percent changes from existing acres were minor; with a decrease of 0.13% in private acres and an increase in State acres of 0.35% in Mohave County and a decrease of 1.00% in private acres and an increase in State acres of 0.57% in La Paz County. The Proposed Action would be consistent with the Mohave and La Paz County land use plans.

No significant cumulative impacts to land uses were identified. The percent changes from existing acres were minor; with a 0.40% decrease in private acres and an increase of State acres of 0.36% within the Bill Williams River watershed. The Hualapai BWR Agreement was also considered for cumulative impacts because under the Hualapai BWR Agreement, Freeport



would grant the Hualapai Tribe the right of first refusal to match any bona fide (good faith) offer to purchase 2,865.98 acres of land owned by Freeport in Mohave County. This does not guarantee that the land would be sold or that the Tribe would become the owner of all or a portion of the land. The EA compared the existing jurisdiction by acres to the new potential acres for Mohave County and the Bill Williams River watershed. The percent change from existing acres of private to Tribal in Mohave County was minor, only 0.19%. The percent change from private to Tribal in the Bill Williams River watershed was 331.71%. This is attributed to the small existing acres in the watershed, 864 acres. The potential new acres would represent only 0.10% of the total acres in the watershed (EA, page 51).

### ***Recreation***

An indirect beneficial impact to recreation was identified because public access and LCR MSCP compatible activities would increase the opportunities for recreation at the Lease area. The Proposed Action is expected to add to the recreational opportunities and complement current land uses, leading to a positive cumulative impact to recreation (EA, page 54).

### ***Socioeconomics***

The Proposed Action would not change tax revenue to Mohave County or LaPaz County as voluntary contributions in lieu of taxes would be made by AGFC at the current tax rate for the Lease area. No significant changes in employment at the Lease area are anticipated.

Potential cumulative impacts in relation to the designation and development of the I-11 corridor were not identified because the Proposed Action would not change tax revenue to Mohave or La Paz Counties. Cumulative impacts from the right of first refusal included in the Hualapai BWR Agreement were not identified because if the Tribe were to purchase the lands they would continue to pay taxes to Mohave County. If the lands were placed in trust status, local governments would have input into the process (EA, page 55).

### ***Environmental Justice***

The Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority and low-income populations. A minority population was not identified for the analysis area. The percent of individuals below poverty levels in the Census Tracts were compared to those for Arizona and Mohave and La Paz Counties. The poverty levels for the Census Tracts in Mohave County were either below or only slightly higher than those for Mohave County or Arizona. Census Tract 201 in La Paz County has a poverty rate that is 8 percent higher than the rate for La Paz County. Although Census Tract 201 has a higher poverty rate than LaPaz County as a whole, no high and adverse human health or environmental effects have been identified that may impact this Census Tract. No cumulative impacts were identified because no direct or indirect environmental justice impacts were identified (EA, page 57).

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# **Final Environmental Assessment**

**Planet Ranch Lease**

**LC-14-15**

**Prepared by:  
United States Department of the Interior  
Bureau of Reclamation  
Lower Colorado Region  
Boulder City, Nevada  
July, 2015**

# 1.0 Purpose of and Need for the Action

## 1.1 Introduction

This Environmental Assessment (EA) was prepared in compliance with the National Environmental Policy Act (NEPA) and the Council of Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (CEQ Regulations). The purpose of this EA is to evaluate the potential impacts of the Proposed Action on the physical and human environment and determine if the impacts would be significant, warranting the preparation of an Environmental Impact Statement (EIS).

### 1.1.1 Proposed Federal Action

The Bureau of Reclamation (Reclamation) is proposing to acquire a lease for 3,418 acres of land and 5,549 acre-feet per year (AFY) of associated water rights within the property known as “Planet Ranch” from the Freeport Minerals Corporation (Freeport) to benefit the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). This Federal action is authorized and directed by the Bill Williams River Water Rights Settlement Act of 2014 (Act), which is discussed in detail in Section 1.4. Reclamation has assumed the role of lead Federal agency for the preparation of this EA, with the Bureau of Land Management (BLM), Bureau of Indian Affairs (BIA), and the U.S. Fish and Wildlife Service (Service) as cooperating agencies.

## 1.2 Background to the Purpose and Need

### 1.2.1 Lower Colorado River Multi-Species Conservation Program

The LCR MSCP is a 50-year (2005 to 2055) multi-stakeholder Federal and non-Federal partnership which was created to balance the use of Lower Colorado River (LCR) water resources with the conservation of native species and their habitats in compliance with the Endangered Species Act (ESA). The program is cooperatively funded by the Federal government and the states of Arizona, California, and Nevada including permittees within these states. This long-term effort works toward the recovery of listed species, and protects and maintains wildlife habitat along the LCR from the full pool elevation of Lake Mead to the Southerly International Boundary with Mexico through the implementation of a Habitat Conservation Plan (HCP).

The purposes of the LCR MSCP are to develop and implement a plan that will:

- Conserve habitat and work toward the recovery of threatened and endangered species, as well as reduce the likelihood of additional species being listed;
- Accommodate present water diversions and power production and optimize opportunities for future water and power development, to the extent consistent with existing laws; and
- Provide the basis for incidental take authorizations.

Reclamation is responsible for implementing the LCR MSCP over the 50-year term of the program. The LCR MSCP is governed by a Steering Committee, which is an unincorporated association of more than 50 water and power users, State, Federal, local entities, and tribes, including the Hualapai Tribe (Tribe). The Steering Committee works with Reclamation to coordinate the implementation of the LCR MSCP.

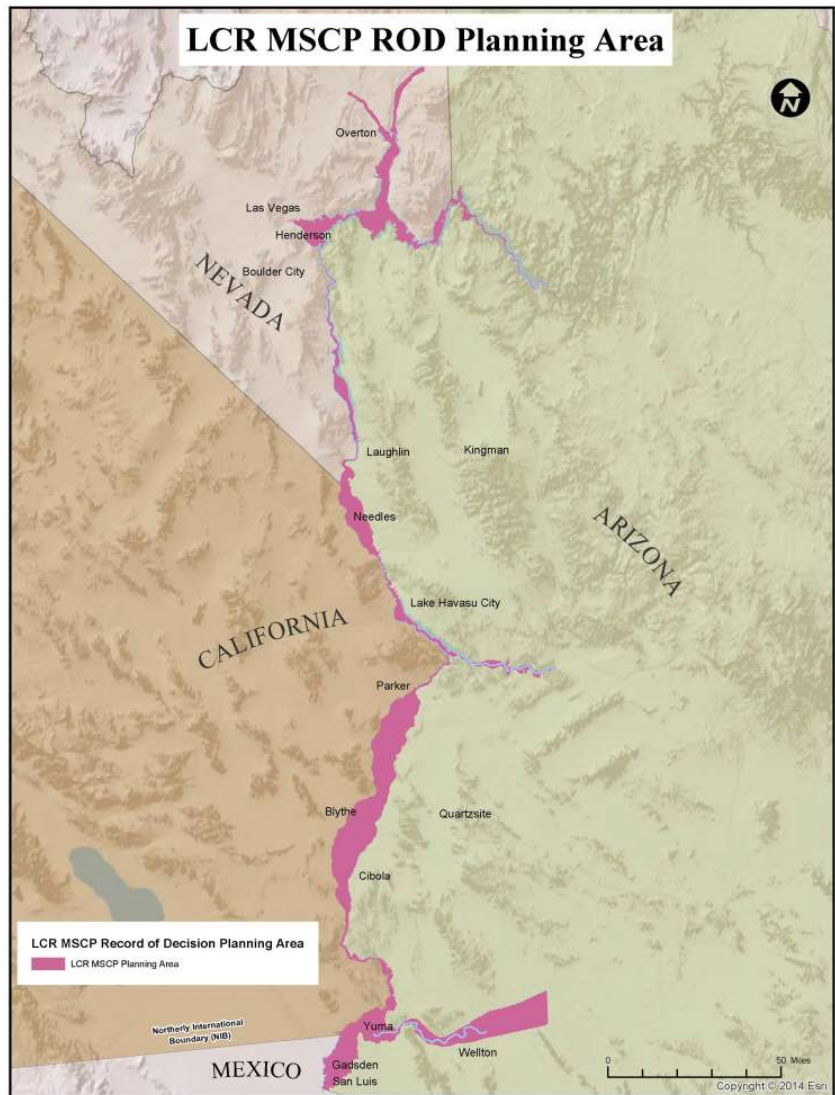
A major component of the LCR MSCP is the creation and management of habitat to benefit 26 covered species. Cottonwood-willow, honey mesquite, marsh, and backwater are the predominant land cover types to be created under the LCR MSCP. Habitat creation goals include the establishment of a total of 8,132 acres of habitat including:

- 5,940 acres of cottonwood-willow
- 1,320 acres of honey mesquite
- 512 acres of marsh
- 360 acres of backwater

Several documents provide the framework and implementation of the LCR MSCP. These include: the *Lower Colorado River Multi-Species Conservation Program, Final Programmatic Environmental Impact Statement/Environmental Impact Report (LCR MSCP FEIS/EIR)* which provided NEPA compliance for the LCR MSCP; *Final HCP*; *Final Biological Assessment*, the *Biological and Conference Opinion on the Lower Colorado River Multi-Species Conservation Program, Arizona, California and Nevada* (2005 Biological Opinion); *Section 10 Endangered & Threatened Species – Incidental Take Permit*; *LCR MSCP Funding and Management Agreement*; and *LCR MSCP Implementing Agreement*. These documents are available at <http://www.lcrmscp.gov/>.

### **1.2.2 Lower Colorado River Multi-Species Conservation Program, Final Programmatic Environmental Impact Statement/Environmental Impact Report**

The LCR MSCP FEIS/EIR is a programmatic document which identifies alternatives and the potential range of impacts associated with the implementation of the LCR MSCP HCP. It is intended to serve as the basis for future project-specific NEPA documents for LCR MSCP conservation projects such as the proposed Federal action described in this EA. The LCR MSCP FEIS/EIR included analysis of the lower Bill Williams River as a potential location for implementation of the LCR MSCP Conservation Plan in the “Off-Site Conservation Area Alternative” because of the lower Bill Williams River’s high potential for the creation of cottonwood-willow riparian and honey mesquite habitat. The LCR MSCP FEIS/EIR resulted in the *Record of Decision, Lower Colorado River Multi-Species Conservation Plan (ROD)*, which describes the selected alternative for the LCR MSCP (Figures 1 and 2). The selected alternative incorporated the “Off-Site Conservation Area Alternative”, thus identifying the lower Bill Williams River, specifically Planet Ranch and Bill Williams River National Wildlife Refuge (Bill Williams River NWR), as potential locations for implementation of the LCR MSCP. Planet Ranch and Bill Williams River NRW are discussed further below.



**Figure 1 - LCR MSCP ROD Planning Area**



**Figure 2 - LCR MSCP ROD Planning Area on the Bill Williams River**



### 1.2.3 Planet Ranch

The 8,389 acre Planet Ranch is adjacent to the Bill Williams River, a tributary to the Colorado River in western Arizona. The lower Bill Williams River, where Planet Ranch is located, is known for its extensive native riparian habitat. Planet Ranch, located approximately 20 miles east of Parker, Arizona, in Mojave and LaPaz Counties, is directly upstream of and shares a boundary with the Bill Williams River NWR (Figures 3 and 4). Planet Ranch and its associated certificated water rights of 15,561 AFY are owned by Freeport, through Freeport's subsidiary Byner Cattle Company.

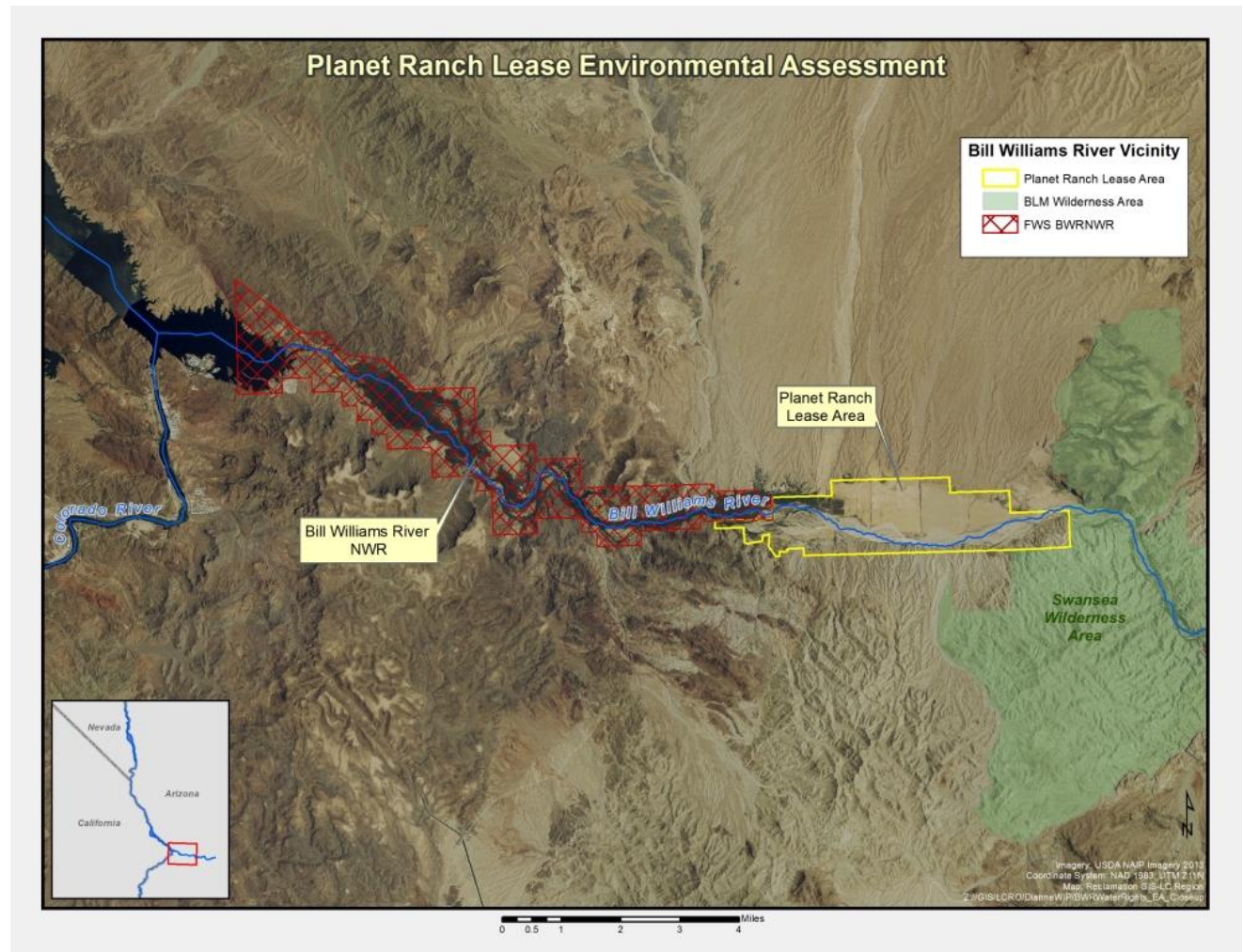


Figure 3 - Planet Ranch and Bill Williams River NWR

Planet Ranch is located on the longest and widest alluvial valley along the Bill Williams River. It is characterized by broad lowland surrounded by rocky low mountains, canyons, and washes (Figure 4). Approximately 65% (2,205 acres) of the 3,418 acres to be leased by Reclamation are divided into agricultural fields (USBR, 2005). The remainder is a mix of Sonoran desert scrub and riparian woodland/scrub. Planet Ranch was first homesteaded in the late 1910's, and has been used periodically for agriculture and livestock grazing. Additional history on Planet Ranch can be found in Section 3.3.3.

In 2005, the Planet Ranch property was studied by the LCR MSCP to determine the acreages and types of native vegetation that could be established at the site and to see if these lands could be used to support the habitat restoration program (USBR, 2005). The study concluded that 3,418 acres were suitable for program use because there was sufficient soil moisture and enough influence from groundwater to benefit riparian vegetation. In 2008, the LCR MSCP Steering Committee authorized Reclamation to enter into negotiations concerning Planet Ranch. On April 22, 2015 the Steering Committee approved a land and water resolution that authorized Reclamation to enter into a lease for 3,418 acres of land and 5,549 AFY of water rights associated with Planet Ranch.



**Figure 4- Planet Ranch showing broad alluvial valley (2014)**

#### **1.2.4 Bill Williams River National Wildlife Refuge**

The Bill Williams River NWR is located at the confluence of the Bill Williams River and the Colorado River at Lake Havasu. The Bill Williams River NWR is known for its diverse habitats, including rocky desert uplands and a lush riparian corridor. It contains 1,386 acres of native cottonwood and willow and provides habitat for 355 species of birds, 34 documented reptiles, 40 species of butterflies, 57 species of mammals, and seven species of amphibians, including several species covered under the LCR MSCP (Service, 2014). The Bill Williams River NWR has been recognized by the National Audubon Society and the American Bird Conservancy as a birding area of global importance. The Bill Williams River is one of the Management Units identified in the Service's Recovery Plan for the southwestern willow flycatcher. Additionally, the Nature Conservancy identified the Bill Williams River complex as harboring a large number of regionally important species and habitats, making it one of the priority sites for the conservation of biodiversity on the Colorado River. The Bill Williams River NWR holds one of the last stands of naturally regenerated cottonwood-willow forests along the LCR (Service, 2014).



## **1.3 Purpose and Need**

The purpose of the Federal action is to acquire a lease through April, 2055 for 3,418 acres of land and 5,549 AFY of associated water rights (Lease) within Planet Ranch in order to continue implementation of the LCR MSCP through the creation and management of habitat as described in Section 1.2.1 and as directed by the Act.

The Lease is needed because Planet Ranch offers one of the few large scale opportunities for habitat restoration in that portion of the LCR MSCP planning area in Arizona. It is estimated that the Lease would allow for the future development of around 400 acres of land cover types including cottonwood-willow, marsh, and backwater ponds. Additionally, just under 400 acres of cottonwood-willow land cover type on the Bill Williams River NWR are expected to be protected by securing the Lease (USBR, 2010), as a result of decreased irrigation for agricultural use at Planet Ranch. The combined area of restoration and habitat protected represent about 10% (800/8,132 acres) of the total LCR MSCP goal for habitat creation.

## **1.4 Bill Williams River Water Rights Settlement Act of 2014**

### **1.4.1 Hualapai Tribe Water Rights and U.S Trust Responsibility**

In 2010, the Tribe requested that the Department of the Interior (DOI) establish a Federal Negotiation Team to quantify the Tribe's reserved water rights. Based on this request, DOI appointed a Federal Negotiation Team after determining that a reasonable basis existed to resolve the Tribe's water rights through settlement. The Federal Negotiation Team has representatives from the BIA, Reclamation, National Park Service, BLM, Service, DOI Office of the Solicitor, and Department of Justice.

The main 1,142 square mile (992,463 acres) Hualapai Reservation (Reservation) is located in northwestern Arizona, with the northern boundary along 108 miles of the Colorado River. A separate settlement, the *Hualapai Tribe Water Rights Settlement Agreement* is being negotiated to resolve the Tribe's claims to the Colorado River and the Verde River in Arizona. Further negotiations on discussions of the *Hualapai Tribe Water Rights Settlement Agreement* will proceed in the future, but the timing and terms of this agreement are not known at this time. Due to these uncertainties and because the *Hualapai Tribe Water Rights Settlement Agreement* is not included in the Act (discussed below), the *Hualapai Tribe Water Rights Settlement Agreement* is not addressed further in this document but will be addressed, as appropriate, in future NEPA compliance.

The Tribe also has water rights claims in the Bill Williams River watershed. The Tribe has a 60 acre Executive Order (EO) Reservation within the Big Sandy River basin in the Bill Williams River watershed near Wikieup, AZ. Additionally, there are 650 acres of Indian public domain allotments located in the Big Sandy River basin near the Tribe's EO Reservation. The Tribe's Reservation, the EO Reservation, and the Indian public domain allotments are considered Indian Trust Assets (ITA) that DOI bureaus are responsible for protecting as described in the DOI Manual (512 DM 2). ITAs are discussed further under Section 3.3.4.

## **1.4.2 The Bill Williams River Water Rights Settlement Act of 2014**

The Act, signed into law on December 16, 2014 (Public Law 113-223), directs the Secretary of the Interior (Secretary) to enter into the *Big Sandy River-Planet Ranch Water Rights Settlement Agreement* (Big Sandy River-Planet Ranch Agreement) and the *Hualapai Tribe Bill Williams River Water Rights Settlement Agreement* (Hualapai BWR Agreement) (Agreements). The Agreements settle certain water rights claims among certain parties in the Bill Williams River watershed in Arizona and provide for the Lease to benefit the LCR MSCP.

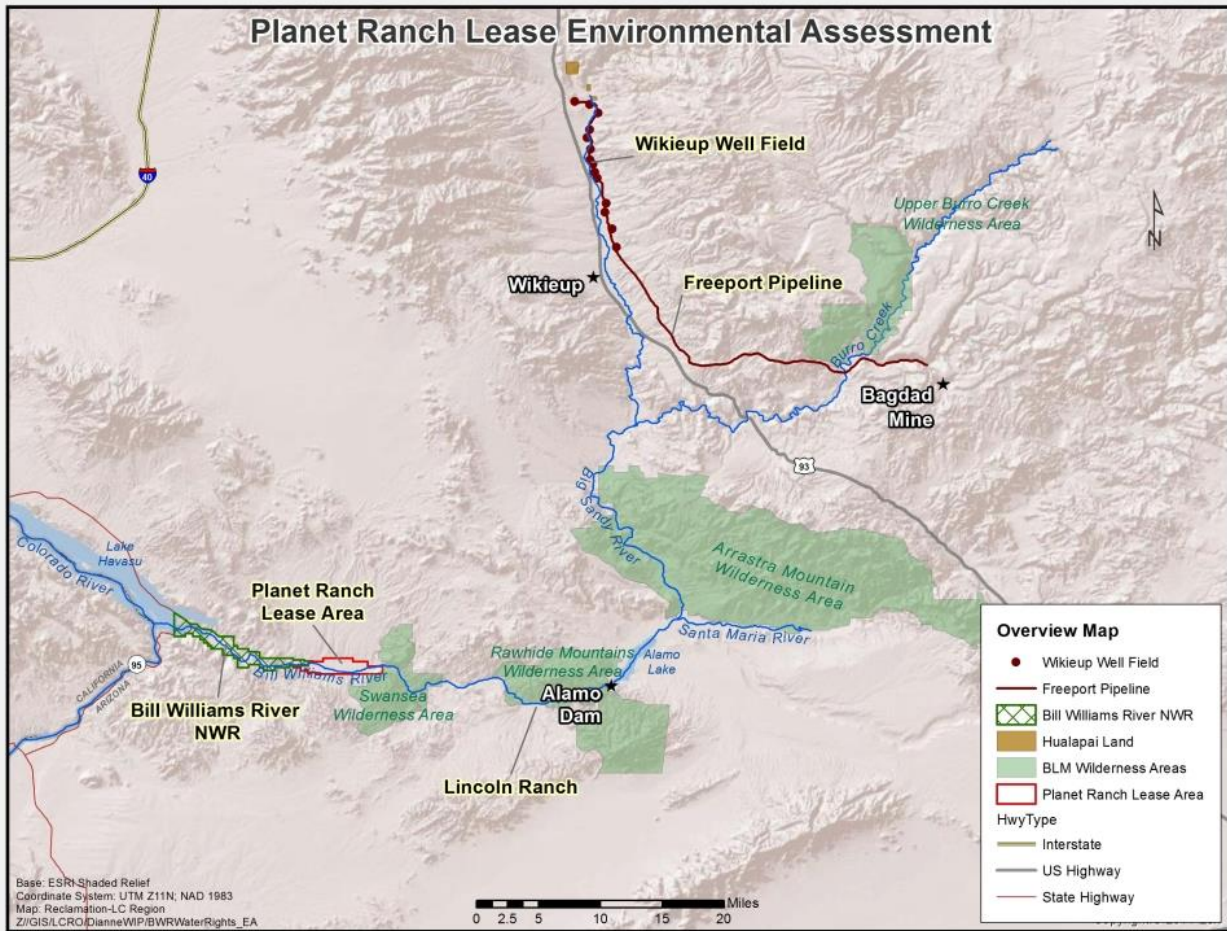
The Act states that execution of the Agreements by the Secretary are not major Federal actions for purposes of section 102 of NEPA and that the Secretary shall comply with all applicable Federal environmental laws including NEPA and the Endangered Species Act of 1973 (ESA) in the implementation of the Agreements and the Act (Appendix A).

## **1.4.3 Big Sandy River-Planet Ranch Agreement**

The Big Sandy River-Planet Ranch Agreement would be executed by the Secretary in a dual capacity representing: 1) DOI and its constituent bureaus and 2) the Tribe; the United States (U.S) as trustee for the Tribe, its members and Allottees. Other executing parties include the Arizona Game and Fish Commission (AGFC) on behalf of the Arizona Game and Fish Department (AGFD); the Arizona Department of Water Resources (ADWR); and Freeport.

The Big Sandy River-Planet Ranch Agreement confirms certain water rights among Freeport, AGFC, the Tribe's EO Reservation, the Indian public domain allotments (referred to as Trust Land parcels), and LCR MSCP.

The Big Sandy River-Planet Ranch Agreement also addresses sever and transfer applications filed with ADWR by Freeport in 2010. Freeport owns and operates the Bagdad mine (Figure 5). Freeport has historical water right claims that support its diversion of subsurface water from the Wikieup well field for the Bagdad mine. Freeport filed sever and transfer applications to transfer water rights from the Planet Ranch and Lincoln Ranch properties to their Wikieup well field to provide additional legal certainty for its diversions of subsurface water. The BIA, BLM, Service, and AGFC filed objections to these applications.



**Figure 5 – Overview of Bill Williams River and Tributaries**

Freeport currently has 40,071 AFY of historical water right claims to support diversions from the Wikieup well field. Through execution of the Big Sandy River-Planet Ranch Agreement, Freeport would agree to limit its combined annual diversions at the Wikieup well field and five groundwater wells to 10,055 AFY, which is their maximum historical annual use. The annual diversion limitation would continue to be binding on all of the 40,071 AFY of historical water right claims, regardless of any subsequent transfer of title of the water rights to third parties or regardless of any future change in place of use or point of diversion for the water rights. Freeport would agree not to sell the lands associated with the Wikieup well field until they permanently cease mining operations at the Bagdad Mine. The BIA, BLM, Service, and AGFC would agree to withdraw their objections to the sever and transfer applications.

The filing of these objections and their withdrawal are not Federal actions subject to NEPA. However, as discussed in Section 1.4.5 below, this EA will analyze the cumulative effects of the withdrawal of these objections to discern and clarify all potential impacts of the DOI implementation of the Big Sandy River-Planet Ranch Agreement. The ADWR has not taken final action on the Federal or AGFC sever and transfer objections, and has not taken action on Freeport’s sever and transfer applications.

The Big Sandy River-Planet Ranch Agreement also provides for Freeport to issue the Lease to Reclamation for the LCR MSCP while concurrently donating the same leased land and water

rights to AGFC. After the transfer of ownership, AGFC would acquire the Lease that was issued to LCR MSCP. A draft version of the Big Sandy-Planet Ranch Agreement can be found in Appendix B.

#### **1.4.4 Hualapai Bill Williams River Agreement**

The Hualapai BWR Agreement would be executed by the Tribe, Freeport, and the Secretary representing the U.S as trustee for the Tribe, its Members and the Allottees. This differs from the Big Sandy River-Planet Ranch Agreement where the Secretary would be executing in a dual capacity.

The Hualapai BWR Agreement settles certain water rights held by the Tribe and Freeport among the Tribe and Freeport, provides protections for the Tribe's water rights through restrictions on Freeport's drilling and pumping in association with the Tribes trust land and fee title parcels, and requires that Freeport provide supplemental water to the trust land parcels in certain circumstances. Freeport would contribute \$1 million toward the Tribe's water supply alternatives study regarding the Tribe's Colorado River claims. Freeport would also contribute to the Tribe's economic development fund. Lastly, the U.S., the Tribe, and Freeport would waive certain future claims related to water rights in the Bill Williams River watershed. A draft version of the Hualapai BWR Agreement can be found in Appendix C.

#### **1.4.5 Analysis of the Big Sandy River-Planet Ranch Agreement and Hualapai BWR Agreement**

The Big Sandy River-Planet Ranch Agreement is comprised of several parts, including the discretionary Federal action, several Federal administrative determinations, and other non-Federal actions which are not under the control or responsibility of the Federal agencies. The discretionary Federal action is Reclamation's acquisition of a lease from Freeport for land and associated water rights within Planet Ranch and includes the maintenance of existing equipment and infrastructure within the Lease area. Consideration of the potential impacts of the Big Sandy River-Planet Ranch Agreement is included in this document. The administrative determinations would not be considered a Federal action as defined by NEPA or other Federal environmental laws; and therefore not subject to further analysis under those laws. Similarly, the non-Federal actions would not be subject to compliance with NEPA. The reason for considering all parts of the Big Sandy River-Planet Ranch Agreement in the analysis is to discern and clarify all potential impacts of DOI implementation of the Big Sandy River-Planet Ranch Agreement that are, and are not, subject to further analysis under NEPA and other Federal environmental laws.

The Hualapai BWR Agreement does not include any Federal actions but outlines obligations of both the Tribe and Freeport. While further analysis of the Hualapai BWR Agreement is not necessary under NEPA, it will be addressed in this NEPA document to determine if there would be any adverse impacts to ITAs and other resources from its implementation.

The Agreements will be addressed in the cumulative impacts section of this EA.

## **1.5 Tiering and Incorporation by Reference**

The CEQ regulations encourage both tiering and incorporation by reference. Tiering refers to following up on analysis contained in a broader EIS with an EIS or EA of a narrower scope, incorporating by reference the general discussions and concentrating solely on the issues specific to the narrower scope EIS or EA. An EA tiered to a broad EIS need only analyze the changes to, or details of, the original proposal not previously analyzed to determine if any of the changes or details result in potentially significant impacts (40 CFR 1502.20).

In order to use the programmatic analysis in the LCR MSCP FEIS/EIR, this EA is tiered to and incorporates by reference the LCR MSCP FEIS/EIR. It summarizes environmental impacts identified in the LCR MSCP FEIS/EIR. The analysis in the EA is focused on only those impacts that were not described in the LCR MSCP FEIS/EIR to determine if any of the previously undescribed impacts would be significant.

## **1.6 Compliance with Environmental Statutes**

This EA complies with all applicable environmental, natural resource, and cultural resource statutes, regulations, and guidelines. The following statutes and regulations are relevant to the proposed project.

American Indian Religious Freedom Act of 1978 (P.L. 95-341)  
National Historic Preservation Act of 1966 (P.L. 89-665), as Amended 1992 (P.L. 102-575)  
Native American Graves Protection and Repatriation Act (P.L. 101-601)  
Archaeological and Historic Preservation Act (P.L. 93-291)  
Archeological Resources Protection Act of 1979 (P.L. 96-95)  
National Environmental Policy Act of 1969 (42 USC 4321)  
Clean Air Act (33 USC 7401) and Amendments  
Clean Water Act (33 USC 1251 et seq.), Sections 401, 402, and 404  
Safe Drinking Water Act (42 USC 300f)  
Endangered Species Act of 1973 (P.L. 93-205)  
Farmland Protection Policy Act (P.L. 97-98)  
Fish and Wildlife Coordination Act of 1958 (PL 85-624)  
Executive Order (EO) 11988 - Floodplain Management (1977)  
EO 11990 - Protection of Wetlands (1977)  
EO 12898 - Environmental Justice (1994)  
EO 13007 - Indian Sacred Sites (1996)  
EO 11593 - Protection and Enhancement of the Cultural Environment (1971)  
EO 13186- Protection of Migratory Birds (2001)  
EO 11514: Protection and Enhancement of Environmental Quality  
EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations  
Migratory Bird Treaty Act (16 U.S.C. 703-711)  
Bald and Golden Eagle Protection Acts (16 U.S.C. 668-668d)  
Secretarial Order 3175: Departmental Responsibilities for Indian Trust Resources

## 2.0 Description of Alternatives

### 2.1 No Action Alternative

Under this alternative the Big Sandy River-Planet Ranch Agreement would not be implemented. Reclamation would not acquire the Lease; consequently the habitat would not be used to meet the goals of the LCR MSCP. Freeport would remain the owner of the entire 8,389 acres of Planet Ranch and associated water rights of 15,561 AFY.

### 2.2 Proposed Action Alternative

#### 2.2.1 LCR MSCP Lease and Donation

Under this alternative the Big Sandy River-Planet Ranch Agreement would be implemented and Reclamation would acquire the Lease. Upon execution of the Big Sandy River-Planet Ranch Agreement, Freeport (lessor) would issue the Lease to Reclamation (lessee) to maintain habitat and implement future restoration projects toward achieving the goals of the LCR MSCP HCP (Reclamation, 2004). The Lease would be in effect until April, 2055. Freeport would retain ownership of the remaining 4,971 upland acres of Planet Ranch and associated water rights of 10,012 AFY. On the same date as the execution of the Lease, Freeport would donate the 3,418 acres of land and 5,549 AFY of associated water rights included in the Lease through a warranty deed to AGFC. Freeport's interests as lessor of the property would then be assigned to AGFC thus making AGFC the lessor and Reclamation the lessee. Until a restoration plan is developed, activities at the lease area would be limited to maintenance of existing facilities as defined in the Lease. Details of the Lease are given below:

#### ***Management Activities***

The Lease would allow Reclamation to engage in habitat restoration and other compatible activities for the benefit of the LCR MSCP. At this time, there are no final plans for modification of the Lease area for habitat development. Future development, operation, and maintenance plans for the Lease area will be reviewed to identify the need for additional NEPA compliance. Reclamation would be responsible for complying with all terms of the Lease and for ensuring appropriate environmental compliance for all Federal actions undertaken by Reclamation on the leased property. As the landowner of the Lease area, AGFC would retain the responsibility for activities undertaken by AGFC that are not considered Federal actions. This responsibility would include completion of any required environmental compliance. AGFC would coordinate with Reclamation to ensure these activities are compatible with the LCR MSCP.

#### ***Lease Fee and Taxes***

Reclamation would pay Freeport \$8,300,000 for the term of the Lease. This amount is based upon an appraisal of the property conducted by the DOI Office of Valuation Services. AGFC would pay voluntary payments in lieu of taxes to Mohave and La Paz Counties for the Lease area.



## Access

Freeport would grant Reclamation and AGFC easements for existing access roads and access to the well(s) located on Planet Ranch lands that are not part of the Lease. Freeport would reserve an easement for access to the Lease area for maintenance purposes on the Planet Ranch property adjacent to the Lease area. The main road from the south leading to the Lease area would be open to the public. Public access to the Lease area from U.S. Highway 95 and Shea and Mineral Wash Roads is shown in Figure 6.

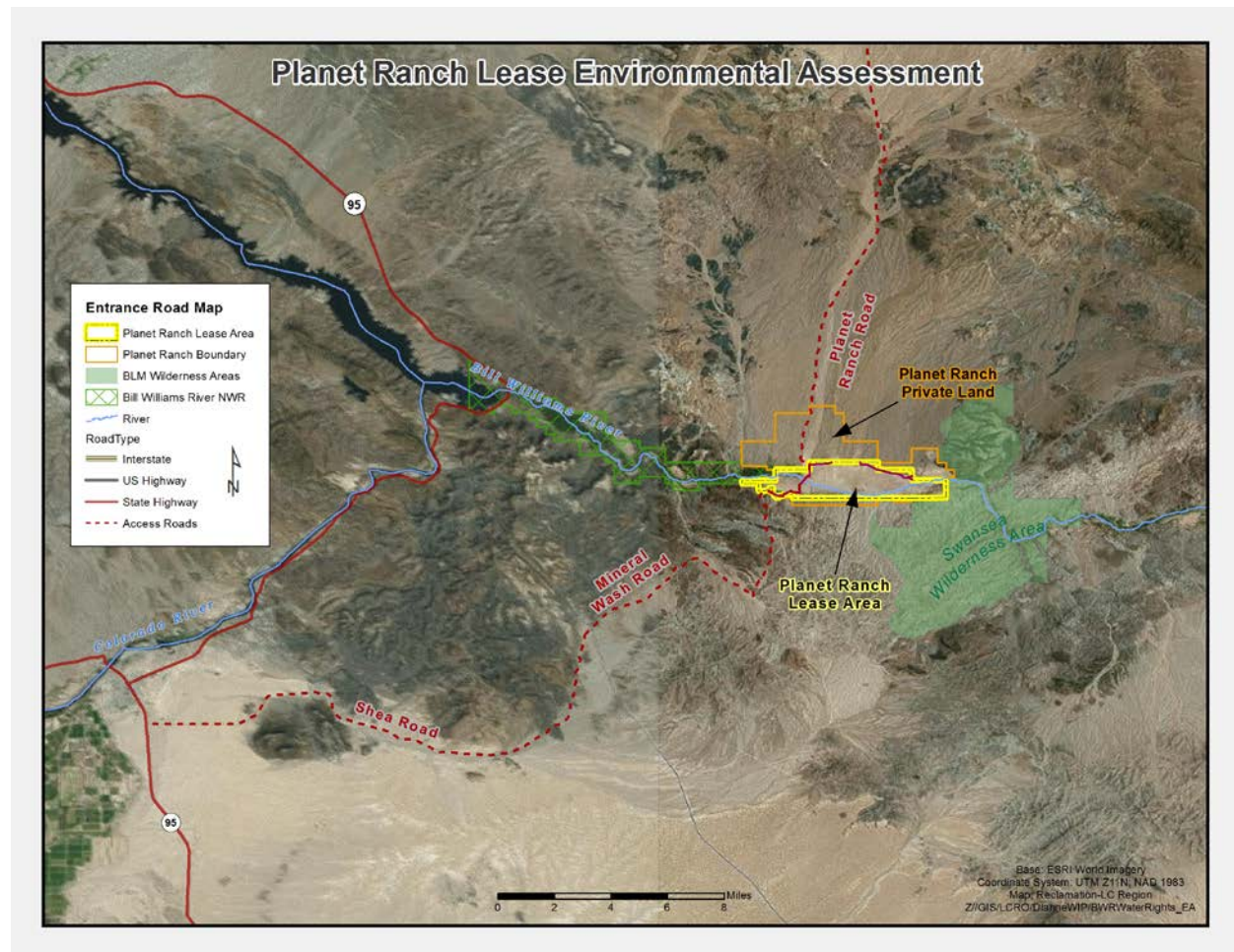


Figure 6- Public Access to the Lease area from U.S. Highway 95 and Shea and Mineral Wash Roads

## Hazardous Materials

A Phase I Environmental Site Assessment (Assessment) is a report that documents evaluation of a parcel of real estate for environmental contamination. A Phase II Assessment is a more detailed report prepared if contamination is identified. A Phase III Assessment is the actual cleanup of the contamination. Phase I, II, and III Assessments were conducted at Planet Ranch when Freeport purchased the property from the City of Scottsdale. All remediation actions were taken by the City of Scottsdale. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 requires that an Assessment be completed one year prior to the date of acquisition of a property. Since the initial Phase I, II, and III were conducted several years ago, a new Phase I Environmental Site Assessment is in progress. It is anticipated that additional remediation actions would not be required. Reclamation has reviewed all previous

Environmental Site Assessments and will review the new Phase I Environmental Site Assessment.

**Equipment and Infrastructure**

The Lease area would include all existing wells, pumps, canals, and all other existing improvements. Reclamation would be responsible for maintenance of existing facilities and roads included in the Lease (Figures 7 and 8).

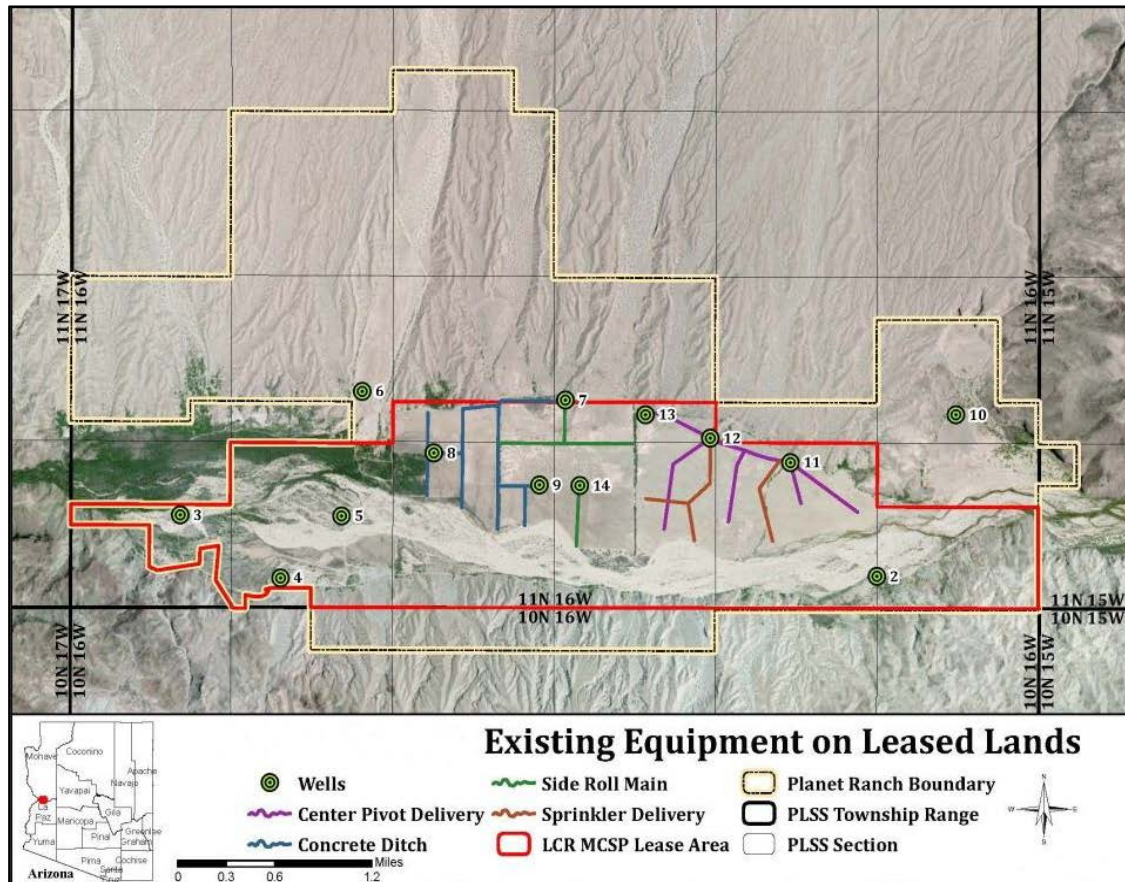


Figure 7- Existing Equipment and Infrastructure within the Lease area



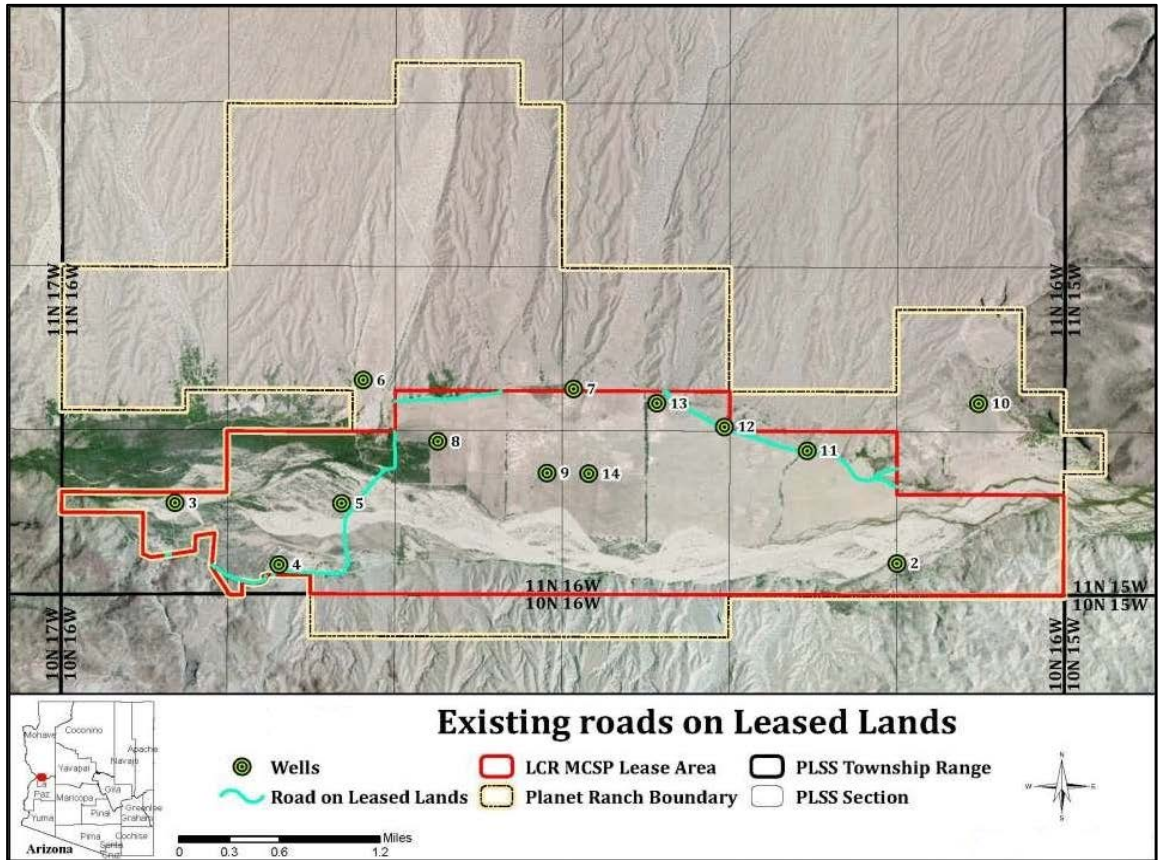


Figure 8- Existing Roads within the Lease area

### 2.3 Alternatives Considered but not Evaluated Further

The Act authorizes and directs the Secretary to secure the Lease for the LCR MSCP, and to bring the Lease area into public ownership by AGFC for the long-term benefit of the LCR MSCP. Acquisition or leasing other land was not considered because it would not meet the intent and requirements of the Act or purpose and need of acquiring the Lease to achieve the specific goals listed in Sections 1.2 and 1.3.

# 3.0 Affected Environment and Environmental Consequences

## 3.1 Proposed Action Analysis Method

This section includes information for each resource potentially affected by the Proposed Action and a discussion of environmental consequences of the Proposed Action and No Action alternative. The area of analysis for the impacts of the Proposed Action is the Lease area unless otherwise indicated. Future restoration development and maintenance plans for the Lease area have not been developed consequently preventing site specific analysis of impacts. Because of this the potential impacts of management of the Lease area for LCR MSCP purposes, including habitat restoration and compatible activities are addressed in a general manner.

The analysis of the Proposed Action will include both direct and indirect effects. The CEQ Regulations define direct effects as those which are caused by the action and occur at the same time and place. The CEQ Regulations define indirect effects as those which are caused by the action and occur later in time or farther removed in distance.

The environmental consequences described in Section 3.3 focus on impacts specific to the Proposed Action that were not described in the LCR MSCP FEIS/EIR.

### 3.1.1 Resources Not Discussed Further

The Proposed Action is limited to acquisition of the Lease. Until a restoration plan is developed, activities at the Lease area would be limited to maintenance of existing facilities as defined in the Lease. Due to the limited scope of the Proposed Action, the following resource areas were considered but are not further addressed in this document because they would not be impacted by the Proposed Action: Aesthetics, Air quality, Topography, Geology, Soil, Mineral Resources, Noise, and Water Quality. It was determined that Agricultural Resources and Transboundary Impacts were adequately addressed in the in the LCR MSCP FEIS/EIR Sections 3.2 and 3.18. Potential impacts to Floodplains and Wetlands are addressed under Section 3.3.2. “Biological Resources.” Brief summaries of these three resource areas and Greenhouse Gases (GHG) and Climate Change are below.

- **Floodplains and Wetlands-** Federal activities in floodplains and wetlands are guided in part by two Executive Orders. EO 11988 “Floodplain Management” and EO 11990 “Protection of Wetlands” direct Federal agencies to minimize impacts to these resources and restore and preserve the natural and beneficial values served by floodplains and wetlands when acquiring, managing, and disposing of Federal land and facilities, conducting or funding construction, or conducting programs affecting land use.

Portions of the Lease area are located within the floodplain of the Bill Williams River (FEMA, 2014) and have soil moisture and depth to groundwater that would support the establishment of wetland vegetation (USBR 2005). The Bill Williams River NWR is also located partially in the floodplain of the Bill Williams River. The Bill Williams River NWR supports diverse riparian vegetation as a result of subsurface and surface water.

Acquisition of the Lease would have a beneficial impact to floodplains and wetlands within the Lease area and on the Bill Williams NWR. All actions within the Lease area would comply with EO 11988 and EO 11990. These benefits are discussed further under Section 3.3.2.

- **Agricultural Resources-** The Farmland Protection Policy Act (FPPA) (7 U.S.C. 4201) was enacted to minimize the extent that Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses and to assure that Federal programs will be compatible with State and local programs and policies. The FPPA does not prevent Federal agencies from converting farmland to non-agricultural uses, but requires that Federal agencies identify and take into account potential adverse effects of the proposal and consider alternatives that decrease the potential adverse effects. The FPPA applies to prime, unique, and statewide and locally important farmland, collectively referred to as “Important Farmland”.

The Off-Site Conservation Area Alternative in the LCR MSCP FEIS/EIR included 7,772 acres of habitat development on the Muddy River/Moapa Valley and Virgin River, Bill Williams River, and the Lower Gila River. At the time the LCR MSCP FEIS/EIR was prepared, Important Farmland had been mapped only on the Lower Gila River, and to date has not been mapped on the Bill Williams River. For the purposes of the LCR MSCP FEIS/EIR analysis, as a worst case scenario, all farmland along the Bill Williams River and other proposed off-site conservation areas was considered Important Farmland. It was determined that if all conservation area establishment occurred on farmland, it would represent 76 percent of the total farmland along the Bill Williams River. Overall, the impact of the Off-Site Conservation Area Alternative on agricultural resources was not found to be significant because the potential development of 7,772 acres of agricultural land in the three areas represented only 2.8 percent of the total 269,000 acres of agricultural land in the LCR MSCP planning area.

At this time there are no final plans for modification of the lands for LCR MSCP habitat development. Any future NEPA compliance for habitat development would include a review to determine if any Important Farmland would be irreversibly altered.

- **Transboundary Impacts-** The LCR MSCP FEIS/EIR evaluated transboundary impacts for the LCR MSCP, and determined there would be no transboundary impacts from conservation areas such as Planet Ranch that are located off the main-stem of the Colorado River. No further analysis is needed.
- **Greenhouse Gases and Climate Change-** A solid body of scientific evidence supports the theory that rising global GHG emissions are significantly affecting the Earth’s climate (IPCC, 2014). The primary GHGs are carbon dioxide (CO<sub>2</sub>), methane, nitrogen dioxide, and fluorinated gases. Human induced emissions such as the burning of certain types of fuels are one means of release of GHGs in the atmosphere. The Proposed Action is primarily administrative. A small amount of greenhouse gases may be emitted if vehicles or various other fuel using equipment were used during maintenance activities at the Lease area. These emissions would be intermittent and are not expected to have a quantifiable impact on regional greenhouse gas emissions. In accordance with the draft CEQ guidance on Consideration of GHGs and the Effects of Climate Change in NEPA

Reviews (CEQ 2014), no further analysis of GHGs was determined necessary at this time. Any future NEPA compliance for restoration and additional maintenance activities would include analysis of GHGs as appropriate.

### **3.1.2 Resources Discussed Further in this EA**

The following resources are discussed under Section 3.3: Hydrology, Biological Resources, Cultural Resources/Traditional Cultural Properties/Sacred Sites, Indian Trust Assets, Land Use, Recreation, Socioeconomics, and Environmental Justice.

## **3.2 Cumulative Impact Analysis Method and Identified Cumulative Actions**

Cumulative impacts are defined as impacts to the environment that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes the action. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time (40 CFR 1508.7).

This analysis will address the cumulative impacts of the Proposed Action in combination with other projects or management activities. Table 1 identifies activities (past, present, and reasonably foreseeable) that are either located in the vicinity of the Lease area or have been identified as having the potential for cumulative impacts when considered in addition to the impacts of the Proposed Action. These actions will be addressed as appropriate in Section 3.3. Since the activities would not necessarily impact all resource areas, the cumulative impacts section for each resource will begin with a summary of the activities having potential for cumulative impacts.

**Table 1 - Actions Considered for Cumulative Impacts Analysis**

Type of Activity/ Project Name	Description	Location
Big Sandy River-Planet Ranch Settlement Agreement	An overview of the major provisions of this Agreement is provided in Section 1.4.3. The Big Sandy River-Planet Ranch Agreement was reviewed to determine which parts may have potential cumulative impacts with respect to the Proposed Action. Based on this analysis, this cumulative impact analysis of the Big Sandy River-Planet Ranch Agreement will focus on the Freeport sever and transfer of water rights and associated activities including the 10,055 AFY limitation on diversions, specifically the cumulative water use in the Bill Williams River watershed.	Mohave County
Hualapai BWR Agreement	An overview of the major provisions of this Agreement is provided in Section 1.4.4. The Hualapai BWR Agreement was reviewed to determine which parts may have potential cumulative impacts with respect to the Proposed Action. The cumulative impact analysis of the Hualapai BWR Agreement will focus on potential impacts to ITAs, land uses, and socioeconomics.	Mohave County
Bagdad Mine Stockpile Extension Project	The BLM has initiated the NEPA process for a proposal by Freeport to modify their Mine Plan of Operations (MPO) at the Bagdad Mine, located in Yavapai County west of the unincorporated community of Bagdad, Arizona. The proposed modification would authorize the extension of an existing, consolidated leach and waste rock stockpile on the south side of the mine. The modification also requests the installation of limited, future distributed facilities south of the stockpile. In addition, Arizona Public Service Company has submitted a proposed amendment to an existing right-of-way for the construction of access roads to maintain a 115-kilovolt power line in the same geographic area as the MPO modification area. The MPO modification and right-of-way amendment propose new surface disturbance to approximately 600 acres of public land managed by the BLM and approximately 90 acres of private land.	Yavapai County
Interstate 11 Corridor	Federal legislation enacted in 2012, <i>Moving Ahead for Progress in the 21<sup>st</sup> Century</i> (MAP-21), designates U.S. Highway 93 as future Interstate 11 between Phoenix and Las Vegas. Upgrading U.S. Highway 93 to a four-lane divided highway is in progress and has been completed in many locations. U.S. Highway 93 passes through the Bill Williams River watershed and the community of Wikieup.	Mohave and Yavapai county

Type of Activity/ Project Name	Description	Location
Watershed Land Jurisdiction	A summary of the land jurisdiction in the Bill Williams River watershed is given in Section 3.3.5.	Mohave, La Paz, and Yavapai County
Recreation Opportunities	Recreation opportunities are summarized in Section 3.3.6.	Mohave and La Paz County
Special Designations/Wild and Scenic River	Upstream from Planet Ranch, 20.5 miles of the Bill Williams River are suitable for inclusion into the National Wild and Scenic Rivers System. Congress has not acted on these determinations. Pending congressional action, these segments would be managed to protect their “outstandingly remarkable values” identified by the interdisciplinary team that make the segments eligible for inclusion in the National System and protected under the Wild and Scenic Rivers Act.	Mohave and La Paz County
Freeport/AGFC Farming Contract	Freeport has issued a Farming Contract that allows for the farming and irrigation of lands at Planet Ranch to support cattle grazing. Under the terms of the Big Sandy-Planet Ranch Agreement, AGFC would assume management of this contract because the lands are within the Lease area and continue existing agricultural practices under the contract until initiation of restoration activities. There are 72 grazing allotments managed by the BLM’s Lake Havasu, Kingman, and Hassaympa District Offices within the Bill Williams River watershed.	Mohave and La Paz county
LCR MSCP Lease area restoration	The LCR MSCP is planning to conduct habitat restoration and maintenance on the Lease area in the future. This future activity is considered throughout this document.	Mohave and La Paz county

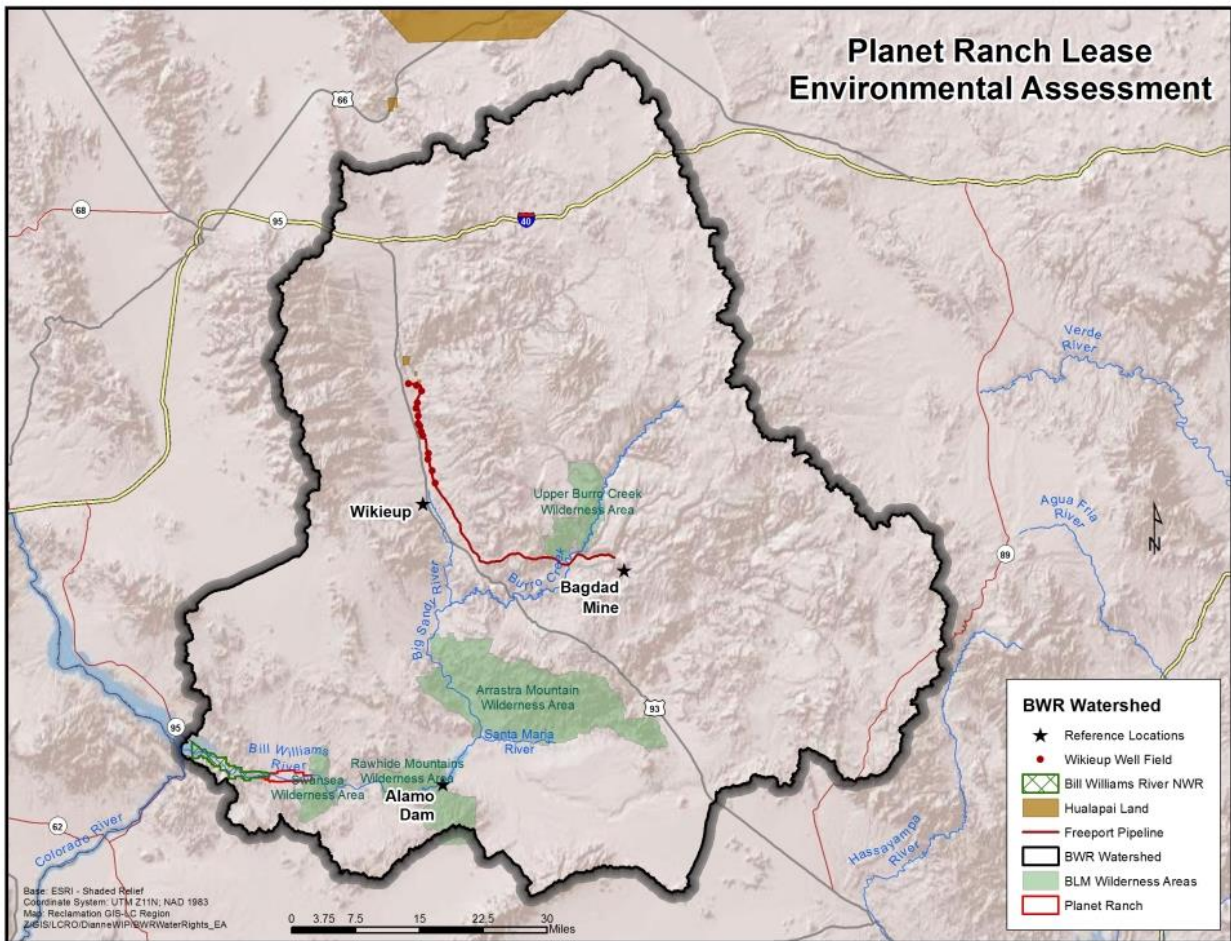
### 3.3 Affected Environment and Environmental Consequences

#### 3.3.1 Hydrology

##### 3.3.1.1 Affected Environment

The size of the Bill Williams River watershed is approximately 5,400 square miles. The watershed is drained by the Bill Williams River and its major tributaries, the Big Sandy and the Santa Maria Rivers (Figure 9). The Bill Williams River is the largest river in northwestern Arizona and the largest tributary to the Colorado River between Hoover and Imperial Dams (USGS, 2002).





**Figure 9- Bill Williams River Watershed**

The confluence of the Big Sandy and Santa Maria Rivers is located approximately 8 miles upstream from Alamo Dam. Downstream from Alamo Dam, the Bill Williams River flows in a westerly direction for about 40 miles before forming a broad delta at its confluence with the Colorado River at Lake Havasu (USACE, 2003).

The Big Sandy River is the predominant contributor of streamflow on the Bill Williams River, contributing approximately two-thirds of the watershed's annual flow production with the Santa Maria River contributing about one-third of the annual inflow. Most the runoff into the Big Sandy River comes from three main tributaries, Knight Creek and Trout Creek at the north end of the Big Sandy Valley and Burro Creek which flows in from the northeast upstream of the confluence of the Big Sandy and Santa Maria Rivers.

Flows in the Bill Williams River below Alamo Lake are regulated by Alamo Dam, which is owned and operated by the U.S. Army Corps of Engineers (USACE). Prior to construction of Alamo Dam in 1968, flows in the Bill Williams River were intermittent and widely varying. The result of regulation of the river has been a reduction in peak flows, an increase in base-flow, as well as periods of no flow in portions of the river downstream from the dam (AZ Geologic Survey, 1999).

Flows below Alamo Dam are regulated by the USACE based on a release schedule specified in the 2003 Alamo Dam and Lake Water Control Manual (USACE, 2003). The mean annual flows for the Big Sandy River are a reflection of storm events occurring during any given water year which greatly influence the magnitude of annual water yield. Table 2 provides a comparison of the flows in these two rivers.

**Table 2 - Bill Williams and Big Sandy River Discharge History**

River	Period of Record	Stream gage location	Mean annual discharge AFY	Lowest annual discharge AFY	*Water Year	Highest annual discharge AFY	Water Year
Bill Williams River	1970-2013	Immediately below Alamo Dam	93,021	1,484	1975	691,565	1993
Bill Williams River	1993-2009	Near Parker, AZ	83,063	843	2004	615,220	1993
Big Sandy River	1967-2013	Upstream of Alamo Lake	63,347	2,208	2000	523,524	2005

Source: U.S.G.S., 2015

\*The water year time periods are from October 1 of a given year to September 30 of the following year. Example: The 1975 water year starts October 1<sup>st</sup> of 1974 and ends September 31<sup>st</sup> 1975.

Below Alamo Dam, the Bill Williams River flows through a series of tight canyon reaches interspersed with several broad alluvial valleys, among which the Planet Valley, where Planet Ranch is located, is the largest. The hydrology of the Bill Williams River below Alamo Dam is characterized by intervening reaches of perennial flow, intermittent flow and reaches that are ephemeral in nature (with surface flows only appearing during large rain events). Continuous surface flow along this reach of the Bill Williams River typically will only occur from runoff during large rain events or when releases from Alamo Dam exceed approximately 500 cubic feet per second for at least a 24-hour period. This is due to the floodplain's deep alluvium and significant storage capacity within the largely coarse grained sediments (USGS 2002).

There is an aquifer along the Bill Williams River corridor between Alamo Dam and Lake Havasu that is hydraulically connected to surface flow in the channel throughout a large section of the reach. This aquifer, or underground layer of water, is contained by sandstone and alluvial (unconsolidated rock and silt) material beneath the floodplain of the river and provides a substantial volume of subsurface storage below the floodplain surface (Wilson and Owen-Joyce, 2002). Water is added to storage within the aquifer during periods of high flow in the river; during periods of low flow, out flow from this aquifer maintains base flows in downstream sections of the river where nearly impermeable consolidated rock is located near the surface. The portion of the river aquifer in Planet Valley (including the upstream end of the Bill Williams River NWR), provides the largest volume of subsurface storage in the lower Bill Williams River reach and buffers against changes in base flow in the Bill Williams River NWR (USGS 2002).

At Planet Valley the aquifer is about six miles wide and as much as 400 feet deep. Aquifer storage in Planet Valley is a major control of base flow into the Bill Williams River NWR.



Aquifer mapping has illustrated that while the channel of the river through Planet Valley may be dry, water infiltrates into the uppermost layer of the river aquifer at the head of Planet Valley and is probably concentrated along the center and southwestern part of the valley, as indicated by high specific capacities of wells in those areas. Because of the gradient of the water table and the depth of the alluvium, surface flow reappears in the channel about 0.3 miles downstream from the Bill Williams River NWR boundary near the west end of Planet Valley and is present through approximately half of the Bill Williams NWR (Figure 10). The quantity of surface flow in the Bill Williams River as it enters the Bill Williams River NWR is substantially influenced by movement of water back and forth between the river channel and the river aquifer and by the quantity of water lost to evaporation, transpiration, and agricultural usage between the Bill Williams River NWR and Alamo Dam (USGS, 2002).

Freeport is currently utilizing a minimum of 5,549 AFY of water to irrigate approximately 925 acres at Planet Ranch for agricultural purposes including cattle grazing and has plans to fully utilize its certificated water rights at Planet Ranch if the Proposed Action is not implemented.



**Figure 10- Surface flow on the Bill Williams River NWR near west end of Planet Ranch (2014)**

### **3.3.1.2 Environmental Consequences**

#### **3.3.1.2.1 No Action**

Under the No Action alternative, Freeport's current level of irrigation may increase to its fully certificated waters rights of 15,561 AFY at Planet Ranch. This volume of water would not be available in the Planet Valley aquifer and, therefore, would not contribute to base flows of the Bill Williams River on the Bill Williams River NWR. If the entire 15,561 AFY were used for agriculture, it would be approximately 18.7% of the average annual volume of 83,063 AFY

measured at the Bill Williams River gage near Parker, AZ. Reclamation would not lease the water rights for the benefit of LCR MSCP restoration objectives.

### **3.3.1.2.2 Proposed Action**

The analysis area for impacts to hydrology includes the Lease area and the Bill Williams River downstream to the confluence of the Colorado River. Under the Proposed Action, 3,418 acres of Planet Ranch and 5,549 AFY of water rights would be leased to LCR MSCP for the long-term benefit of future LCR MSCP restoration objectives. A maximum of 5,549 AFY of water could be used which is 10,012 AFY less than what may be used under the No Action alternative.

The Proposed Action would have an indirect beneficial impact to hydrology because there would be fewer water rights available for use at Planet Ranch; potentially resulting in more water remaining within the Planet Valley aquifer and contributing to base flows of the Bill Williams River.

### **3.3.1.2.3 Cumulative Impacts**

The analysis area for potential cumulative impacts to hydrology was defined as the Bill Williams River watershed. The actions from Table 1 considered for potential hydrologic cumulative impacts are the sever and transfer of water rights associated with the Big Sandy River-Planet Ranch Agreement, the Bagdad Mine Stockpile Expansion project, the Freeport/AGFC farming contract, and LCR MSCP Lease area restoration.

The Big Sandy River-Planet Ranch Agreement specifies that upon withdrawal of objections to Freeport's sever and transfer applications by BIA, BLM, Service, and AGFC; ADWR would issue a Conditional Order approving the sever and transfer of water rights held by Freeport. The sever and transfer would result in the transfer of approximately 8,873 AFY of water rights from Planet Ranch, and approximately 1,182 AFY from Lincoln Ranch (both ranches are located below Alamo Dam) to the Wikieup wellfield above Alamo Dam. These water rights would no longer be available for use at Planet and Lincoln Ranches. Because the water rights that would be severed and transferred would be used to support Freeport's existing use of water from the Wikieup wellfield, a reduction in the volume of water available for use at Planet and Lincoln Ranches may lead to more water being available along the Bill Williams River from Lincoln Ranch to the Bill Williams River NWR.

Freeport currently has 40,071 AFY of historical water right claims to support diversions from the Wikieup well field. Through execution of the Big Sandy River-Planet Ranch Agreement, Freeport would agree to limit its combined annual diversions from the Wikieup well field to 10,055 AFY. The 10,055 AFY limitation number represents the maximum annual delivery of water from the Wikieup well field between 1995 and 2010. This limitation would have a beneficial impact to hydrologic resources, since fewer surface water rights would be exercised at the Wikieup well field. The requirement that the annual diversion limitation would continue to be binding on all of the 40,071 AFY of historical water right claims, regardless of any subsequent transfer of title of the water rights to third parties or regardless of any future change in place of use or point of diversion for the water rights provides additional assurance that these surface water rights would not be exercised.

Actual water diversions from the Wikieup well field may affect surface water flows (Shafroth et.al. 2000). The surface-subsurface water connectivity is not well known in the Big Sandy River basin but it is believed that pumping of subsurface water may affect the surface water resource. Freeport currently diverts water from the Wikieup well field, and has done so since 1977; therefore the mean annual discharges shown for the Big Sandy River (the stream gauge closest to the Wikieup well field) in Table 2 may reflect existing pumping. The actual annual amount that Freeport would divert from the Wikieup well field in the future is not known but capped at 10,055 AFY. If their pumping rates remain consistent with their current pumping, mean annual discharges shown in Table 2 for the Big Sandy River are not expected to change as a result of pumping. However, since 10,055 AFY is Freeports maximum historical annual use, if they were to divert this amount every year, this could lead to lesser amounts of water in the basin and lower surface flows in the river. This may result in lower flows in the Big Sandy River, resulting in less water flowing to and through public land and the Arrastra Mountain Wilderness. Any potential decreases in the Bill Williams or Big Sandy River flows due to subsurface pumping would likely have the greatest effect on surface water during relatively dry water years and during the lowest flow period in the driest months of average water years.

The Bagdad Mine Stockpile Extension Project is proposed by Freeport in support of continued operations at the Bagdad Mine. Impacts in addition to those described above for hydrology are not anticipated because water use at the mine would be subject to the 10,055 AFY limitation.

Because of the connection between the Planet Valley aquifer and surface flows on the Bill Williams River, Freeport's current water use of up to 5,549 AFY at Planet Ranch for the Farming Contract represents approximately 6.5% of the average annual volume of water that passes through the lower Bill Williams River based on the average annual volume of 83,063 AFY measured near Parker, AZ. During years with average or above average streamflow this is not expected to have a measurable impact on the Bill Williams River NWR. A measurable impact could potentially be seen if there is a sustained decrease in surface flows during periods of drought, which may result in longer distances of subsurface-only flows on the Bill Williams River NWR. This volume of water use is expected to continue when the farming contract is assigned to AGFC. The use of up to 5,549 AFY in association with the LCR MSCP Lease area restoration would not result in any additional impacts to hydrology from those described above. Although surface flows may be reduced from this water use during dry periods, the reduction in surface flows would be considerably less than if the entire 15,560 AFY were used for agriculture as described in Section 3.3.1.2.1.

In summary, potential cumulative impacts from the Proposed Action, the Big Sandy-Planet Ranch Settlement Agreement, the Bagdad Mine Stockpile Expansion project, the Freeport/AGFC farming contract, and LCR MSCP Lease area restoration are expected to be largely beneficial to hydrologic resources. This beneficial impact would be due to the reduced amount of surface water rights that would be exercised in the Bill Williams River watershed, potentially increasing the availability of water in the watershed.

### 3.3.2 Biological Resources

#### 3.3.2.1 Affected Environment

Vegetation within the Lease area is characterized as barren-open space or herbaceous vegetation, cottonwood-willow, mesquite, and saltcedar. Small areas of suitable habitat for Federally listed species occur on the western third of the Lease area. The remaining two thirds of the Lease area has experienced high levels of ground disturbance and habitat alteration as a result of farming and ranching activities. Currently, the majority of Planet Ranch is divided into farm fields equipped with a variety of irrigation systems, such as flooding, wheel lines, pivot, and solid set sprinklers (Figure 7). Vegetation in the farm fields consists largely of exotic species and alfalfa but there are surrounding areas with sparse upland vegetation typical of the Sonoran Desert.

Due to the amount of agricultural development on the Lease area, common wildlife may only use these areas for foraging, migration from surrounding habitat, or other irregular opportunistic occurrences. It is unknown if wildlife surveys, outside the extent of those done by LCR MSCP or the Service, have been completed on the Lease area but it is assumed that species diversity is relatively low as a result of degraded habitat conditions when compared to upstream or down stream habitats and undisturbed uplands that have not been converted to agricultural fields.

Vegetation directly upstream of the Lease area includes a riparian corridor within a narrowing canyon with the exception of the agricultural fields located at Lincoln Ranch, about 13 miles upstream of the Lease area. Vegetation immediately downstream of the Lease area consists of a robust riparian corridor within the Bill Williams River NWR. A mix of upland desert, marsh, and riparian habitat on the Bill Williams River NWR provides habitat for a diverse array of birds, fish, mammals, and reptiles. Common birds present in the area include species such as the song sparrow (*Melospiza melodia*), yellow warbler (*Setophaga petechial*), yellow-breasted chat (*Icteria virens*), black rail (*Laterallus jamaicensis*), and elf owl (*Micrathene whitneyi*). Almost 350 species of migratory birds have been identified along the Bill Williams River, mainly the Bill Williams River NWR, including resident, wintering, summer breeding, or migrating species. Non-native fish species such as the largemouth (*Micropterus salmoides*) and small mouth (*Micropterus dolomieu*) bass, outnumber native species in the Bill Williams River. Native species including the razorback sucker (*Xyrauchen texanus*) and bonytail chub (*Gila elegans*) have been stocked in Lake Havasu on the Colorado River near the mouth of the Bill Williams River. Mammal species present in the area include beaver (*Castor canadensis*), bobcat (*Lynx rufus*), mountain lion (*Puma concolor*), gray fox (*Urocyon cinereoargenteus*), javelina (*Tayassu tajacu*), mule deer (*Odocoileus hemionus*), desert bighorn sheep (*Ovis canadensis nelsoni*), and ringtailed cat (*Bassariscus astutus*). Complete species lists for the area can be found at [http://www.fws.gov/refuge/bill\\_williams\\_river/](http://www.fws.gov/refuge/bill_williams_river/).

According to the automated U.S. Fish and Wildlife Service Information, Planning, and Conservation System (IPAC) query conducted on July 28<sup>th</sup>, 2014:

- Federally listed species that may occur within the Lease area or immediately upstream or downstream of the Lease area include: California least tern (*Sterna antillarum browni*), southwestern willow flycatcher (*Empidonax traillii extimus*), yellow-billed cuckoo (*Coccyzus americanus*), Yuma clapper rail (recently renamed Ridgway's rail) (*Rallus obsoletus yumanensis*), and northern Mexican gartersnake (*Thannophis eques megalops*).

- Candidate species for listing that may occur in the Lease area include relict leopard frog (*Lithobates onca*), Sprague's pipit (*Anthus spragueii*), roundtail chub (*Gila robusta*), and Sonoran desert tortoise (*Gopherus morafkai*).
- Species with proposed (p) or designated (d) critical habitat within or directly adjacent to the Lease area include the yellow billed cuckoo (p), southwestern willow flycatcher (d) and northern Mexican gartersnake (p).

The western portion of the Lease area overlaps with 501.8 acres of critical habitat designated for the southwestern willow flycatcher and 553.6 acres of critical habitat proposed for the yellow-billed cuckoo (Figure 11). Critical habitat overlaps for these two species and originates at the confluence of the Colorado River and Bill Williams River. Surveys completed by LCR MSCP staff have detected southwestern willow flycatcher and yellow-billed cuckoo on the Bill Williams River NWR and in close proximity to wells number 3, 4, and 5 (S. Kokos, Personal Communication, 2015). LCR MSCP bird surveys have not detected California least tern, Sprague's pipit, or Yuma clapper rail on the Bill Williams River NWR (S. Kokos, Personal Communication, 2015). It is unlikely, but California least tern may intermittently occur on the Lease area since there have been detections in Mohave and Pima counties (L. Fitzpatrick, Personal Communication, 2015). Sprague's pipit may occupy alfalfa or fallowed fields during winter months. Habitat for Yuma clapper rail on the Bill Williams River is considered low quality nesting habitat and it is unlikely this species would occur within the Lease area, but surveys completed by the Service have detected Yuma clapper rails on the Bill Williams River delta near Lake Havasu and one wintering observation within the Lease area (K. Blair, Personal Communication, 2015.). Other migratory bird species may occasionally occur in areas near equipment, infrastructure, or roads.

Proposed critical habitat for the northern Mexican gartersnake occurs from the confluence of the Colorado River and Bill Williams River upstream to Alamo dam (Figure 11). In 2011 and 2012, surveys were completed by the AGFD, under the auspices of the LCR MSCP, for lowland leopard frogs (*Lithobates yavapaiensis*) along the Bill Williams River from the confluence with Lake Havasu (Colorado River) upstream to a point east of Planet Ranch on BLM managed land. LCR MSCP completed the surveys because the lowland leopard frog is not Federally listed but is an evaluation species under the LCR MSCP, a sensitive species by USFS and BLM, and a species of concern in Arizona. During the surveys, ten northern Mexican gartersnakes were captured in funnel traps along the Bill Williams River on BLM land upstream of the Planet Ranch property in 2012 (Cotten and Grandmaison, 2013). However, it is important to note that the surveys from 2011-2013 were targeted for the frog and the Colorado River toad, not the northern Mexican gartersnake so methods, trap placement, location, and timing would be different depending upon the targeted species (T. Cotton, Personal Communication with L. Sabin, 2013). Habitat within the Lease area is not generally considered suitable for the northern Mexican gartersnake and the lowland leopard frog because both species require the presence of wetland sources which do not occur on the agricultural fields within the Lease area because the Bill Williams River is subsurface (Rosen and Schwalbe 1988). However, the lowland leopard frog, northern Mexican gartersnake, and other aquatic species may be washed downstream by high flows from Alamo Dam or flood events.

IPAC query results included the Sonoran desert tortoise which may occur on the uplands surrounding the Lease area. Suitable habitat for the Sonoran desert tortoise also does not occur within the majority of the Lease area because the agricultural area is lacking native upland

species like creosote and bursage, the soils have been cultivated so they no longer are suitable for tortoises to dig burrows or find cover, or the habitat contains riparian vegetation which is not tortoise habitat. There is upland habitat on the northern and southern borders of the Lease area that could be suitable for desert tortoise but they are outside of the areas where maintenance activities are anticipated to occur. However, Sonoran desert tortoises may wander into the Lease area from surrounding habitat.

The automated IPAC query results included species that are not believed to occur in the area and will not be impacted by the action. The species that will not be analyzed further in this EA are the relict leopard frog (*Rana onca*) and roundtail chub (*Gila robusta*). Relict leopard frogs are not found in the Lease area or on the Bill Williams River NWR (L. Fitzpatrick, Service, Personal Communication, 2015). Roundtail chub are not found on the Bill Williams River below Alamo Dam but occur much farther upstream in Burro Creek and in other tributaries to the Bill Williams River upstream of Alamo dam (L. Fitzpatrick, Personal Communication, 2015 and CRFWC, 2006).

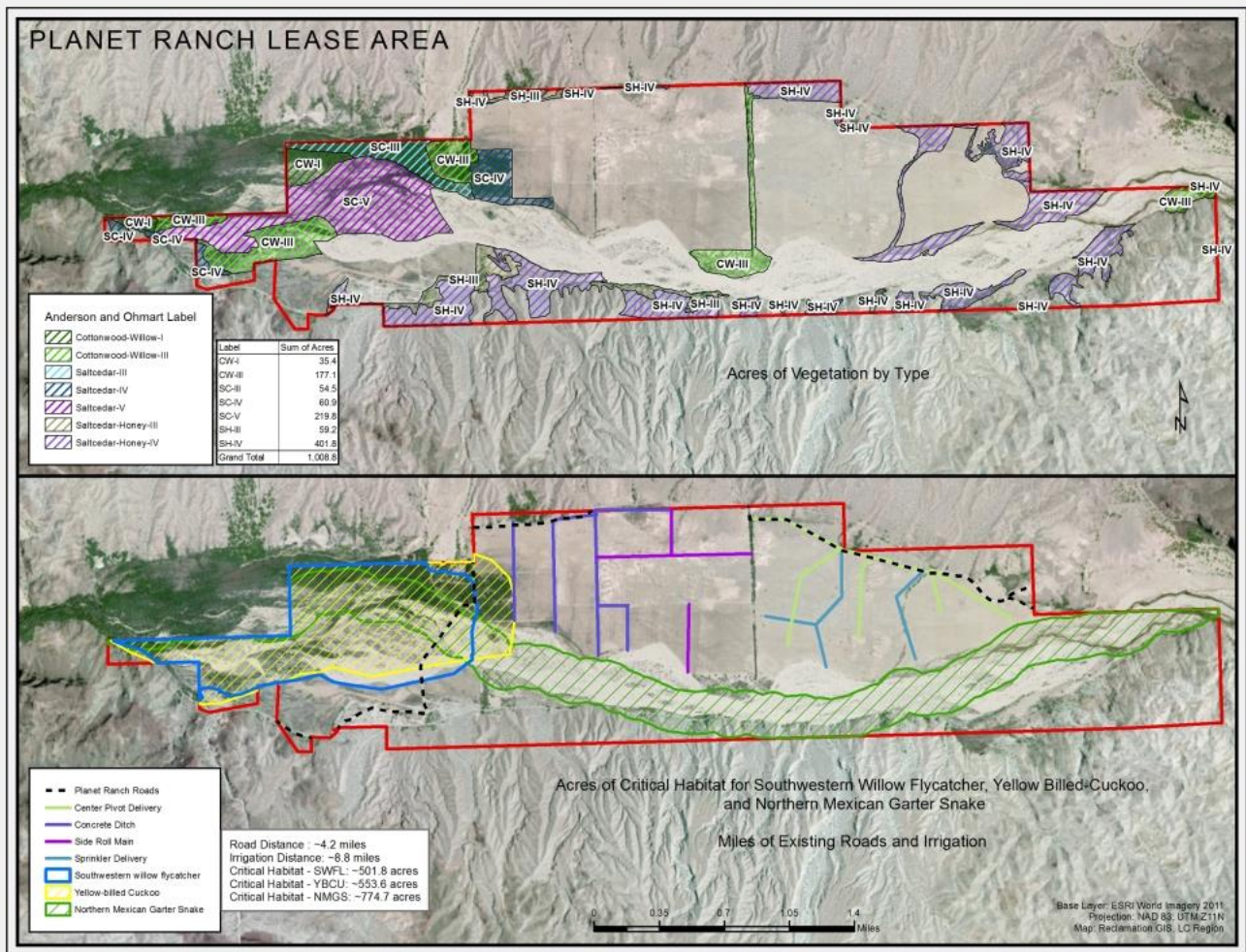
The IPAC query results also identified ten migratory birds of conservation concern that may occur within or near the Lease area. Birds of conservation concern are those species that have been identified by the Service, beyond those already identified as Federally threatened or endangered, that represent the Service's highest conservation priorities. The list included Bell's vireo (*vireo belli*), black-chinned sparrow (*Spizella atrogularis*), Brewer's sparrow (*Spizella breweri*), Costa's hummingbird (*Calypte costae*), Le Conte's thrasher (*Toxostoma lecontei*), least bittern (*Ixobrychus exilis*), Lucy's warbler (*Vermivora luciae*), prairie falcon (*Falco mexicanus*), snowy plover (*Charadrius alexandrinus*), and the Sonoran yellow warbler (*Dendroica petechial ssp. Sonorana*).

### **3.3.2.2 Environmental Consequences**

#### **3.3.2.2.1 No Action**

If Freeport were to use their maximum certificated water rights at Planet Ranch, this use may negatively impact approximately 1,008.8 acres of riparian habitat within the Lease area (Figure 11). The majority of the continuous riparian habitat is on the western end of the Lease area and downstream on the Bill Williams River NWR. A reduction in surface flows in the Bill Williams River can impact riparian vegetation, although the magnitude of this impact is not certain as any impacts would depend on duration of low flows and numerous other environmental factors. It is likely that future site restoration or habitat improvements beneficial for LCR MSCP covered species would not occur in this area and mitigation measures specified in the 2005 Biological Opinion on the LCR MSCP may not be fully implemented as quickly without the inclusion of the Lease in the LCR MSCP program.





**Figure 11- Riparian habitat, designated critical habitat for Southwestern willow flycatcher (SWFL), yellow-billed cuckoo (YBCU), and northern Mexican gartersnake (NMGS); roads; and irrigation infrastructure on the Lease area.**

Source: Reclamation, 2015

### 3.3.2.2.2 Proposed Action

The Lease is administrative in nature and would not directly impact common fish and wildlife, migratory birds, or Federally listed species or designated critical habitat within the Lease area. A reduction in the use of water rights for agricultural purposes on Planet Ranch would be a positive indirect impact as it will allow for more water to remain in the Bill Williams River and benefit the riparian habitat on the Lease area and downstream on the Bill Williams River NWR.

Under the terms of the Lease, LCR MSCP would be responsible for the maintenance of the existing equipment, infrastructure, and roads within the Lease area (Figures 7 and 8). Equipment and infrastructure include 11 wells, concrete irrigation ditches, and underground piping for sprinkler, center pivot, and side roll irrigation delivery systems. Maintenance activities are anticipated to be minor, occurring within previously disturbed areas and within existing roads resulting in no new ground disturbance. Regular monitoring of equipment, infrastructure, and roads will occur but maintenance activities are expected to be on an “as needed” basis.



Maintenance may include relatively simple adjustments only requiring hand tools. More intensive maintenance issues may require heavy equipment for grading or trenching.

Negative impacts to wildlife can occur as a result of maintenance activities. Wildlife may be temporarily displaced, injured, or killed if not avoided, as a result of maintenance activities and vehicle traffic. Human activity, noise, and vibrations can cause wildlife to be temporarily displaced from nesting, roosting, or foraging areas. If vegetation removal is needed for maintenance activities, wildlife may lose small areas of habitat that may be important for cover, foraging, or other activities. Ground dwelling species could be entrapped in trenches if pipes or other equipment are excavated for repairs.

Indirect impacts to wildlife from the Proposed Action can occur as a result of human activities and disturbance in the Lease area. Reproduction could be interrupted or delayed if they are forced to leave their nests or abandon young for long periods of time. Maintenance activities may also cause temporary restrictions to accessing forage or foraging areas but since activities are not expected to include major construction, most species will be able to circumvent any temporary barriers to movement. Prey species may also be temporarily displaced and may cause wildlife to spend more time locating prey species or foraging.

Positive impacts to wildlife can also occur as a result of maintenance activities and reduced water right allocations on the Lease area. Minor routine maintenance can prevent large emergency repairs with bigger disturbance footprints which could result in more habitat loss. Routine road maintenance can prevent off-road travel if the road ways are washed out from flooding events.

Impacts to the southwestern willow flycatcher, yellow-billed cuckoo, and Yuma clapper rail were considered in the 2005 Biological Opinion. Reclamation completed informal ESA Section 7 consultation with the Service for the Proposed Action for the California least tern and the northern Mexican gartersnake. Reclamation assessed the effects and anticipated them to be insignificant and discountable, and determined that the Proposed Action *may affect but is not likely to adversely affect* the California least tern and the northern Mexican gartersnake. No adverse effect to designated or proposed critical habitat for the southwestern willow flycatcher, yellow-billed cuckoo, and northern Mexican gartersnake is expected as a result of the Proposed Action because maintenance of the existing equipment, infrastructure, and roads within the Lease area will be conducted within previously disturbed areas. The Service concurred with this determination. The Section 7 correspondence is included in Section 6 of this EA. Species that are candidates for listing under the ESA were included in the informal ESA Section 7 consultation. If a species listing status changes, the actions will be reviewed and ESA Section 7 consultation will be re-initiated, as needed.

The following minimization measures will be incorporated into maintenance activities to prevent harassment, injuries, or mortalities to listed, candidate, species of conservation concern, and species protected by the Migratory Bird Treaty Act (MBTA):

- Education on listed species will be provided to staff and contractors by an approved biologist. This education program will include information to aid in species identification, current status, and actions to avoidance controls.
- All ground disturbing activities will only occur within previously disturbed areas.

- Maintenance project areas with suitable habitat will be surveyed for listed, candidate, species of conservation concern, and nesting migratory birds protected by the MBTA. If any are detected:
  - No nesting habitat for listed species will be removed or degraded.
  - Project activities will be scheduled outside the nesting period during which these species are likely to be utilizing the area.
  - If project activities cannot be scheduled outside the nesting period, an experienced biologist will identify exclusion areas to avoid impacts to nesting birds.
- A maximum speed limit of 25 mph will be established within the Lease area to reduce the potential for tortoises, lowland leopard frogs, northern Mexican gartersnakes, and other ground dwelling species to be struck by vehicles.
  - If species are encountered, they are not to be handled and would be allowed to leave the area on their own volition. If there is a risk of mortality or entrapment, an approved biologist will be notified and appropriate actions will be taken.
  - All excavations, such as trenches, will be backfilled immediately after the activity is completed or covered if left unattended over night to prevent entrapment of wildlife such as tortoises, frogs, or snakes. Trenches will be checked regularly and prior to backfilling to ensure no wildlife is trapped.

If any of the measures to avoid adverse effects to listed species can't be implemented, Section 7 consultation with the Service will be re-initiated.

### **3.3.2.2.3 Cumulative Impacts**

The analysis area for potential cumulative impacts to Biological Resources is defined as the Bill Williams River watershed since the primary potential impact to Biological Resources are associated with impacts to hydrologic resources and impacts from the maintenance activities within the Lease area. The actions from Table 1 considered for potential biological resources cumulative impacts are the Big Sandy River- Planet Ranch Agreement, Interstate 11 Corridor, Bagdad Mine Stockpile Expansion project, the Freeport/AGFC farming contract, and LCR MSCP Lease area restoration.

Cumulatively, impacts to biological resources from the activities listed in the previous paragraph may result in minor habitat loss and degradation within the Bill Williams River Watershed from construction or maintenance activities. An approximate number of acres impacted are unknown at this time do to the complexity of water use, uptake by vegetation, and ground water in the system. The majority of the activities will occur on the uplands and would mainly affect species like the Sonoran desert tortoise or other reptiles, migratory birds, and mammals. Increased human activity as a result of construction, operation, and maintenance of projects may result in species being displaced from noise and vibrations, injured, or even killed if not avoided when vehicles or heavy equipment are used. Increased traffic volume can result in more collisions with wildlife during migration activities or while searching for food. Human activity can also attract predators if proper best management practices are not in place to minimize trash and other items

that may be attractive to predators. Construction can also introduce weeds or other non-native species if not properly treated or appropriate equipment decontamination protocols are in place. Impacts from livestock can result in competition for resources but some avian species, such as the Sprague's pipit will utilize agriculture fields for foraging and cover and will benefit from the continuation of this activity in the Lease area. Ground dwelling species may be trampled or become trapped in burrows if stepped on by cattle or other ungulates such as wild burros that occur within the watershed.

The potential for more water being used from the Big Sandy River system above Alamo Dam may have impacts to riparian vegetation and wildlife habitat during dry periods. Again, this impact is not certain and would depend on duration of lower flows and other complex hydrologic factors. As noted in Section 3.3.1.2.3, Freeport's diversion of water from the Wikieup well field has been occurring since 1977, so the existing riparian vegetation and wildlife habitat reflects the effect these diversions may have on existing flows. Due to the 10,055 AFY limit placed upon water consumption by the Proposed Action, any negative impacts to riparian vegetation and wildlife habitat would be less in magnitude than if Freeport were to fully exercise their current surface water rights of 40,071 AFY.

The 10,055 AFY limit on water consumption will decrease the overall cumulative impacts to wildlife and wildlife habitat within the watershed. The hydrology analysis concluded that the potential cumulative impacts from the Proposed Action, the Big Sandy-Planet Ranch Settlement Agreement, the Bagdad Mine Stockpile Expansion project, the Freeport/AGFC farming contract, and the LCR MSCP Lease area restoration are expected to be largely beneficial to biological resources due to the reduced amount of surface water rights that could be exercised in the Bill Williams River watershed.

A greater availability of water in the Bill Williams River is expected to have a beneficial impact to biological resources as a result of water uptake by vegetation within the riparian corridor and more water remaining in the river for use by aquatic species. Long-term benefits to the Bill Williams River watershed and overall health of the riparian corridor are anticipated once restoration is established. Additional water will be available to support a natural expansion of riparian vegetation communities or the establishment of riparian vegetation into areas not currently occupied by riparian species. Water used for restoration activities is intended to promote long-term benefits to habitat and species within the Lease area and downstream at the Bill Williams River NWR through habitat maintenance and creation. The cumulative impacts of the activities within the Bill William River Watershed are expected to be largely beneficial to plant and wildlife communities as it ultimately enables the LCR MSCP to implement goals and objectives for the benefit of LCR MSCP covered species.

### **3.3.3 Cultural Resources/Traditional Cultural Properties/Sacred Sites**

#### **3.3.3.1 Affected Environment**

##### **Class I Cultural Resources Records Review**

The National Historic Preservation Act (NHPA) requires that Federal agencies consider and evaluate the effect that Federal projects may have on historic properties under their jurisdiction. A Traditional Cultural Property (TCP) is one that is eligible for the National Register of Historic Places (NRHP) because of its association with the cultural practices or beliefs of a living community that are: 1) rooted in that community's history and 2) important in maintaining the continuing cultural identity of the community. EO 13007 "Indian Sacred Sites" requires that Federal agencies with legal or administrative responsibility for management of Federal lands, "to the extent practicable permitted by law, and not clearly inconsistent with essential agency functions, to: (1) accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners; and (2) avoid adversely affecting the physical integrity of such sacred sites".

A Class I literature and records review for the LCR MSCP planning area was conducted in 2001 for the LCR MSCP FEIS/EIR. At that time Reclamation also initiated government-to-government consultations with tribes in order to identify TCPs in the potential conservation areas. At that time, all tribal representatives declined to provide information concerning TCPs and sacred sites that might be located within the potential conservation areas, indicating whether or not to disclose such information was better considered when specific projects and their potential impact was identified. Mitigation measures were developed and documented in the LCR MSCP FEIS/EIR to ensure compliance with NHPA Section 106, EO 13007, and other laws related to cultural resources when implementing the LCR MSCP.

In order to gain more specific information related to Planet Ranch, in 2011 Reclamation conducted a "Class I Cultural Resources Records Review for the 3,418-acre Planet Ranch Property for the U.S. Bureau of Reclamation-Lower Colorado Regional Office, La Paz and Mohave Counties, Arizona" (2011 Class I)(USBR, 2011). The information below is summarized from the 2011 Class I and includes a list of tribes with affiliations in the Class I area as well as information on the prehistoric and historic periods at the Planet Ranch site. This information is provided only as a brief overview to illustrate the long history of land use in the area and to highlight the prehistoric and historic resources that are present in and near the Lease area. Native American groups identified with ancestral or traditional ties to the project area are identified in Table 3.

**Table 3 - Native American Groups with Cultural Affiliations to the 2011 Class I Area.**

<b>Tribe Name</b>	<b>Current Location/Reservation</b>
Chemehuevi	Chemehuevi Indian Reservation, Havasu Lake, CA
Mojave	Colorado River Indian Reservation, Parker, AZ
Fort Mojave	Fort Mojave Indian Reservation, Mohave Valley, AZ
Yavapai-Prescott	Yavapai-Prescott Indian Tribe Reservation, Prescott, AZ
Yavapai-Apache	Camp Verde Indian Reservation, Camp Verde, AZ
Fort McDowell Yavapai	Fort McDowell Indian Reservation, Fountain Hills, AZ
Hualapai	Hualapai Reservation, Peach Springs, AZ
Havasupai	Havasupai Reservation, Supai, AZ
Hopi	Hopi Indian Reservation, Kykotsmovi, AZ
Navajo	Navajo Indian Reservation, Window Rock, AZ
Quechan	Fort Yuma Indian Reservation, Yuma, AZ

### **Prehistoric Period at Planet Ranch and Vicinity**

Prehistoric cultural remains within the project and review buffer area will likely be remnants of the archaeological culture traditionally called Patayan and its Archaic antecedents.

### **The Historic Period at Planet Ranch and Vicinity**

Most of the historic period use of Planet Ranch and the vicinity was related to mining. The Planet Mine, which began production in approximately 1964, is near the southwest corner of the Planet Ranch property (Love, 1974). The copper mining town of Swansea was located east of Planet Ranch.

Land records indicate that Planet Ranch was first homesteaded in the late 1910s, with two homesteads established within or in immediate vicinity of Planet Ranch. The bulk of the remaining lands within the project area were acquired by the Santa Fe Pacific Railroad in 1924 as railroad land grants.

Nothing is known of the development of Planet Ranch in the decades between 1924 and 1960. By 1962, Planet Ranch was under the ownership of a cattle company known as Arizona Ranch and Metals Company (ARMCO), which was based in Salt Lake City. By purchasing the railroad grant lands and leasing public lands in the vicinity of Planet Ranch, ARMCO expanded the ranch over the next decade to an estimated 10,000 acres for its livestock. Agricultural fields, laterals, and wells on the ranch were improved and maintained.

In 1978, the Defense Nuclear Agency conducted two detonation tests on Planet Ranch as part of a simulation operation known as Miser's Bluff. Two nuclear blasts were simulated by detonating seven ammonium nitrate charges on Planet Ranch.

In 1984, ARMCO sold the private holdings of the cattle ranch to the City of Scottsdale. The City of Scottsdale purchased Planet Ranch in order to acquire its water rights to ensure a reliable water supply for Scottsdale. A proposal to construct a pipeline from Planet Ranch to the nearby Central Arizona Project (CAP) canal was never executed. In order to retain the water rights, the City of Scottsdale expanded the irrigation capabilities of Planet Ranch and leased the lands to

local farmers for cultivation of alfalfa. Planet Ranch was purchased by Freeport from the City of Scottsdale in 2011.

### **Results of Class I literature and records review**

The 2011 Class I included both the Lease area and a one-mile review buffer around the Lease area (Review area). The 2011 Class I reported six cultural resource investigations and 14 cultural resource sites within the Lease area and Review area. Additionally, over 40 potential historic sites may be present in the Lease area and Review area based on examination of General Land Office maps and archival research.

Of the 14 recorded cultural resource sites in the Lease Area and Review Area, only three of them occur within the Lease area. Two of these are small prehistoric sleeping circle, rock alignment, and artifact scatter sites; and the other is the historic Planet Townsite. The majority of the historic Planet Townsite is outside of the Lease Area but some features of the Townsite may fall within the Lease Area. The remaining 11 sites include similar small prehistoric sites, most with rock features and artifact scatters. Of the 14 sites, only one prehistoric site, AZ M:13:5 (ASM), is recommended as eligible for the NRHP. The historic Planet Townsite is listed on the Arizona State Register but its eligibility for the NRHP has not yet been determined. Additionally, historic maps and archival data indicate that many Historic period resources are present in both the Lease area and Review area, but remain to be field verified and documented. Archaeological remains from the detonation tests may rise to the level of site status given their potential significance in state and national events.

No TCPs have been identified in the project area. It is possible that TCP's and other important locales to Native Americans will yet be identified in the project area.

#### **3.3.3.2 Environmental Consequences**

##### **3.3.3.2.1 No Action**

Under the No Action alternative, the management of cultural resources at the Lease area would not be assumed by LCR MSCP or AGFC. Any possible ongoing impacts to cultural resources would continue.

##### **3.3.3.2.2 Proposed Action**

Under the Proposed Action, there would be no direct or indirect impacts to cultural resources from the acquisition of the Lease. The management of cultural resources at the Lease area would be assumed by LCR MSCP or AGFC depending on the activity. Federal and/or State laws developed to preserve and manage cultural resources would apply to activities undertaken at the Lease area.

##### **3.3.3.2.3 Cumulative Impacts**

The analysis area for potential cumulative impacts to cultural resources/TCPs/sacred sites was defined as the Lease area because no potential impacts are anticipated outside of the Lease area. No cumulative impacts are anticipated because of the avoidance and minimization measures that



would be implemented under the Proposed Action are expected to prevent or minimize impacts to cultural resources.

### **3.3.4 Indian Trust Assets**

#### **3.3.4.1 Affected Environment**

ITAs are defined as “legal interests in property held in trust by the U.S. for Indian tribes or individuals” (Reclamation, 1993). ITAs are those properties, interests, or assets of a Federally recognized Indian tribe or individual Indian over which the Federal government also has an interest, either through administration or direct control. The Federal government acts as a trustee with respect to these properties, interests, or assets. Examples of ITAs include lands, minerals, timber, hunting rights, fishing rights, water rights, in-stream flows, and other treaty rights.

All Federal bureaus and agencies are responsible for protecting ITAs from adverse impacts resulting from their programs and activities. Each Federal bureau or agency, in cooperation with potentially affected tribe(s), must inventory and evaluate assets, and then mitigate or compensate for adverse impacts to the asset. While most ITAs are located on reservation lands, they can also be located off-reservation.

ITAs in the form of land and mineral rights are present in the Bill Williams River watershed. The Tribe also has unadjudicated federal reserved water rights which vested in 1911 when the U.S. reserved the lands for Federal purposes. The Tribe owns a 60 acre EO Reservation (Parcel 3) adjacent to the Big Sandy River as shown in Figure 12. This Reservation was established by EO No. 1368 on June 2, 1911 and is held in trust by the U.S. It was irrigated and farmed historically, and has two former homesteads. It is not currently irrigated or inhabited. Potential water development and use on this Reservation would be from pumping from the alluvial aquifer or the deep groundwater aquifer. There is estimated to be 37 acres of potentially arable land on this EO Reservation.

There are five Indian public domain allotments, which were patented (granted) by the U.S. pursuant to the Act of July 4, 1884, 23 Stat. 76, 96. These allotments are located in the Big Sandy River basin upstream from the Tribe’s EO Reservation. Four of these allotments, which total 560 acres, are considered in this EA. Three of these allotments, each 160 acres, are located side by side on Knight Creek in the upper Big Sandy River basin (Parcel 1). These allotments were patented in 1930. The fourth allotment is 80 acres (Parcel 2) and is located at the confluence of Knight and Trout Creeks. This allotment was patented in 1928. There are unadjudicated federal reserved water rights which vested at the time the allotments were patented by the U.S. in 1928 and 1930. Potential water development and use on these allotments would be from pumping from the alluvial aquifer or the deep groundwater aquifer. The current proposed use of water on three of the four allotments is for gravel mining. Irrigated agriculture is the proposed use on the fourth allotment. When U.S. Highway 93 is designated as Interstate 11 parallel to the Big Sandy River, the proposed water development on these allotments may change.

The Big Sandy River-Planet Ranch Agreement confirms water rights on the Indian trust lands in the Big Sandy River watershed. The EO Reservation would be entitled to an annual diversion of

300 acre-feet. The four allotments addressed in the Big Sandy River-Planet Ranch Agreement would be entitled to an annual diversion of 394 acre-feet (Appendix A).

The fifth allotment, a 90-acre subsurface estate adjacent to Knight Creek upstream from its confluence with Trout Creek, is not affected by the Act or the Agreements. The allottee has reserved mineral rights here which were retained when the former Pedro Pierce Allotment was sold in 1977. These reserved mineral rights are south of and contiguous with Parcel 1.

There are no ITAs identified within the boundaries of Planet Ranch.

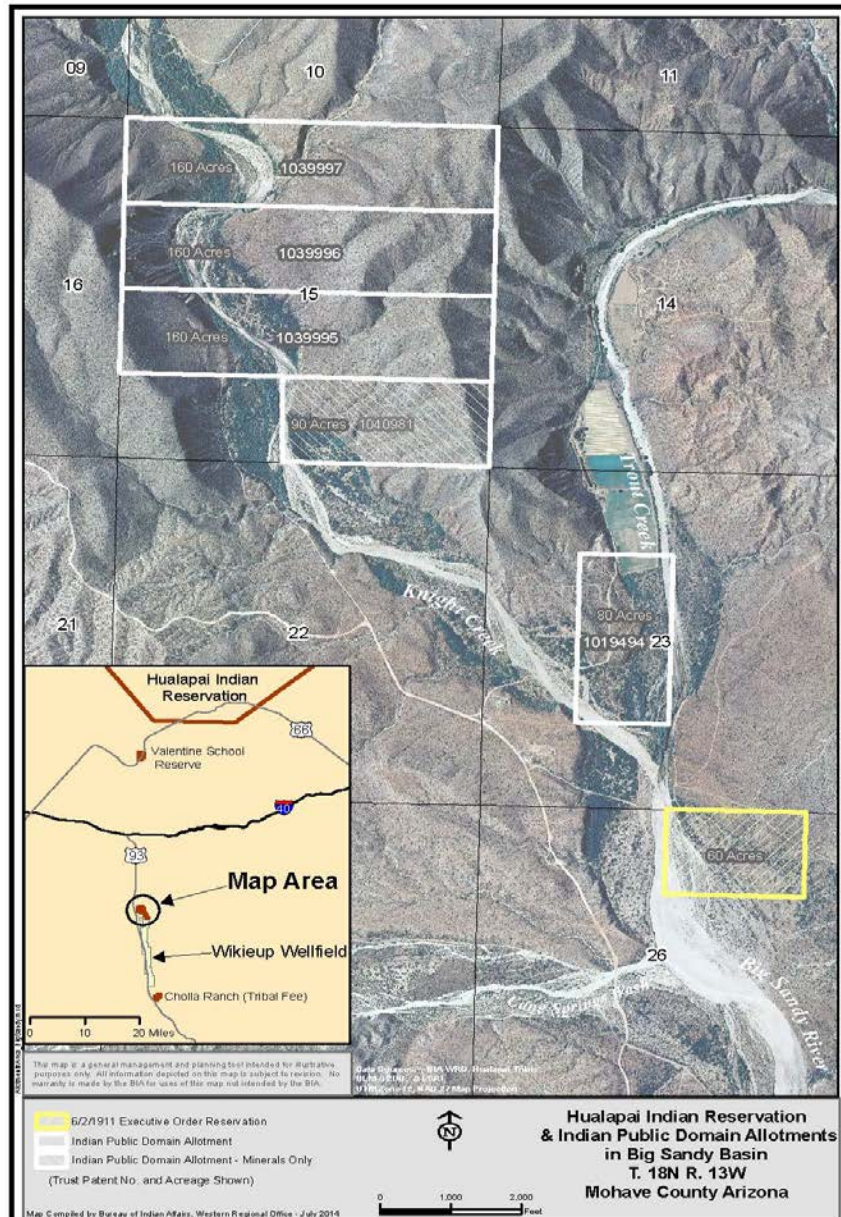


Figure 12- Hualapai EO Reservation and Indian Public Domain Allotments

### **3.3.4.2 Environmental Consequences**

#### **3.3.4.2.1 No Action**

The No Action alternative would not impact ITAs because the EO Reservation, Public Domain Allotments, mineral rights, and Federal reserved water rights associated with the lands are located upstream from Planet Ranch, in the Big Sandy River Basin. The ITAs would not be impacted by all of the Planet Ranch lands remaining in private ownership or potential use of 15,560 AFY for agriculture at Planet Ranch.

#### **3.3.4.2.2 Proposed Action**

The Proposed Action would have no direct or indirect impact to ITAs as none are located within or in the vicinity of Planet Ranch. The Tribe's EO Reservation, the Indian public domain allotments, and unadjudicated Federal reserved water rights associated with the lands would not be impacted as they are located on the Big Sandy River and not in the immediate vicinity of the Lease area.

#### **3.3.4.5.3 Cumulative Impacts**

The analysis area for potential cumulative impacts to ITAs was defined as the Big Sandy River basin because all ITAs under consideration within the Bill Williams River watershed are located along the Big Sandy River. The actions from Table 1 considered for potential ITA cumulative impacts are the sever and transfer of water rights associated with the Big Sandy River-Planet Ranch Agreement, and the Hualapai BWR Agreement.

The sever and transfer of water rights associated with the Big Sandy River-Planet Ranch Agreement and associated withdrawal of objections and waivers is expected to settle, confirm, and resolve certain water rights claims among certain parties in the Bill Williams River watershed. This is expected to have a positive impact to ITAs as federal reserved water rights would be confirmed on the EO Reservation and Indian public domain allotments by Freeport and Freeport would agree not to object to these water rights. The 10,055 diversion limitation would benefit ITAs as fewer surface water rights would be exercised at the Wikieup wellfield, providing more assurance for a water supply for the EO Reservation and the Public Domain Allotments. Freeport would also provide \$1,000,000 to the Tribe as a contribution toward the cost of the Tribe's study of water project alternatives.

The Hualapai BWR Agreement would have a beneficial impact to ITAs as it provides additional benefits to the Hualapai Tribe other than those provided in the Big Sandy-Planet Ranch Agreement. Freeport would agree to support trust acquisition of Cholla Canyon Ranch property owned in fee by the Tribe. Freeport and the Tribe would agree to establishment of buffer zones around the EO Reservation and Indian public domain allotments for new Freeport wells, and informal resolution of disputes over injuries from Freeport pumping on Tribal resources. Freeport would agree to provide supplemental water to the EO Reservation and Indian public domain allotments under certain circumstances. This supplemental water would be considered to be part of the water rights that are confirmed for the Tribe in the Big Sandy River-Planet Ranch Agreement. Freeport would agree to limit the exercise of its irrigation right on the Mracek property to a diversion of 130 AFY. Freeport would also provide a monetary contribution to the

Tribe for the Tribe’s Economic Development Fund which may be used for the limited purpose of enabling the Tribe to acquire Colorado River Water Rights with the intent to increase the security of the Tribe’s water rights, and to otherwise facilitate the use of water on the Reservation (Hualapai BWR Agreement, Appendix B).

Under the Hualapai BWR Agreement, Freeport would also grant the Tribe the right of first refusal to match any bona fide (good faith) offer to purchase 2,865.98 acres of land owned by Freeport in Mohave County (Banegas Ranch and Right of First Refusal (ROFR) lands). This right of first refusal does not guarantee that the Banegas Ranch or ROFR lands would be sold or that the Tribe would become the owner, but gives the Tribe the opportunity to offer to purchase if Freeport decides to sell. If the Tribe were ever to purchase Banegas Ranch or the ROFR lands and want to place the lands in trust status, they would be required to submit an application to place the lands in trust status to the BIA and follow a process which involves the input of the local governments.

Both of the Agreements would have beneficial impacts to the Tribe. There would be no cumulative impacts to ITAs from the Proposed Action and the Agreements because the Proposed Action would not impact ITAs.

### 3.3.5 Land Use

#### 3.3.5.1 Affected Environment

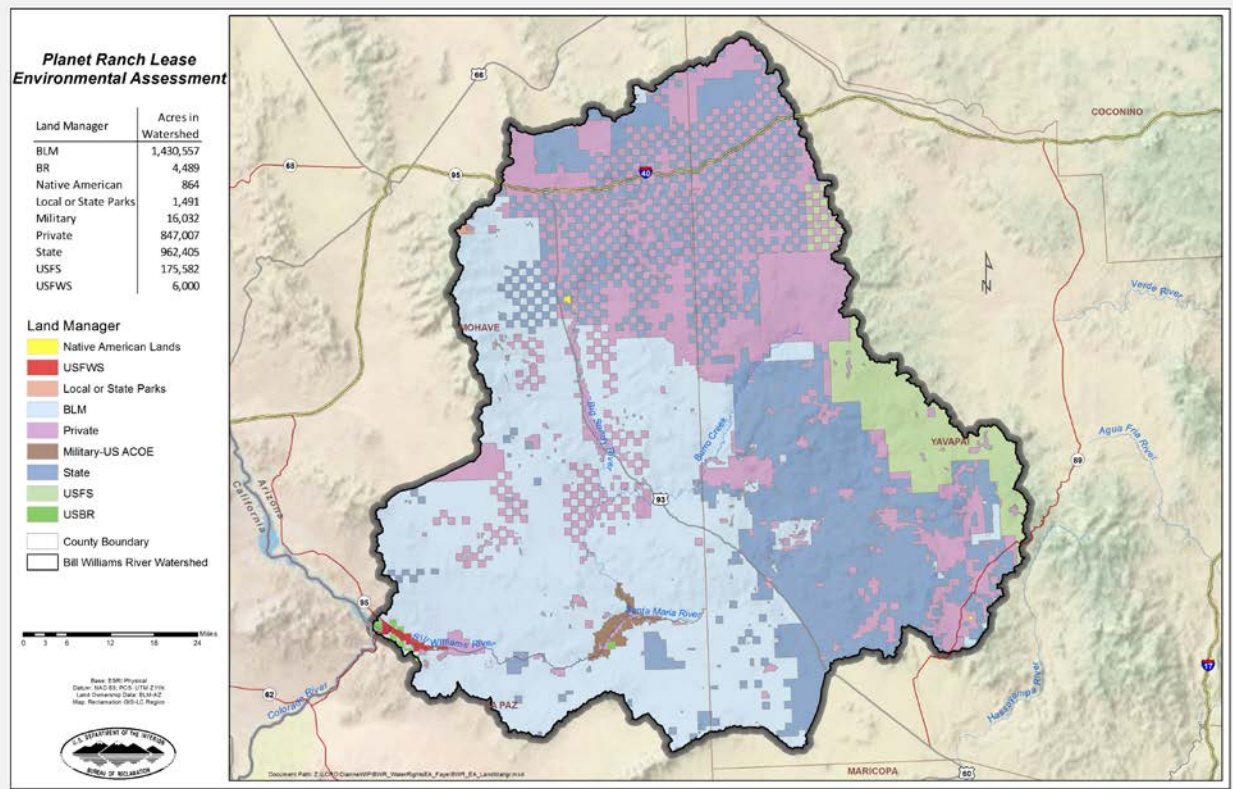
Land jurisdiction within the Bill Williams River watershed is shown by acres in Table 4 and in Figure 13. More detailed information on land uses within the watershed is given below.

**Table 4 - Land Jurisdiction in the Bill Williams River Watershed**

<b>Jurisdiction</b>	<b>Acres in watershed</b>	<b>Percent of Total</b>
BLM	1,430,557	41.53%
State	962,405	27.94%
Private	847,007	24.59%
USFS	175,582	5.10%
U.S. Army Corps of Engineers	16,032	0.47%
Service	6,000	0.17%
Local or State Parks	1,491	0.04%
Tribal Lands	864	0.03%
Reclamation	4,489	0.13%
<b>Total</b>	<b>3,444,427</b>	<b>100.00%</b>

Source: Reclamation, 2015





**Figure 13- Land jurisdiction in the Bill Williams River watershed**

Source: Reclamation, 2015

## BLM

The BLM manages public land within the watershed, including eight Wilderness Areas (Wilderness). All of these Wilderness Areas were established by the Arizona Desert Wilderness Act of 1990. Three of these are being considered in this analysis because of their proximity to Planet Ranch and the Big Sandy and Bill Williams Rivers: Arrastra Mountain Wilderness, Rawhide Mountains Wilderness, and Swansea Wilderness (Figure 5).

The western and southern portions of the 129,800-acre Arrastra Mountain Wilderness encompass more than 20 miles of the Big Sandy and Santa Maria rivers. This Wilderness is managed by the BLM's Kingman Field Office. The 38,470-acre Rawhide Mountains Wilderness includes portions of two mountain ranges, the Rawhide Mountains to the north and the Buckskin Mountains to the south, separated by eight miles of the Bill Williams River. The 16,400-acre Swansea Wilderness adjoins the eastern boundary of Planet Ranch and includes the eastern end of the Buckskin Mountains, the Black Mesa extension to the north, and six miles of the Bill Williams River. The Buckskin Mountain portion includes a complex drainage system leading to the river (BLM, 2012). The Rawhide Mountains and Swansea Wilderness areas are managed by the BLM's Lake Havasu Field Office.

Congress expressly reserved a quantity of water for the BLM Wilderness Areas sufficient to fulfill the purposes for designation as wilderness with priority date being the date of enactment of the Arizona Desert Wilderness Act of 1990.

The 1989 Bill Williams Riparian Management Area Plan, the 2007 Lake Havasu Field Office ROD and Approved Resource Management Plan, and the 1995 Kingman Resource Area

Resource Management Plan provide management direction for BLM land including the Wilderness areas.

### **State of Arizona**

The Arizona State Land Department manages State Trust lands within the watershed. These lands were granted to the State under the provisions of the Federal Enabling Act that provided for Arizona's statehood in 1912. These lands are held in trust and managed for the sole purpose of generating revenues for the 13 State Trust land beneficiaries, the largest of which is Arizona's K-12 education (Arizona State Land Department, 2014)

### **Private**

Private lands within the watershed are owned by a variety of owners with a variety of uses including but not limited to residential, mining, and ranching. The watershed includes the unincorporated communities of Wikieup and Bagdad.

The watershed includes portions of three counties: Mohave, La Paz, and Yavapai. The Mohave, La Paz, and Yavapai counties' land use plans provide direction for use of private and other lands within the watershed. The Lease would be located in Mohave and La Paz counties, so this overview of land use plans focuses on those two counties. The Mohave County General Plan (Mohave County Plan), last updated in 2010, consists of existing and anticipated conditions affecting the County, establishes goals, policies and implementation measures that guide the County's future actions, and describes actions to take to achieve the County's desired future. The desired future is framed by major planning concepts which include protection of the environment; conservation of the County's natural resources; and preserving and enhancing historic, cultural, open space, and recreational lands and structures.

An important part of the Mohave County Plan is the designation of land uses. The Mohave County Plan designates broad planning area types as well as more specific land uses within the broad planning areas. The portion of the County in which Planet Ranch is located is within the planning area known as "Rural Development Area (RDA)". RDAs are defined as "...an area where residents presently enjoy a rural lifestyle, wide open spaces and few neighbors. Most of the land in Mohave County is included in this area type. Properties in these areas are generally at least five acres in size, and many are much larger than this. A significant amount of land within this area type is owned by the Federal or State governments, or is included in an Indian reservation" (Mohave County, 2010). RDAs include all areas of Mohave County not designated for more extensive development. The Mohave County Plan includes 18 land uses ranging from residential, non-residential, and public land uses. There are no land uses planned for the portion of the RDA in which Planet Ranch is located. Land jurisdiction within Mohave County is shown by acres in Table 5.



**Table 5 - Land Jurisdiction in Mohave County**

<b>Jurisdiction</b>	<b>Acres in county</b>	<b>Percent of Total</b>
BLM	4,773,617	55.30%
Private	1,461,115	16.93%
Tribal Lands	574,374	6.65%
State	566,261	6.56%
Reclamation	253,472	2.94%
National Park Service	964,986	11.18%
Service	18,138	0.21%
Military	10,067	0.12%
Local or State Parks	4,745	0.05%
USFS	4,709	0.05%
State Wildlife Area	1,049	0.01%
<b>Total</b>	<b>8,632,533.00</b>	<b>100.00</b>

Source: Reclamation, 2015

The La Paz County Comprehensive Plan (La Paz County Plan), last updated in 2010, provides a vision for land use in the County, and defines land uses, transportation, and environmental planning for the County. The environmental goals include protecting La Paz County’s water supply and quality and Wilderness Areas and Wildlife Refuges. The La Paz County Plan states “A vast majority of the La Paz County’s land base is currently and is intended to remain undeveloped. Maintaining this open space and encouraging rational land use planning is the Land Use Plan’s ultimate objective. The amount of Federal and State lands as well as a vast Native American reservation have contributed to the historic land use pattern and will ensure that it continues” (La Paz County, 2010). The future land use pattern focuses new development around currently incorporated or unincorporated communities such as Quartzsite and Parker. The La Paz County Plan designates Planet Ranch as “Rural Residential”. This designation allows for low density single family homes on 2.5 acre to 40 acre parcels. The La Paz County Plan states: “A significant portion of the rural density residential designated land is in very remote locations with poor access and no infrastructure. It is anticipated that much of this land will be developed well into the future if at all.” Land jurisdiction within La Paz County is shown by acres in Table 6.

**Table 6 - Land Jurisdiction in LaPaz County**

<b>Jurisdiction</b>	<b>Acres in county</b>	<b>Percent of Total</b>
BLM	1,639,056	56.72%
Military	388,182	13.43%
State	254,938	8.82%
Tribal Lands	246,958	8.55%
Private	145,955	5.05%
Service	139,600	4.83%
Reclamation	73,865	2.56%
Local or State Parks	1,368	0.05%
County	26	0.001%
<b>Total</b>	<b>2,889,948</b>	<b>100%</b>

Source: Reclamation, 2015

## **U.S. Forest Service**

A portion of Prescott National Forest, managed by the U.S. Forest Service is located within the Bill Williams River watershed. The Forest is managed for multiple uses as outlined in the 1987 Land and Resource Management Plan, which is currently being revised.

## **U.S Army Corps of Engineers/Local or State Parks**

The USACE administers lands associated with Alamo Dam and reservoir. These lands are managed by AGFD and Arizona State Parks Department for recreation, fisheries, and wildlife purposes.

## **Fish and Wildlife Service**

The Service manages the Bill Williams River NWR, which was originally part of the Havasu NWR and later designated as a distinct Wildlife Refuge in 1993. The Service possesses one Federal reserved water right, per the January 22, 1941 Executive Order #8647 that originally established the Refuge "...as a refuge and breeding ground for migratory birds and other wildlife". The Bill Williams River NWR is discussed in more detail in Sections 1.2.4 and 3.3.2.1.

## **Tribal**

The Tribe has a 60 acre EO Reservation within the Big Sandy River near Wikieup. Additionally, there are 560 acres of Indian public domain allotments and a 90 acre subsurface mineral estate located in the Big Sandy River basin near the Tribe's EO Reservation.

## **Reclamation**

The BLM manages Reclamation land located at the confluence of the Bill Williams River and Colorado River. This land is associated with the Boulder Canyon Project and other Reclamation water projects and is managed as outlined in the 2007 Lake Havasu Field Office ROD and Approved Resource Management Plan.

### **3.3.5.2 Environmental Consequences**

#### **3.3.5.2.1 No Action**

The analysis area for direct and indirect impacts to land uses includes the Lease area as it relates to Mohave and LaPaz counties. Under the No Action alternative the entire 8,389 acres of Planet Ranch would remain in private ownership. Current land uses at the Lease area would continue as determined by Freeport. Lands would be managed in accordance with existing plans and Federal, State, and County requirements.

#### **3.3.5.2.2 Proposed Action**

The direct impact to land uses from the Proposed Action would be a change in ownership. Under the Proposed Action, 3,418 acres at Planet Ranch would change from private to State ownership. Of the 3,418 acres; 1,957 acres are in Mohave County and 1,461 are in La Paz County (Reclamation, 2015). The remaining 4,971 acres of Planet Ranch would remain in private ownership. Table 7 shows the potential new acres by jurisdiction, new percent of total acres, and percent change for Mohave and La Paz Counties.

The indirect impact of the change in land ownership would be the development of different plans for the Lease area. Plans for habitat restoration and other LCR MSCP compatible activities and operations and maintenance of the Lease area may be developed by Reclamation and AGFC. The land use would be consistent with the “Rural” designations assigned by Mohave and La Paz Counties as well as goals identified for preserving and enhancing wetlands, wildlife, and other natural resources, therefore, meeting the requirements of 40 CFR 1506.2 (d). All lands would continue to be managed in accordance with existing plans and Federal, State, and County requirements.

**Table 7 – Potential jurisdiction change from private to State for Mohave and La Paz Counties**

Jurisdiction	Existing Acres in County	New Acres in County	New Percent of Total Acres in County	Percent Change from Existing Acres
<b>Mohave County</b>				
Private	1,461,115	1,459,158	16.90%	-0.13%
State	566,261	568,218	6.58%	+0.35%
<b>La Paz County</b>				
Private	145,955	144,494	5.00%	-1.00%
State	254,938	256,399	8.87%	+0.57%

Source: Reclamation, 2015

### 3.3.5.2.3 Cumulative Impacts

The analysis area for potential cumulative impacts to land uses was defined as the Bill Williams River watershed in order to understand any potential impacts to land jurisdictions or management. The actions from Table 1 considered for potential land use cumulative impacts are the watershed land jurisdiction, Interstate 11 Corridor, and the Hualapai BWR Agreement.

Table 8 shows the potential change from private to State ownership for the Bill Williams River watershed.

**Table 8 – Potential jurisdiction change from private to State in the Bill Williams River Watershed**

Jurisdiction	Existing Acres in watershed	New Acres in watershed	New percent of Total Acres in watershed	Percent Change from Existing Acres
Private	847,007	843,589	24.49%	-0.40%
State	962,405	965,823	28.04%	+0.36%

Source: Reclamation, 2015

As discussed under Section 3.3.4.5.3, the right of first refusal included in the Hualapai BWR Agreement does not guarantee that the Banegas Ranch or ROFR lands would be sold or that the Tribe would become the owner of all or a portion of the lands. If the Tribe were ever to purchase these lands, it would result in a maximum of 2865.98 acres in Mohave County changing from private to Tribal ownership. Table 9 shows this potential change for Mohave County and Table 10 for the Bill Williams River Watershed.

**Table 9- Potential jurisdictional change from private to Tribal in Mohave County**

<b>Jurisdiction</b>	<b>Existing Acres in Mohave County</b>	<b>New Acres in Mohave County</b>	<b>New Percent of Total Acres in County</b>	<b>Percent Change from Existing Acres</b>
Private	1,461,115	1,458,249	16.89%	-0.19%
Tribal	574,374	577,240	6.68%	0.50%

Source: Reclamation, 2015

**Table 10- Potential jurisdictional change from private to Tribal in Bill Williams River Watershed**

<b>Jurisdiction</b>	<b>Existing Acres in watershed</b>	<b>New Acres in watershed</b>	<b>New Percent of Total Acres in watershed</b>	<b>Percent Change from Existing Acres</b>
Private	847,007	843,589	24.49%	-0.40%
Tribal	864	3,730	0.10%	331.71%

Source: Reclamation, 2015

While a large percent change in tribal acres is shown in Table 10, it should be noted that the potential new acres would represent only 0.10% of the total acres in the watershed. Designation of the I-11 Corridor may increase economic development along the corridor. No cumulative impacts from the Proposed Action and the I-11 Corridor designation are anticipated as U.S. Highway 93/I-11 Corridor is not in direct proximity to the Lease area.

The current land jurisdiction has resulted in a watershed that is primarily rural. The change in ownership of the Lease area is not expected to have a cumulative impact on the rural nature of the watershed because the Lease area would be used for habitat restoration and other compatible activities, all of which would be consistent with the current rural setting at Planet Ranch.

### **3.3.6 Recreation**

#### **3.3.6.1 Affected Environment**

Since Planet Ranch is currently privately owned, public entrance to Planet Ranch and any subsequent recreational activities are subject to approval by Freeport.

Bill Williams River NWR offers a visitor center, hunting, fishing, hiking, auto tours, a non-motorized boat trail, wildlife observation including bird watching, and photography. The average number of yearly visitors engaging in these activities during 2010 to 2013 was 148,845. Wildlife observation, primarily bird watching had the largest visitor group. Bird watching is a very popular activity which draws both U.S. and international visitors due to the Bill Williams River NWR's high bird diversity and its designation by the National Audubon Society and the American Bird Conservancy as a birding area of global importance (K. Blair, Personal Communication, 2014).

The BLM managed Wilderness Areas provide opportunities for hiking, backpacking, hunting, rock climbing, bird watching, and photography in a rugged, remote setting. The Rawhide Wilderness includes the Bill Williams River gorge which contains a perennial reach of the Bill Williams River, allowing for kayaking and canoeing. The Swansea Wilderness also includes horseback riding and sightseeing at the historic townsite of Swansea. The wilderness areas are closed year-round to off-highway vehicle use and all other motorized/mechanized use. Other BLM managed lands along the Bill Williams River are managed for semi-primitive recreation that includes but is not limited to hiking, backpacking, camping, hunting, auto touring and off-highway vehicle use.

Alamo Lake State Park offers both water and land based recreation. The lake is a popular fishing location and also offers camp grounds, boat launches, picnic areas, wildlife viewing, hiking, swimming, and bicycling.

### **3.3.6.2 Environmental Consequences**

#### **3.3.6.2.1 No Action**

Under the No Action alternative the entire 8,389 acres of Planet Ranch would not be open to public recreation unless authorized by Freeport. No change to other recreational opportunities along the Bill Williams River is anticipated.

#### **3.3.6.2.2 Proposed Action**

Under the Proposed Action alternative, the 3,418 acre Lease area would be open to public access because of its proposed State ownership and Federal management. Support for this public access by the Arizona Game and Fish Department and AGFC is documented in the minutes of the August 22, 2014 meeting of the AGFC (AGFC, 2014). The remaining 4,971 acres of Planet Ranch would not be open to public recreation unless authorized by Freeport.

Restoration and site planning would be conducted for the Lease area which will identify the types and level of public access as well as the types of recreation activities that are compatible with the LCR MSCP. In accordance with the Act, public access would be consistent with all applicable Federal and State laws and management plans for the Lease area. Public access and recreation activities will be addressed as appropriate in any future NEPA compliance. Indirectly, public access and LCR MSCP compatible activities would increase the opportunities for recreation at the Lease area.

#### **3.3.6.2.3 Cumulative Impacts**

The analysis area for potential cumulative impacts to recreation was defined as the Big Sandy River and Bill Williams River. The action from Table 1 considered for potential recreation cumulative impacts is watershed land uses. The BLM Wilderness Areas and other BLM managed land, Bill Williams River NWR, and Alamo Lake State Park offer a variety of recreational opportunities with a minimal level of development. The Proposed Action is expected to add to the recreational opportunities and complement current land uses, leading to a positive cumulative impact to recreation.

### **3.3.7 Socioeconomics**

#### **3.3.7.1 Affected Environment**

Land within Planet Ranch is currently taxed by Mohave and LaPaz Counties as agricultural land. The Freeport/AGFC farming contract may make a contribution to the local economy through livestock production. However, this benefit is not quantifiable since Planet Ranch was fallowed for many years prior to the Freeport/AGFC farming contract. A staff of several people currently performs caretaking and other maintenance activities at Planet Ranch.

#### **3.3.7.2 Environmental Consequences**

##### **3.3.7.2.1 No Action**

Revenue to Mohave County or LaPaz County would not change as a result of the No Action alternative. Freeport would continue to pay taxes on its privately held land as required by Mohave and LaPaz Counties.

##### **3.3.7.2.2 Proposed Action**

There are no direct socio-economic impacts identified because acquiring the Lease is administrative in nature. Potential indirect impacts which were considered are revenue to Mohave and LaPaz counties and changes in employment. Revenue to Mohave County or LaPaz County would not change as a result of the Proposed Action as voluntary contributions in lieu of taxes would be made by AGFC at the current tax rate for the Lease area in accordance with Arizona Revised Statute (ARS)17-272 (Arizona State Legislature, 2014). Voluntary contributions are defined in ARS 17-272 as assessed valuation based on agricultural land and cannot increase more than 2% from year to year. The AGFC voted unanimously to make these voluntary contributions in lieu of taxes at their September 5-6, 2014 Commission meeting (AGFC, 2014). Freeport would continue to pay taxes at its current rate on the remaining 4,971 acres. It is not known how many people would be employed if the Lease area were managed for LCR MSCP and compatible purposes, but it is expected that the number of people employed would be similar or would increase because individuals would be needed for operations and maintenance of the Lease area.

##### **3.3.7.2.3 Cumulative Impacts**

The analysis area for potential socioeconomic cumulative impacts was defined as Mohave and La Paz Counties. The actions from Table 1 considered for potential socioeconomic cumulative impacts to socioeconomics are the Interstate 11 Corridor, the Hualapai BWR Agreement, and the Freeport/AGFC farming contract.

The designation and development of I-11 Corridor may lead to additional economic development and potentially more tax revenue from lands in the Bill Williams River Watershed. No cumulative impacts from the Proposed Action and the I-11 Corridor designation are anticipated because the Proposed Action of acquiring the Lease would not change the revenue to Mohave or La Paz Counties.



If the Tribe were ever to purchase Banegas Ranch or the ROFR lands, they would continue to pay taxes to Mohave County at the tax rate in effect at the time of purchase. If the lands were placed in trust for the Tribe, the tribe would not pay taxes to Mohave County as local property taxes are not paid on trust land (BIA, 2015). As discussed under Section 3.3.4.5.3, an application to the BIA by the Tribe to place the lands in trust would involve the input of the local governments.

No impacts to agricultural revenues are defined as a result of the AGFC farming contract because there has not been measurable agricultural production at Planet Ranch for many years.

### 3.3.8 Environmental Justice

#### 3.3.8.1 Affected Environment

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs federal agencies to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority and low-income populations.

The analysis area for environmental justice includes Census Tracts located in the vicinity of Planet Ranch in Mohave and La Paz counties as well as the unincorporated community of Wikieup, Arizona, located in Mohave County. Wikieup was selected for the cumulative impacts analysis because it is the largest community located on either the Bill Williams River or Big Sandy River. Data are compared to data from Mohave and La Paz counties and the state of Arizona.

According to CEQ Guidance, communities should be identified as “low income” based on the annual statistical poverty thresholds from the U.S. Census Bureau (CEQ 1997). Table 11 includes per capita income, median household income, and poverty rates for Arizona, Mohave and La Paz Counties, the Census Tracts, and Wikieup.

**Table 11 – Income and Poverty Levels**

Area	Per capita income	Median Household Income	% Below Poverty Level
Arizona	25,680	50,448	18.7
Mohave County	21,523	39,785	18.6
Census Tract 9548	19,502	38,861	14.3
Census Tract 9534.02	23,903	43,702	10.4
Wikieup, AZ	25,416	37,813	21.0
La Paz County	21,165	32,147	20.2
Census Tract 201	16,191	28,017	28.0
Census Tract 202.02	27,015	40,848	11.1

Source: U. S. Census, American Fact Finder

In accordance with CEQ guidance, minority populations should be identified if the minority population in the project area “exceeds 50 percent” or if the percentage of minority population in the project area is meaningfully greater than the “minority population percentage in the general

population or other appropriate unit of analysis” (CEQ 1997). For this analysis, the population percentages of the various racial and ethnic groups are compared to those in Arizona, Mohave County, La Paz County, and Wikieup to determine any disproportionately high and adverse effects (Table 12).

Minority populations in the Census Tracts did not exceed 50 percent of the analysis area for Environmental Justice. The percentage of minority population in the Census Tracts was not found to be meaningfully greater than the minority population percentage for Arizona and Mohave and La Paz Counties. The minority populations present in the Census Tracts and Wikieup do not meet the thresholds identified for environmental justice analysis, therefore are not addressed further in an environmental justice context.

### **3.3.8.2 Environmental Consequences**

#### **3.3.8.2.1 No Action**

No disproportionately high and adverse human health or environmental effects on minority and low-income populations have been identified as a result of the No Action alternative. A minority population was not identified for the analysis area. Based on the existing condition of other resources at and in the vicinity of Planet Ranch, there are no known high and adverse health or environmental effects occurring that would impact low-income populations.

#### **3.3.8.2.2 Proposed Action**

The Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority and low-income populations. A minority population was not identified for the analysis area. The percent of individuals below poverty levels in the Census Tracts were compared to those for Arizona and Mohave and La Paz Counties. The poverty levels for the Census Tracts in Mohave County were either below or only slightly higher than those for Mohave County or Arizona. Census Tract 201 in La Paz County has a poverty rate that is 8 percent higher than the rate for La Paz County. Although Census Tract 201 has a higher poverty rate than La Paz County as a whole, no high and adverse human health or environmental effects have been identified that may impact this Census Tract.

#### **3.3.8.2.3 Cumulative Impacts**

There were no environmental justice impacts identified for any of the Census Tracts or Wikieup, AZ from the Proposed Action, therefore there would be no cumulative impacts.

**Table 12 – Area Demographic Breakdown**

Area	2010 Population	Race													Ethnicity		
		#White	% of Total for Area	#Black or African American	% of Total for Area	#American Indian and Alaska Native	% of Total for Area	#Asian	% of Total for Area	#Native Hawaii and other Pacific Islander	% of Total for Area	#Other	% of Total for Area	Two or more races	#Hispanic or Latino (of any race)	% of Total for Area	
Arizona	6,392,017	4,667,121	73.0	259,008	4.1	296,529	4.6	176,695	2.8	12,648	0.2	761,716	11.9	218,300	3.4	1,895,149	29.6
Mohave County	200,186	173,878	86.9	1,882	0.9	4,500	2.2	2,103	1.1	341	0.2	11,989	6.0	5,493	2.7	29,569	14.8
Census Tract 9548	7,012	6,006	85.7	271	3.9	170	2.4	32	0.5	14	0.2	295	4.2	224	3.2	1,009	14.4
Census Tract 9534.02	5,621	5,128	91.2	41	0.7	66	1.2	64	1.1	7	0.1	200	3.6	115	2.0	573	10.2
Wikieup, AZ	133	120	90.2	1	0.8%	0	0.0	0	0.0	0	0.0	8	6.0	4	3.0	16	12.0
La Paz County	20,489	14,306	69.8	129	0.6	2,628	12.8	107	0.5	7	0.1	2,551	12.5	761	3.7	4,806	23.5
Census Tract 201	2,815	2,334	82.9	18	0.6	36	1.3	11	0.4	3	0.1	363	12.9	50	1.8	715	25.4
Census Tract 202.02	647	613	94.7	0	0.0	2	0.3	7	1.1	0	0.0	14	2.2	11	1.7	36	5.6

Source: U.S. Census, American Fact Find

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## **6.0 Consultation and Coordination**

### **6.1 Cooperating Agencies**

The BLM, BIA, and Service served as cooperating agencies in the preparation of the Draft EA.

### **6.2 Scoping/Public Involvement**

Notification of the initiation of a 30 day public comment period on the Draft EA was sent to a distribution list which includes Congressional, Federal, State, Tribal, and County contacts; non-governmental organizations; and other interested parties. The Draft EA was posted on Reclamation's website at: <http://www.usbr.gov/lc/region/g2000/envdocs.html> at the link titled, "Planet Ranch Lease Environmental Assessment". A news release regarding the availability of Draft EA was sent to newspapers and other media and posted on Reclamation's website at <http://www.usbr.gov/newsroom/newsreleases>.

A notice of the availability of the FONSI and Final EA will be sent to the distribution list described above and any entities who commented on the Draft EA. The Final EA will be posted on Reclamation's website at: <http://www.usbr.gov/lc/region/g2000/envdocs.html> at the link titled, "Planet Ranch Lease Environmental Assessment". A news release regarding the availability of the FONSI and Final EA will be sent to the newspapers and other media who received the press release on the draft EA. The news release will also be posted on Reclamation's website at <http://www.usbr.gov/newsroom/newsreleases>.

### **6.3 Tribal Consultation**

As part of the NHPA Section 106 process, in 2010 Reclamation invited representatives of the Chemehuevi, Cocopah, Colorado River Indian Tribes, Fort Mohave Indian Tribe, Fort Yuma Quechan Tribe, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Las Vegas Paiute Tribe, Salt River Pima-Maricopa Indian Community, Santa Rosa Band of Cahuilla Indians, Sycuan Band of Kumeyaay Indians, Tohono O'odham Nation, Torres Martinez Desert Cahuilla Indians, Viejas Band of Kumeyaay Indians, and Hia C'ed O'odham Alliance on a field visit to Planet Ranch to discuss potential restoration activities. Representatives from the Cocopah Tribe, Chemehuevi Tribe, and Hualapai Tribe accepted the invitation and attended the field visit. All participants appreciated the opportunity to view Planet Ranch and were supportive of the idea of restoring native habitats.

### **6.4 Endangered Species Consultation**

Reclamation conducted a query of the Lease area using the Service IPAC query conducted on July 28, 2014. The IPAC system automatically generated a species list and identified critical habitat within or near the Lease area. Reclamation used this information to inform this EA and complete informal Section 7 consultation. A letter was sent to the Service on May 15, 2015 requesting concurrence on a *may affect, not likely to adversely affect* determination for the

California least tern, and northern Mexican gartersnake and a *no adverse effect* to designated or proposed critical habitat for the southwestern willow flycatcher, yellow-billed cuckoo, and northern Mexican gartersnake. Effects to southwestern willow flycatcher, yellow-billed cuckoo, and Yuma clapper rail were considered in the March 4, 2015 Biological and Conference Opinion on the Lower Colorado River Multi-Species Conservation Program. The Service concurred with these determinations on June 4, 2015. The letters are included below.

LC-8461  
ENV-7.00

MAY 15 2015

Mr. Steve Spangle  
Field Supervisor  
U.S. Fish and Wildlife Service  
2321 W. Royal Palm Road, Suite 103  
Phoenix, AZ 85021

Subject: Informal Consultation Concurrence Request for a May Affect, Not Likely to Adversely Affect Determination for Two Federally Listed Species as a Result of Activities Associated with the Planet Ranch Land and Water Rights Lease Occurring on the Bill Williams River in Mohave and LaPaz Counties, Arizona

Dear Mr. Spangle:

In April 2015, the Bureau of Reclamation prepared a draft Environmental Assessment (EA) for implementing Federal actions authorized by the Bill Williams River Water Rights Settlement Act of 2014 (Act), including the acquisition of a lease for 3,418 acres of land (Lease area), 5,549 acre-feet per year of associated water rights, and maintenance of existing infrastructure within the property known as Planet Ranch (Proposed Action) located on the Bill Williams River in Mohave and La Paz Counties, Arizona. The draft EA was released for a 30 day public review on April 1, 2015. In-depth information about the Act and the EA can be found at: <http://www.usbr.gov/lc/region/g2000/envdocs.html>.

Reclamation is requesting concurrence for a may affect but not likely to adversely affect determination for two species listed as endangered or threatened under the Endangered Species Act of 1973, as amended that may occur within the Lease area. These species are the California least tern (*Sterna antillarum browni*) and northern Mexican gartersnake (*Thamnophis eques megalops*). Effects to southwestern willow flycatcher (*Empidonax traillii estimus*), yellow-billed cuckoo (*Coccyzus americanus*), and Yuma clapper rail (*Rallus longirostris yumanensis*) were considered in the March 4, 2005, Biological and Conference Opinion on the Lower Colorado River Multi-Species Conservation Program (2005 Biological Opinion).

Reclamation is also requesting concurrence for a no adverse modification of designated and proposed critical habitat for the southwestern willow flycatcher, yellow-billed cuckoo and northern Mexican gartersnake. Designated critical habitat for the southwestern willow flycatcher and proposed critical habitat for the yellow-billed cuckoo occurs on the western end of the Lease area. Proposed critical habitat for the northern Mexican gartersnake occurs within the lease area. Effects on critical habitat for the southwestern willow flycatcher were considered in the 2005 Biological Opinion.

Reclamation assessed the effects of the Proposed Action, anticipated them to be insignificant and discountable, and has determined that the Proposed Action may affect but is not likely to adversely affect the two Federally listed species mentioned above. No adverse effect to designated or proposed critical habitat is expected as a result of the Proposed Action because maintenance of the existing equipment, infrastructure, and roads within the Lease area will be conducted within previously disturbed areas. Species that are candidates for listing under the Endangered Species Act (ESA) are not included in this informal Section 7 consultation. If a species listing status changes, the actions will be reviewed and Section 7 consultation will be re-initiated, as needed.

The lease would allow Reclamation to engage in future habitat restoration and other compatible activities for the benefit of the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). At this time, there are no final plans for modification of the Lease area for habitat development. Future development, operation, and maintenance plans for the Lease area will be accompanied with additional environmental review, including but not limited to, the National Environmental Policy Act (NEPA) and ESA compliance. Reclamation will be responsible for complying with all terms of the lease and for ensuring appropriate environmental compliance for all Federal actions undertaken by Reclamation on the leased property. The lease also includes all existing wells, pumps, canals, and other improvements such as roads. Reclamation will be responsible for maintenance of existing facilities and roads included in the lease (see Figures 1 and 2).

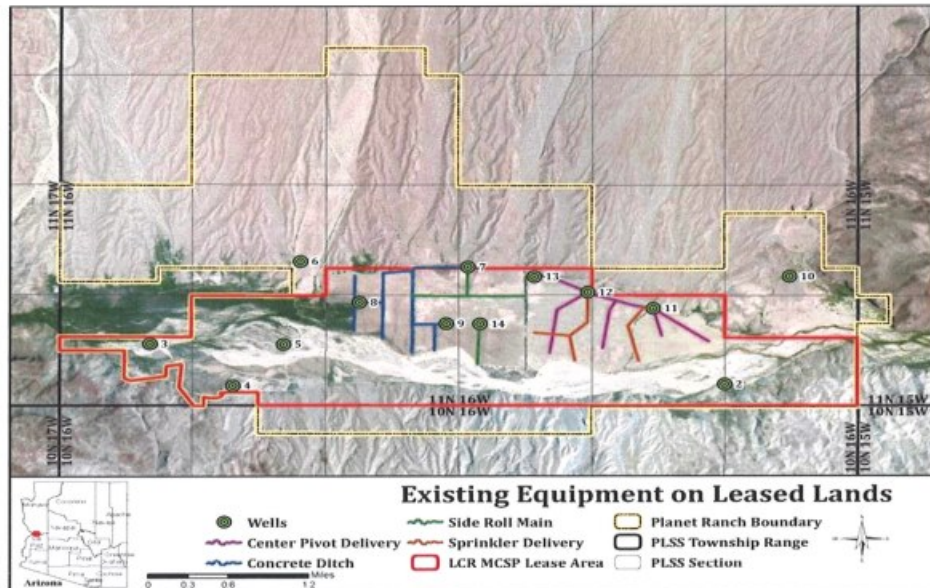


Figure 1: Existing Equipment

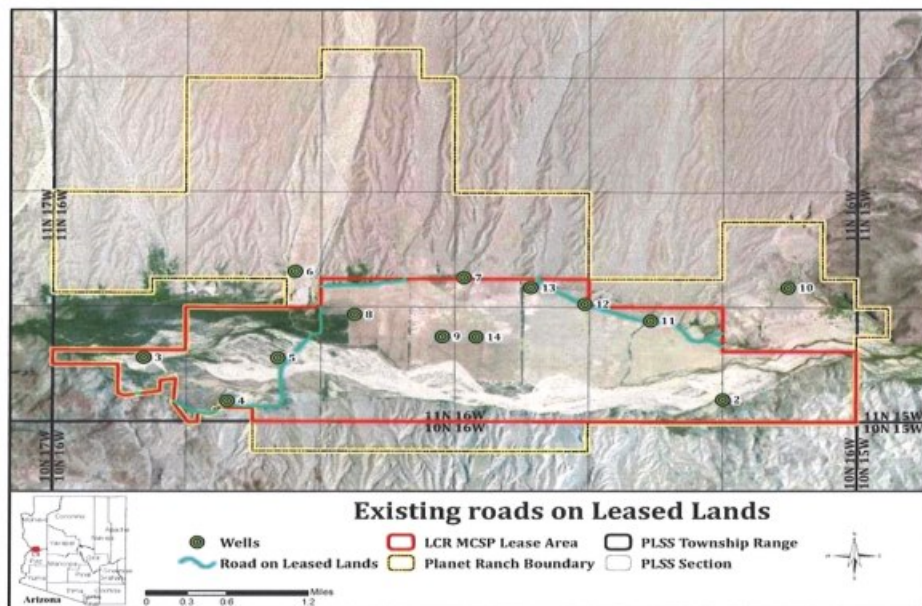


Figure 2: Existing Roads and Wells

**Description of the Action Area:**

Vegetation within the Lease area is characterized as barren-open space or herbaceous vegetation, cottonwood-willow, mesquite, and saltcedar. Small areas of suitable habitat for Federally listed species occur on the western third of the Lease area. The remaining two thirds of the Lease area have experienced high levels of ground disturbance and habitat alteration as a result of farming and ranching activities. Currently, the majority of Planet Ranch is divided into farm fields equipped with a variety of irrigation systems, such as flooding, wheel lines, pivot, and solid set sprinklers (Figure 1). Vegetation in the farm fields consists largely of exotic species and alfalfa but there are surrounding areas with sparse upland vegetation typical of the Sonoran Desert. According to the automated U.S. Fish and Wildlife Service Information, Planning, and Conservation System (IPAC) query conducted on July 28, 2014:

- Federally listed species that may occur within the Lease area or immediately upstream or downstream of the Lease area include California least tern, southwestern willow flycatcher, yellow-billed cuckoo, Yuma clapper rail, and northern Mexican gartersnake.
- Species with proposed (p) or designated (d) critical habitat within or directly adjacent to the Lease area include the yellow billed cuckoo (p), southwestern willow flycatcher (d) and northern Mexican gartersnake (p).



The western portion of the Lease area overlaps with 501.8 acres of critical habitat designated for the southwestern willow flycatcher and 553.6 acres of critical habitat proposed for the yellow-billed cuckoo (Figure 3). Critical habitat overlaps for these two species and originates at the confluence of the Colorado River and the Bill Williams River.

Surveys completed by LCR MSCP staff have detected southwestern willow flycatcher and yellow-billed cuckoo on the Bill Williams River National Wildlife Refuge (NWR) and in close proximity to wells number 3, 4, and 5<sup>1</sup>. LCR MSCP bird surveys have not detected California least tern on the Bill Williams River NWR<sup>2</sup>. California least tern may intermittently occur on the Lease area since there have been detections in Mohave and Pima counties, however, occurrences are unlikely<sup>3</sup>.

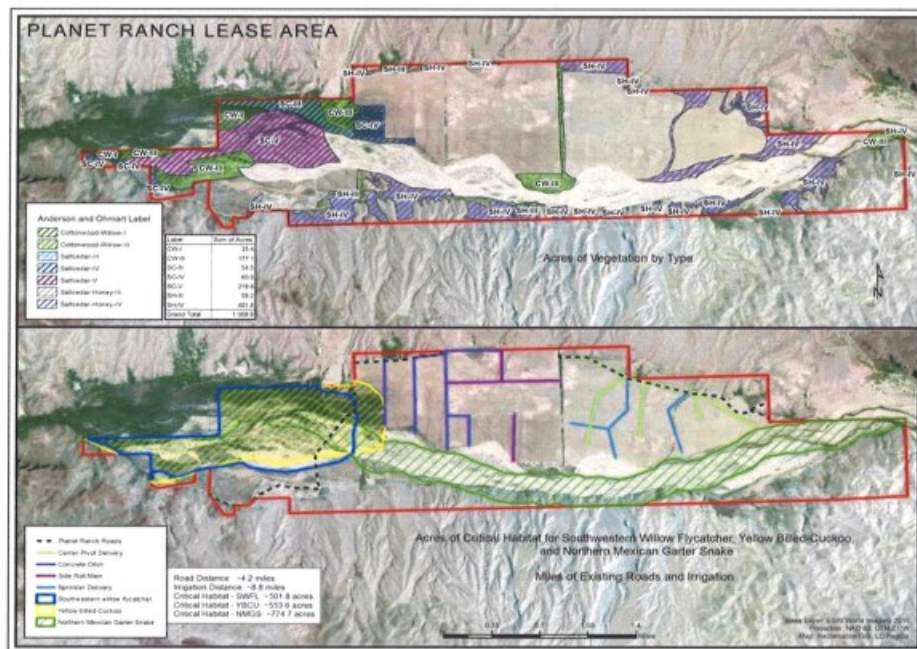


Figure 3: Vegetation Types and Critical Habitat

<sup>1</sup> S. Kokos, Personal Communication, 2015

<sup>2</sup> S. Kokos, Personal Communication, 2015

<sup>3</sup> L. Fitzpatrick, Personal Communication, 2015

LCR MSCP bird surveys have not detected Yuma clapper rail on the Bill Williams River NWR<sup>4</sup>. Habitat for Yuma clapper rail on the Bill Williams River is considered low quality nesting habitat and it is unlikely this species would occur within the Lease area, but surveys completed by the U.S. Fish and Wildlife Service have detected Yuma clapper rails on the Bill Williams River delta near Lake Havasu and one wintering observation within the Lease area<sup>5</sup>.

Proposed critical habitat for the northern Mexican gartersnake occurs from the confluence of the Colorado River and Bill Williams River upstream to Alamo dam (Figure 3). In 2011 and 2012, surveys for lowland leopard frogs (*Lithobates yavapaiensis*) were completed by the Arizona Game and Fish Department, under the auspices of the LCR MSCP, along the Bill Williams River from the confluence with Lake Havasu upstream to a point east of Planet Ranch on the Bureau of Land Management managed land. During the surveys in 2012, ten northern Mexican gartersnakes were captured in funnel traps along the Bill Williams River upstream of the Planet Ranch property<sup>6</sup>. Northern Mexican gartersnake population size and occurrence on the Bill Williams River is unknown as the detections occurred during surveys designed for the lowland leopard frog<sup>7</sup>. Habitat within the Lease area is not generally considered suitable for the northern Mexican gartersnake because it requires the presence of wetland sources which do not occur on the agricultural fields or along the Bill Williams River channel as the Bill Williams River flows are subsurface within the Lease area<sup>8</sup>. However, northern Mexican gartersnake may be washed downstream by high flows from Alamo Dam or flood events.

**Effects of the Proposed Action:**

The lease of Planet Ranch by the LCR MSCP is administrative in nature and would not directly affect Federally listed species or designated critical habitat within the Lease area. A reduction in the use of water rights for agricultural purposes on Planet Ranch would be a positive indirect impact as it will allow for more water to remain in the Bill Williams River and benefit the riparian habitat on the Lease area and downstream on the Bill Williams River NWR.

Equipment and infrastructure included in the lease are 11 wells, concrete irrigation ditches, and underground piping for sprinkler, center pivot, and side roll irrigation delivery systems. Regular monitoring of equipment, infrastructure, and roads will occur, but maintenance activities are expected to be on an “as needed” basis. Maintenance may include relatively simple adjustments only requiring hand tools. More intensive maintenance issues may require heavy equipment for grading or trenching. It is unlikely that listed species will be encountered during maintenance activities as the activities are anticipated to be minor, occurring within previously disturbed areas lacking key habitat components, and within existing roads resulting in no new ground disturbance. No adverse effect to designated or proposed critical habitat for the southwestern willow flycatcher, yellow-billed cuckoo and the northern Mexican gartersnake is expected as a result of the Proposed Action because maintenance of the existing equipment, infrastructure, and roads within the Lease

<sup>4</sup> S. Kokos, Personal Communication, 2015

<sup>5</sup> K. Blair, Personal Communication, 2015

<sup>6</sup> Cotton and Grandmaison, 2013

<sup>7</sup> T. Cotton, Personal Communication, 2013

<sup>8</sup> Rosen and Schwalbe, 1988

area will be conducted within previously disturbed areas. Positive impacts to wildlife may also occur as a result of maintenance activities and reduced water right allocations on the Lease area. Minor routine maintenance can prevent large emergency repairs with larger disturbance footprints which could result in more habitat loss. Routine road maintenance can prevent off-road travel if the roadways are washed out from flooding events.

To prevent harassment, injuries, or mortalities to listed species, Reclamation will incorporate the following minimization measures into maintenance activities:

- Education on listed species will be provided to staff and contractors by an approved biologist. This education program will include information to aid in species identification, current status, and actions to avoidance controls.
- All ground disturbing activities will only occur within previously disturbed areas.
- Maintenance project areas with suitable habitat will be surveyed for listed species.
- No nesting habitat for listed species will be removed or degraded.
- Project activities will be scheduled outside the nesting period during which these species are likely to be utilizing the area.
- If project activities cannot be scheduled outside the nesting period, an experienced biologist will identify exclusion areas to avoid impacts to nesting birds.
- A maximum speed limit of 25 miles per hour will be established within the Lease area to reduce the potential for northern Mexican gartersnakes to be struck by vehicles.
- If species are encountered, they are not to be handled and will be allowed to leave the area on their own volition. If there is a risk of mortality or entrapment, an approved biologist will be notified and appropriate actions will be taken.
- All excavations, such as trenches, will be backfilled immediately after the activity is completed or covered if left unattended over night to prevent entrapment of wildlife such as snakes. Trenches will be checked regularly and prior to backfilling to ensure no wildlife is trapped.

As a result of the Act, a greater availability of water in the Bill Williams River is expected to have a beneficial impact to biological resources as a result of water uptake by vegetation within the riparian corridor and more water remaining in the river for use by aquatic species. Long-term benefits to the Bill Williams River watershed and overall health of the riparian corridor are anticipated once restoration is established. Additional water will be available to support a natural expansion of riparian vegetation communities or the establishment of riparian vegetation into areas that don't currently support this vegetation type. Water used for restoration activities is intended to promote long-term benefits to habitat and species within the Lease area and downstream at the Bill Williams River NWR through habitat maintenance and creation. The cumulative impacts of the activities within the Bill William River Watershed are expected to be largely beneficial to plant and wildlife communities as it ultimately enables the LCR MSCP to implement goals and objectives for the benefit of LCR MSCP covered species.

**Effects Determination:**

Reclamation has assessed the potential effects, anticipates them to be insignificant and discountable, and determined that the Proposed Action may affect but is not likely to adversely affect the two Federally listed species mentioned above. No adverse effect to designated or proposed critical habitat is expected as a result of the Proposed Action because maintenance of the existing equipment, infrastructure, and roads within the Lease area will be conducted within previously disturbed areas. Species that are candidates for listing under the ESA are not included in this informal Section 7 consultation. If a species listing status changes, the actions will be reviewed and Section 7 consultation will be re-initiated, as needed.

The above listed minimization measures and any others identified through this informal consultation will be incorporated into the final EA. If any of the measures to avoid adverse effects to listed species can't be implemented, Section 7 consultation with the U.S. Fish and Wildlife Service will be re-initiated.

If you have questions, please contact me at 702-293-8555 or by electronic mail at [jswett@usbr.gov](mailto:jswett@usbr.gov) and/or Ms Jessica Stegmeier at 702-293-8121 or by electronic mail at [jstegmeier@usbr.gov](mailto:jstegmeier@usbr.gov).

Sincerely,



John Swett  
Program Manager  
Lower Colorado River  
Multi-Species Conservation Program

cc: Mr. John Nysted  
Flagstaff Sub-office  
Southwest Forest Science Complex  
Flagstaff, AZ 86001-6381  
(via email only)

bc: **LC-2000, LC-2600, LC-8000, LC-8400**  
(via email only)

Chrono  
Daily

WBR:JStegmeier:gcrystal:05/12/2015:702-293-8121

<http://lcrmscsp/sites/MSCP/8000/Shared Documents/Correspondence/Document Tracker/Restoration Group/JStegmeier/Memo-Planet Ranch Lease informal consultation concurrence request Final 5-12-15.docx>

**Reference to Notes Cited:**

- Blair, Kathleen. 2015. U.S. Fish and Wildlife Service. Personal communication with Jessie Stegmeier.
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- Cotton, Taylor. 2013. Arizona Game and Fish Department. Personal communication with Laura (Beth) Sabin.
- Fitzpatrick, Lesley. 2015. U.S. Fish and Wildlife Service. Personal communication with Jessie Stegmeier.
- Kokos, Sonja. 2015. U.S. Bureau of Reclamation, Lower Colorado River Multi-Species Conservation Program. Personal communication with Jessie Stegmeier.
- Rosen, Philip C. and Cecil R. Schwalbe. 1988. Status of the Mexican and narrow-headed garter snakes (*Thamnophis eques megalops* and *Thamnophis rufipunctatus rufipunctatus*) in Arizona [Unpublished report to U.S. Fish and Wildlife Service]. Arizona Game and Fish Department, Phoenix, AZ.





**United States Department of the Interior**

**U.S. Fish and Wildlife Service**  
**Arizona Ecological Services Office**  
2321 West Royal Palm Road, Suite 103  
Phoenix, Arizona 85021-4951  
Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE  
22410-2004-F-0161

June 4, 2015

Memorandum

To: Program Manager, Lower Colorado River Multi-Species Conservation Program,  
Bureau of Reclamation, Boulder City, Nevada (LC-8461, ENV-7.00)

From: Field Supervisor - *Acting*

Subject: Informal Consultation Concurrence Request for Activities Associated with the Planet  
Ranch Land and Water Rights Lease on the Bill Williams River in La Paz and  
Mohave Counties, Arizona

The Fish and Wildlife Service (FWS) received your May 15, 2015, request for our concurrence with the effects of the land and water lease agreement for Planet Ranch in La Paz and Mohave counties, Arizona. The action under consultation is the acquisition of a lease for 3,418 acres of land (the Lease Area), 5,549 acre-feet per year of associated water rights, and maintenance of existing infrastructure on the Lease Area. Planet Ranch is intended to become a Conservation Area under the Lower Colorado River Multi-Species Conservation Program (LCR MSCP); however, actions to be taken under the development of the Lease Area for conservation purposes are not included in this consultation.

The proposed action is for the operation and maintenance of existing equipment, infrastructure, and roads within the Lease Area. The infrastructure includes groundwater wells and facilities needed for irrigation of the farm fields including side roll mains and center pivot sprinklers, pipes, and ditches to deliver water for irrigation. Roads to access these facilities would be maintained in drivable condition.

Your request for our concurrence with a finding of "may affect, not likely to adversely affect" is for the endangered California least tern (*Sterna antillarum browni*) and the threatened northern Mexican gartersnake (*Thamnophis eques megalops*). Formal consultation on the effects to the other listed species potentially affected, the Yuma clapper rail (*Rallus longirostris yumanensis*) and southwestern willow flycatcher (*Empidonax traillii extimus*), was completed on March 4, 2005 in the biological opinion for the LCR MSCP.

The yellow-billed cuckoo (*Coccyzus americanus*) was a candidate for listing at the time of the issuance of the March 4, 2004 biological opinion and as a covered species under the LCR

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MSCP; effects to it from implementation of the conservation plan were fully addressed. The listing of the cuckoo as a threatened species became effective on November 3, 2014. Under the terms of the section 10 (a)(1)(B) permit for the LCR MSCP, upon listing, incidental take coverage under the biological opinion becomes effective.

You are also requesting concurrence for a no adverse affect finding for designated critical habitat for the southwestern willow flycatcher and proposed critical habitat for the yellow-billed cuckoo and northern Mexican gartersnake. The potential for effects to southwestern willow flycatcher critical habitat proposed in 2004 were included in the March 4, 2005 biological opinion. Final critical habitat for the flycatcher was designated in 2013 and will be examined in this request.

#### Yuma clapper rail

- There is one wintering observation of a Yuma clapper rail near the western boundary of the Lease Area. The amount of suitable habitat for rails in that area is low, and while there may be a limited amount of marsh near the Lease Area, it is unlikely to be affected by the maintenance activities.
- Effects of the implementation of the LCR MSCP conservation program on Yuma clapper rails and their habitat were included in the March 4, 2005 biological opinion. The potential effects from construction and operation of conservation areas were included in that analysis. The proposed actions on the Lease Area have essentially the same types of impacts already considered. The avoidance and minimization measures included in the conservation plan will, as stated in the biological opinion, be implemented as appropriate during activities on Planet Ranch. The coverage afforded under the 2005 biological opinion continues for this action.

#### Southwestern willow flycatcher

- Surveys for southwestern willow flycatcher detected individuals in close proximity to wells 3, 4, and 5 at the western end of the Lease Area. The wells are located on open, disturbed ground and are accessed by existing roads or tracks that do not enter the riparian areas.
- Effects of the implementation of the LCR MSCP conservation program on southwestern willow flycatchers and their habitat were included in the March 4, 2005 biological opinion. The potential effects from construction and operation of conservation areas were included in that analysis. The proposed actions on the Lease Area have essentially the same types of impacts already considered. The avoidance and minimization measures included in the conservation plan will, as stated in the biological opinion, be implemented as appropriate during activities on Planet Ranch. The coverage afforded under the 2005 biological opinion continues for this action.
- The western portion of the Lease Area contains 501.8 acres of designated critical habitat for the flycatcher. Activities included in the proposed action would not result in loss of existing riparian areas or effects that could degrade the value of critical habitat. Adverse effects to designated critical habitat are unlikely to occur.



#### Yellow-billed cuckoo

- Surveys for yellow-billed cuckoo detected individuals in close proximity to wells 3, 4, and 5 at the western end of the Lease Area. The wells are located on open, disturbed ground and are accessed by existing roads or tracks that do not enter the riparian areas.
- Effects of the implementation of the LCR MSCP conservation program on yellow billed cuckoos and their habitat were included in the March 4, 2005 biological opinion. The potential effects from construction and operation of conservation areas were included in that analysis. The proposed actions on the Lease Area have essentially the same types of impacts already considered. The avoidance and minimization measures included in the conservation plan will, as stated in the biological opinion, be implemented as appropriate during activities on Planet Ranch. The coverage afforded under the 2005 biological opinion continues for this action.
- The western portion of the Lease Area contains 553.6 acres of proposed critical habitat for cuckoo. Activities included in the proposed action would not result in loss of existing riparian areas or effects that could degrade the value of critical habitat. Destruction or adverse modification of proposed critical habitat is unlikely to occur.

#### California least tern

- California least tern has not been documented within the Lease Area; however there are some reports of transient birds from Mohave County. California least terns use open or slightly vegetated flats along shorelines of rivers, lakes, or irrigated areas for breeding. No known breeding sites are in the Lease Area, no transient individuals have been detected.
- In the conservation measures section, the LCR MSCP specifically notes that field crews on site will be educated on recognizing listed species to assist in avoidance. Surveys of appropriate habitat would be done before work is done in those areas. Project activities would be scheduled outside of known avian breeding periods, and, if that was not possible, surveys would be completed and exclusion zones put in place.
- Under these conditions, the likelihood of effect to California least terns is insignificant and discountable.

#### Northern Mexican gartersnake

- Northern Mexican gartersnake is not an LCR MSCP covered species. The species was documented upstream of the Lease Area along the Bill Williams River in 2012. Habitat needed by the gartersnake includes wetlands associated with some surface water. This type of habitat does not exist on the Lease Area; there are no surface flows or standing water to create wetlands. Suitable habitat may be present on the Bill Williams River National Wildlife Refuge downstream of the Lease Area. Aside from the potential for gartersnakes to enter the Lease Area carried by high flows released from Alamo Dam, the presence of gartersnakes on the portions of the Lease Area affected by the operations and maintenance actions is unlikely.
- In the conservation measures section, the LCR MSCP specifically notes that speed limits would be restricted to 25 miles per hour and education on all potential species present

and where to watch for them will be provided. Further, all trenches and other potential entrapment sites would be covered overnight if work could not be completed during the day and these sites would be checked regularly.

- Under these conditions, the likelihood of effects to northern Mexican gartersnakes is insignificant and discountable.
- Proposed critical habitat for the gartersnake extends along the Bill Williams River through the Lease Area. The maintenance activities included in the proposed action occur in existing disturbed areas and are unlikely to have any effect on the physical and biological features of proposed critical habitat.

We concur with the coverage provided for Yuma clapper rail, southwestern willow flycatcher, and yellow-billed cuckoo under the March 4, 2005 biological opinion. We concur that the proposed action is not likely to adversely affect designated critical habitat for the southwestern willow flycatcher.

We concur with your finding of "may affect, not likely to adversely affect for the California least tern and northern Mexican gartersnake. We concur that destruction or adverse modification of proposed critical habitat for the gartersnake and yellow-billed cuckoo is not likely to occur.

Thank you for your continued dedication to successfully implementing the LCR MSCP. If there are any questions concerning this response, please contact Lesley Fitzpatrick at (602) 242-0210 (x236) or me.



*for* Steven L. Spangle

cc (electronic):

Assistant Field Supervisor, Fish and Wildlife Service, Flagstaff, AZ  
Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ

W:\Lesley Fitzpatrick\LCR MSCP FY 11 & 12\Planet Ranch Lease Area Concur LCR MSCP v2.docx:egg

## 7.0 Draft EA Comments and Responses

Eighteen comment letters or e-mails were received on the Draft EA. The individual comment letters and e-mails are included in this section. Each letter or e-mail is followed by responses to the substantive comments contained in the letter or e-mail. Several individuals (commenters 6-18) expressed similar concerns in their comments. Responses are provided to the letter from Bruce Speirs, as it was the most detailed. In order to provide consistent responses, responses to commenters 7-18 refer back to the responses to Mr. Speir's letter. The following organizations and individuals commented on the draft EA:

1. Arizona Game and Fish Department
2. Colorado River Board of California
3. Colorado River Commission of Nevada and Southern Nevada Water Authority
4. Yavapai County Board of Supervisors
5. Freeport Minerals Corporation
6. Bruce Speirs
7. Darryd Kautzmann
8. Conrad and Dianna Skaggs
9. Rodger A. Delk
10. Gene and Nancy Hobday
11. Jack Caufield
12. Jim Bowen
13. Joan Beck
14. Perry Marchant
15. RoAnne Beets
16. Dee Holland
17. Skip I
18. Susan and Charles Guibord



## **Arizona Game and Fish Department**

**Comment:** “The Department would also like to note that an existing road near the southern boundary of Lower Colorado Multi-Species Conservation Program (LCR MSCP) Lease Area appears to be missing from Figure 7- Existing Roads within the Lease area.”

**Response:** Thank you for your letter. Figure 7 has been renumbered as Figure 8. The map shown in Figure 8 shows only the existing roads within the Lease area for which Reclamation will have maintenance responsibility under the Lease.



Ms. Faye Streier  
Bureau of Reclamation, Attn: LC 2620  
Lower Colorado Regional Office  
Page 2  
April 29, 2015

In addition to their support, the Board and its member agencies offer a suggested set of editorial changes:

- Page 3, List of Acronyms or Abbreviations: The term “Hualapai Tribe Bill Williams River Water Rights” should be altered to read “Hualapai Tribe Bill Williams River Water Rights”.
- Page 15, Section 2.2.1: References to a “50 year lease” in the first and third paragraphs of the section should be altered to reflect that the lease instead runs to the conclusion of the LCR MSCP, a span of about 40 years from the current date.
- Page 28, Section 3.3.2.1: The reference to “Ridgeway Rail” in the first bullet should be altered to read “Ridgeway’s Rail”, and should include the new scientific name, *Rallus obsoletus yumanensis*.
- Page 30, Section 3.3.2.1: The word “boarders” in the first sentence of the page should be altered to read “borders”.
- Page 49, Section 3.3.7.1: The word “current” in the last sentence of the section, should be altered to read “currently”.
- Page 49, Section 3.3.7.2.3: The word “to” should be removed from the first sentence of the section.

The Board and its member agencies appreciate the opportunity to provide comments associated with the draft EA for the Planet Ranch property. Please feel free to contact me at (818) 500-1625, if you have any questions or require additional information regarding these comments.

Sincerely,



Tanya M. Trujillo  
Executive Director

Cc: Mr. John Swett, Program Manager, U.S. Bureau of Reclamation, LC-8000



## **Colorado River Board of California**

**Comment:** Page 3, List of Acronyms or Abbreviations: The term "Haulapai Tribe Bill Williams River Water Rights" should be altered to read "Hualapai Tribe Bill Williams River Water Rights".

**Response:** The recommended change has been made on page iv.

**Comment:** Page 15, Section 2.2.1: References to a "50 year lease" in the first and third paragraphs of the section should be altered to reflect that the lease instead runs to the conclusion of the LCR MSCP, a span of about 40 years from the current date.

**Response:** We have clarified that the Lease would be in effect until April, 2055, on pages 15 and 20. Reference to a 50 year lease has been removed from Section 2.2.1.

**Comment:** Page 28, Section 3.3.2.1: The reference to "Ridgeway Rail" in the first bullet should be altered to read "Ridgway's Rail", and should include the new scientific name, *Rallus obsoletus yumanensis*.

**Response:** The recommended change has been made on page 34.

**Comment:** Page 30, Section 3.3.2.1: The word "boarders" in the first sentence of the page should be altered to read "borders".

**Response:** The recommended change has been made on page 36.

**Comment:** Page 49, Section 3.3.7.1: The word "current" in the last sentence of the section, should be altered to read "currently".

**Response:** The recommended change has been made on page 55.

**Comment:** Page 49, Section 3.3.7.2.3: The word "to" should be removed from the first sentence of the section.

**Response:** The recommended change has been made on page 55.



PlanetRanchEA, BOR LCR &lt;sha-lcr-planetranchea@usbr.gov&gt;

## Joint Comments on Draft Environmental Assessment for Planet Ranch Lease

**Carol L. Perone** <clperone@crc.nv.gov>

Fri, May 1, 2015 at 2:00 PM

To: "planetrancheaseea@usbr.gov" <planetrancheaseea@usbr.gov>

Cc: Jayne Harkins <jharkins@crc.nv.gov>, Jason Thriot <jasthriot@crc.nv.gov>, Sara Price <sprice@crc.nv.gov>, Judy Atwood <jatwood@crc.nv.gov>, Colby Pellegrino <Colby.Pellegrino@snwa.com>, Seth Shanahan <seth.shanahan@snwa.com>, Christine Costello <Christine.Costello@lwwd.com>

Good afternoon Ms. Streier,

Please find attached a Joint Comment Letter from the Colorado River Commission and the Southern Nevada Water Authority regarding the Draft Environmental Assessment for Planet Ranch Lease. A hard copy of the letter has also been mailed.

Below are some additional suggested modifications for your consideration.

### Suggested Modifications

- Pages 2, 8, 44-45, 49-50 and 53. Replace "LaPaz" with "La Paz."
- Page 5, section 1.2.1, sentence 2 and sentence 3. Append ", including permittees within these states" to the end of sentence 2 and for sentence 3 add "the full pool elevation of" before "Lake Mead."
- Page 25, paragraph 2, sentence 1; and page 26, section 3.3.1.2.2 sentence 2 and 3. Replace "5,449" with "5,549."
- Page 25, section 3.3.1.2.1, sentence 3. Replace "15,560" with "15,561."
- Page 26, section 3.3.1.2.2, sentence 3. Replace "10,120" with "10,012."
- Page 28, section 3.3.2.1. Decapitalize "Canadensis," italicize "Tayassu tajacu," make "nelson" "nelsoni," make "Ridgeway" "Ridgeway's," and replace "longirostris" with "obsoletus."
- Page 41, table 4 and page 42, figure 12. The acreage values reported should be reconciled for differences.

Please feel free to contact our office should you have any questions.

Thank you,

*Carol L. Perone*

Administrative Assistant III



STATE OF NEVADA



May 1, 2015

Ms. Faye Streier  
Bureau of Reclamation  
Attn: LC 2620  
P.O. Box 61470  
Boulder City, Nevada 89006

Re: Comments on the Draft Environmental Assessment for Planet Ranch Lease

Dear Ms. Streier:

Thank you for the opportunity to comment on the Bureau of Reclamation's (Reclamation) Draft Environmental Assessment (EA) for the Planet Ranch Lease (Lease). The Colorado River Commission of Nevada (CRC) and Southern Nevada Water Authority (SNWA) are collectively responsible for securing, protecting, treating, and delivering Nevada's entitlement of Colorado River water. Over 2 million people in Southern Nevada currently benefit from a secure Colorado River water supply. The Lower Colorado River Multi-Species Conservation Program (MSCP) provides the basis for the Endangered Species Act incidental take authorizations for CRC and SNWA, as well as other parties in Nevada (the Nevada Department of Wildlife and Basic Water Company, collectively "permittees."), Arizona, California, and Federal agencies, including Reclamation. The MSCP is critically important for our agencies to continue to receive and deliver Nevada's Colorado River apportionment and hydropower power allocation and to operate, maintain, and replace existing water diversion and conveyance facilities and electrical generation and transmission facilities. As members of the Steering Committee, our agencies work with Reclamation to coordinate implementation of the MSCP. Moreover, 25% of the non-federal cost share for implementing the MSCP is borne by the Nevada permittees.

Two of the primary goals of the MSCP are to accommodate present water diversions and power production and optimize opportunities for future water and power development. These goals are increasingly important to our agencies, as current and future drought conditions continue to impact the Colorado River Basin. By meeting the conservation targets outlined in the MSCP, including the creation of 5,940 acres of cottonwood-willow habitat, 1,320 acres of honey mesquite habitat, 512 acres of marsh, and 360 acres of backwater habitat, these goals can be attained. For these reasons, we support Reclamation leasing the designated portion of Planet Ranch and developing the property into a conservation area since these activities will significantly advance the achievement of MSCP habitat conservation targets. Provided below are substantive comments on the EA for your consideration.

*Southern Nevada Water Authority*  
1001 S. Valley View Blvd., Las Vegas, Nevada 89153

*Colorado River Commission of Nevada*  
555 E. Washington Ave., Suite 3100, Las Vegas, Nevada 89101

### Proposed Action

As stated in the EA, Reclamation seeks to acquire the Planet Ranch Lease, including 3,418 acres of land and 5,549 acre-feet per year of water rights, from Freeport Minerals Corporation (Freeport) to benefit the MSCP. It is important that the MSCP continue to provide incidental take authorizations for endangered species so that present water diversions, power production, and future water and power development on the lower Colorado River can continue to support communities in California, Nevada and Arizona. To this end, the MSCP must create wildlife habitat to support the covered species in the program. Planet Ranch is one of the few areas within the MSCP planning area that has sufficient soil moisture to support riparian vegetation restoration. CRC and SNWA support the Lease as it will help guarantee the success of the MSCP and maintain the incidental take authorizations necessary for much needed water, power, and other future projects on the lower Colorado River.

As Reclamation is aware, timing is of the essence for the Lease. Without reiterating the detailed discussion in the EA, the Lease is contingent upon an Enforceability Date of no later than December 15, 2015, under the Bill Williams River Water Rights Settlement Act of 2014, and related agreements and final order from the Arizona Department of Water Resources approving the sever and water transfer applications. To avoid any delays, CRC and SNWA provide these suggestions to ensure that the EA provides a complete analysis of all potential adverse impacts and benefits as required by the National Environmental Policy Act (NEPA).

### Substantive Comments

As stated above, CRC and SNWA both support the Proposed Action. The Lease will provide additional access for recreational opportunities while still providing valuable habitat for endangered species, conservation of natural resources, and off-site development opportunities under the MSCP. As the Lease area is currently privately held, CRC and SNWA expect minimal, if any, adverse impacts to public resources. Instead, the Proposed Action will result in a net benefit to the environment and public resources as a whole. This is truly a win-win for the environment and the public as a whole, as is reflected in the EA.

The Hydrology section of the EA states that Freeport will limit its combined annual diversions from the Wikieup well field to 10,055 acre-feet per year of the 40,071 acre-feet per year in historical water right claims. The EA notes that this may increase the availability of water in the watershed.

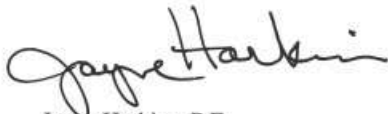
CRC and SNWA provide the following additional comments to support the environmental analysis in the EA:

- Page 8, last sentence. Section 3.3.3 appears to be a more appropriate reference than Section 3.3.4 for a historical account of the Planet Ranch.

- Page 9, sentence 3. The October 22, 2008, Program Decision Document 09-001 states that the Steering Committee approves Reclamation entering into a long-term lease to secure 4,894 acre-feet per year of water rights at Planet Ranch. Additional historical detail should be added to clarify how the water right value increased to 5,549 acre-feet per year.
- Page 10, section 1.3. The purpose and need statement should reiterate that the federal action is directed by the Bill Williams River Water Rights Settlement Act of 2014, as stated in section 1.1.1 of the EA.
- Page 15, section 2.2.1, sentence 2. The MSCP is a 50-year program with 40 years left under the program. We suggest describing how the difference between the term of the lease and the remaining term of the MSCP will be reconciled.
- Page 17, section 2.3. Reiterating that the federal action is directed by the Bill Williams River Water Rights Settlement Act of 2014 should further support why other alternatives were not considered for evaluation.
- Page 18, section 3.1.1, sentence 1 and 2. The proposed action may be more appropriately described as the acquisition of the Lease and the implementation of its terms, which includes the maintenance of existing facilities per the draft Lease agreement between Reclamation and Byner Cattle Company provided in Appendix B of the EA. Currently, the proposed action appears to include maintenance of existing facilities as a separate action from the Lease, which is not the case.
- Page 22, table 1, table item entitled "LCR MSCP Lease area restoration." Treatment of future restoration activities as part of the cumulative impacts analysis is appropriate.
- Page 49, section 3.3.7.2.2. This section provides sufficient evidence and appropriately evaluates the context and intensity of socioeconomic impacts associated with the proposed action.
- Page 49, section 3.3.7.2.3. The cumulative impacts analysis is well reasoned and suitably unspeculative.

We appreciate the opportunity to comment on the EA for the Planet Ranch Lease. Please continue to keep us informed of the status of this proposal. If you have any questions regarding these comments or need additional information, please contact Seth Shanahan, Senior Biologist, at (702) 822-3314.

Sincerely,



Jayne Harkins, P.E.  
Executive Director  
Colorado River Commission



Colby N. Pellegrino, P.E.  
Colorado River Program Manager  
Southern Nevada Water Authority

## Colorado River Commission of Nevada and Southern Nevada Water Authority

**Response to Suggested Modifications:** We have made the suggested modifications included in your transmittal e-mail. We have also corrected the watershed acres in Table 4. To provide consistency in all tables, we have also rounded the acreage numbers in Tables 5 and 6. We recalculated all percentages and percent change values, and included any corrected numbers.

**Comment 1:** As stated above, CRC and SNWA both support the Proposed Action. The Lease will provide additional access for recreational opportunities while still providing valuable habitat for endangered species, conservation of natural resources, and off-site development opportunities under the MSCP. As the Lease area is currently privately held, CRC and SNWA expect minimal, if any, adverse impacts to public resources. Instead, the Proposed Action will result in a net benefit to the environment and public resources as a whole. This is truly a win-win for the environment and the public as a whole, as is reflected in the EA.

The Hydrology section of the EA states that Freeport will limit its combined annual diversions from the Wikieup well field to 10,055 acre-feet per year of the 40,071 acre-feet per year in historical water right claims. The EA notes that this may increase the availability of water in the watershed.

**Response:** Thank you for your support for the Proposed Action and comments.

**Comment 2:** Page 8, last sentence. Section 3.3.3 appears to be a more appropriate reference than Section 3.3.4 for a historical account of the Planet Ranch.

**Response:** The suggested change has been made on Page 13.

**Comment 3:** Page 9, sentence 3. The October 22, 2008, Program Decision Document 09-001 states that the Steering Committee approves Reclamation entering into a long-term lease to secure 4,894 acre-feet per year of water rights at Planet Ranch. Additional historical detail should be added to clarify how the water right value increased to 5,549 acre-feet per year.

**Response:** The actual amount of water included in the Lease did not change but was adjusted to correctly reflect the description of the water right. The original value of 4,894 AFY was based on “consumptive use”, which is only the amount of water that would actually be used by plants. It was later adjusted to 5,549 AFY to include the amount of water that would be used by plants as well as any irrigation return flows or natural evaporation. To avoid confusion over the two numbers we did not add it to the text, but kept the accurate value of 5,549 AFY.

**Comment:** Page 10, section 1.3. The purpose and need statement should reiterate that the federal action is directed by the Bill Williams River Water Rights Settlement Act of 2014, as stated in section 1.1.1 of the EA.

**Response:** Reference to the Act has been added to the Purpose and Need on page 15.

**Comment:** Page 15, section 2.2.1, sentence 2. The MSCP is a 50-year program with 40 years left under the program. We suggest describing how the difference between the term of the lease and the remaining term of the MSCP will be reconciled.

**Response:** We have clarified that the Lease would be in effect until April, 2055 on pages 15 and 20. Reference to a 50 year lease has been removed from Section 2.2.1.

**Comment:** Page 17, section 2.3. Reiterating that the federal action is directed by the Bill Williams River Water Rights Settlement Act of 2014 should further support why other alternatives were not considered for evaluation.

**Response:** The added reference to the Act in the Purpose and Need on page 15 provides additional support for why other alternatives were not considered.

**Comment:** Page 18, section 3.1.1, sentence 1 and 2. The proposed action may be more appropriately described as the acquisition of the Lease and the implementation of its terms, which includes the maintenance of existing facilities per the draft Lease agreement between Reclamation and Byner Cattle Company provided in Appendix B of the EA. Currently, the proposed action appears to include maintenance of existing facilities as a separate action from the Lease, which is not the case.

**Response:** Clarification that the maintenance of existing facilities is included in the Lease has been added to page 20.

**Comment:** Page 22, table 1, table item entitled "LCR MSCP Lease area restoration." Treatment of future restoration activities as part of the cumulative impacts analysis is appropriate.

**Response:** Thank you for your comment.

**Comment:** Page 49, section 3.3.7.2.2. This section provides sufficient evidence and appropriately evaluates the context and intensity of socioeconomic impacts associated with the proposed action.

**Response:** Thank you for your comment.

**Comment:** Page 49, section 3.3.7.2.3. The cumulative impacts analysis is well reasoned and suitably unspeculative.

**Response:** Thank you for your comment.





**Yavapai County Board of Supervisors**

**Response:** Thank you for your letter and your support for the proposal.



Freeport-Minerals Corporation  
Land & Water Department  
333 N. Central Avenue  
Phoenix, AZ 85004

Chris J. Franks  
Manager-Land Engineering & GIS  
Telephone (602) 366-7348  
E-mail: Chris\_Franks@FMI.com

May 1, 2015

VIA U.S. Mail

Valerie Simon  
Chief: Resources Management Office  
U.S. Bureau of Reclamation  
Att'n: LC26020 P.O. Box 61470  
Boulder City, Nevada 89006

**Re: Draft Environmental Assessment LC-14-15 Planet Ranch Lease, April, 2015**

Dear Ms. Simon:

On behalf of Freeport Minerals Corporation, and its subsidiaries (collectively, "Freeport"), please consider the comments submitted herein regarding the Planet Ranch Lease Draft Environmental Assessment.

**Section 1.2.3 Planet Ranch**

Suggest modifying Page 9, Paragraph 1, Line 7 with the highlighted addition/deletion as follows"

Negotiations to **secure lease** the 3,418 acres of land....

**Section 1.3 Purpose and Need**

Suggest modifying Page 10, Paragraph 1, Line 1 with the highlighted addition as follows"

The purpose of the Federal action is to acquire a **50 year** lease for....

**Section 1.4.1 Hualapai tribe Water Rights and U.S. Trust Responsibility**

Suggest modifying Page 10, Paragraph 3, Line 5 with the highlighted addition as follows:

Reserved water rights **claims**, the Reservation .....

**Section 2.3 Alternatives Considered but not Evaluated Further**

On Page 17, suggest adding stronger justification as to why other alternatives do not need to be considered. For example, in Sections 1.2 and 1.3, the “specific goals” mentioned are not clearly defined.

**Section 3.2 Cumulative Impact Analysis Method and Identified Cumulative Actions**

Suggest modifying Page 21, Table 1, with the highlighted additions/deletions as follows”

Bagdad Mine Stockpile Extension Project is located in Yavapai County only. Suggest deleting **Mohave and La Paz.**

Suggest modifying Page 22, Table 1, with the highlighted additions/deletions as follows:

Freeport/AGFC Agricultural Lease Freeport has NOT entered into an agricultural lease that allows for irrigation of lands at Planet Ranch. It has contracted a farmer to farm designated portions of the ranch only.

**Section 3.3.1 Affected Environmental**

Suggest replacing Page 25, Paragraph 2, with the highlighted text as follows:

***Freeport is currently utilizing a minimum of 5,449 AFY of water to irrigate approximately 925 acres at Planet Ranch for agricultural purposes including cattle grazing and has plans to fully utilize its certificated water rights at the ranch if the Proposed Action is not implemented.***

**Section 3.3.1.2.1 No Action**

Suggest modifying replacing Page 25, Paragraph 3, Line 1 with the highlighted addition/deletion as follows:

..current level of irrigation may increase to ***8,873 AFY its fully certificated rights of 15,561 AFY***

**Section 3.3.1.2.3 Cumulative Impacts**

Suggest modifying replacing Page 27, Paragraph 1, beginning with Line 6 with the highlighted addition/deletion as follows:

The actual annual amount that Freeport would divert from the Wikieup well field in the future is ***not known capped at 10,055 AFY.***

**Section 3.3.1.2.3 Cumulative Impacts**

Suggest modifying replacing Page 27, Paragraph 3, Line 3 with the highlighted addition/deletion as follows:

.. ~~agricultural lease~~ **contract farming activities**.

**Section 3.3.1.2.3 Cumulative Impacts**

Suggest modifying replacing Page 27, Paragraph 3, Line 9 with the highlighted addition/deletion as follows:

.. ~~agricultural lease~~ **contract farming activities**.

**Section 3.3.2.3 Cumulative Impacts**

Suggest modifying replacing Page 34, Paragraph 2, Line 9 with the highlighted addition/deletion as follows:

.. ~~15,561 AFY~~ **40,071 AFY**

**Section 3.3.3.1 Affected Environment**

Correct Page 36, Paragraph 1 as follows:

The copper mining town of Swansea does **NOT** adjoin the eastern boundary of Planet Ranch.

**Section 3.3.3.1 Affected Environment**

Clarify Page 36, Paragraph 7, Lines 2&3 as follows:

Of the 3 cultural resource sites within or adjacent to the Lease Area, how many are actually within the Lease Area?

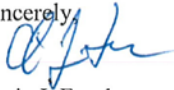
**Section 3.3.7.1 Affected Environment**

Suggest modifying replacing Page 49, Paragraph 1, Lines 2&4 with the highlighted addition/deletion as follows:

.. ~~agricultural lease~~ **contract farming activities**.

Thank you for your consideration of these comments.

Sincerely,



Chris J. Franks  
Manager-Land Engineering & GIS

## Freeport Minerals Corporation

**Comment:** Suggest modifying Page 9, Paragraph 1, Line 7 with the highlighted addition/deletion as follows "Negotiations to ~~secure~~ *lease* the 3,418 acres of land ...."

**Response:** The suggested change has been made on page 14.

**Comment: Section 1.3 Purpose and Need:** Suggest modifying Page 10, Paragraph 1, Line 1 with the highlighted addition as follows" The purpose of the Federal action is to acquire a *50 year* lease for ...."

**Response:** The term of the Lease has been clarified on pages 15 and 20. Reference to a 50 year lease has been removed from Section 2.2.1.

**Comment: Section 1.4.1 Hualapai Tribe Water Rights and U.S. Trust Responsibility:** Suggest modifying Page 10, Paragraph 3, Line 5 with the highlighted addition as follows: Reserved water rights *claims*, the Reservation ....."

**Response:** We removed the sentence relating to this comment in Section 1.4.1 and addressed federal reserved water rights more fully in Section 3.3.4. Water rights claims are not considered ITAs, however, Federal reserved water rights, adjudicated or unadjudicated, are considered ITAs. Adjudication refers to the legal process of resolving water rights among parties.

**Comment: Section 2.3 Alternatives Considered but not Evaluated Further:** On Page 17, suggest adding stronger justification as to why other alternatives do not need to be considered. For example, in Sections 1.2 and 1.3, the "specific goals" mentioned are not clearly defined.

**Response:** The habitat creation goals for the LCR MSCP are listed in Section 1.2.1. Further detail on these goals can be found in the LCR MSCP implementing documents listed in Section 1.2.1. Sections 1.2.3 and 1.2.4 provide specifics on how conditions at Planet Ranch and the Bill Williams River NWR relate to those goals. It was determined that this information provides sufficient background as to why the Proposed Action meets these goals. No other alternatives were identified that would meet these goals as well as the intent and requirements of the Act.

**Comment: Section 3.2 Cumulative Impact Analysis Method and Identified Cumulative Actions:** Suggest modifying Page 21, Table 1, with the highlighted additions/deletions as follows" Bagdad Mine Stockpile Extension Project is located in Yavapai County only. Suggest deleting *Mohave and La Paz*.

Suggest modifying Page 22, Table 1, with the highlighted additions/deletions as follows: Freeport/AGFC Agricultural Lease- Freeport has NOT entered into an agricultural lease that allows for irrigation of lands at Planet Ranch. It has contracted a farmer to farm designated portions of the ranch only.

**Response:** The suggested changes have been made to Table 1, pages 27-28.

**Comment: Section 3.3.1 Affected Environment:** Suggest replacing Page 25, Paragraph 2, with the highlighted text as follows:

*Freeport is currently utilizing a minimum of 5,449 AFY of water to irrigate approximately 925 acres at Planet Ranch for agricultural purposes including cattle grazing and has plans to fully utilize its certificated water rights at the ranch if the Proposed Action is not implemented.*

**Response:** The suggested change has been made on page 30.

**Comment: Section 3.3.1.2.1 No Action:** Suggest modifying replacing Page 25, Paragraph 3, Line 1 with the highlighted addition/deletion as follows:

..current level of irrigation may increase to ~~8,873 AFY~~ *its fully certificated rights of 15,561 AFY*

**Response:** The suggested change has been made on page 31.

**Comment: Section 3.3.1.2.3 Cumulative Impacts:** Suggest modifying replacing Page 27, Paragraph 1, beginning with Line 6 with the highlighted addition/deletion as follows:  
“The actual annual amount that Freeport would divert from the Wikieup will field in the future is ~~not known~~ *capped at 10,055 AFY.*”

**Response:** The suggested change has been made on page 33.

**Comment: Section 3.3.1.2.3 Cumulative Impacts:** Suggest modifying replacing Page 27, Paragraph 3, Line 3 with the highlighted addition/deletion as follows:

.. ~~agricultural lease~~ *contract farming activities.*

**Response:** The suggested change has been made on page 33.

**Comment: Section 3.3.1.2.3 Cumulative Impacts:** Suggest modifying replacing Page 27, Paragraph 3, Line 9 with the highlighted addition/deletion as follows:

.. ~~agricultural lease~~ *contract farming activities.*

**Response:** The suggested change has been made on page 33.

**Comment: Section 3.3.2.3 Cumulative Impacts:** Suggest modifying replacing Page 34, Paragraph 2, Line 9 with the highlighted addition/deletion as follows:

.. ~~15,561 AFY~~ *40,071 AFY*

**Response:** The suggested change has been made on page 40.

**Comment: Section 3.3.3.1 Affected Environment:** Correct Page 36, Paragraph 1 as follows:

The copper mining town of Swansea does **NOT** adjoin the eastern boundary of Planet Ranch.



**Response:** The text has been changed to clarify that the town of Swansea was located east of Planet Ranch on page 42.

**Comment: Section 3.3.3.1 Affected Environment:** Clarify Page 36, Paragraph 7, Lines 2&3 as follows: Of the 3 cultural resource sites within or adjacent to the Lease Area, how many are actually within the Lease Area?

**Response:** The text has been changed on page 43 to clarify that all three are located within the Lease area. The majority of the historic Planet Townsite is located outside of the Lease area, however some features of the Townsite may have been within the Lease area.

**Comment: Section 3.3.7.1 Affected Environment:** Suggest modifying replacing Page 54, Paragraph 1, Lines 2&4 with the highlighted addition/deletion as follows:

.. ~~agricultural lease~~ **contract farming activities**.

**Response:** The suggested change has been made on page 55.

**TO: Bureau of Reclamation**  
**ATTN: LC 2620 PO Box 61470**  
**Boulder City, NV 89006**  
**planetranleaseea@usbr.gov**

**FROM: Bruce Speirs**  
**4121 Tierra Vista Dr.**  
**Lake Havasu City AZ 86406**  
**havasuhacienda@fronteignet.net**

## **Submission of Public Comments on Draft Environmental Assessment LC-14-15**

I am a resident of Lake Havasu City, AZ and I am directly impacted by the proposed USBR Planet Ranch Lease action. As an avid outdoor enthusiast, off highway vehicle user and amateur historian I am frequently in the area of Planet Ranch pursuing my interests, primarily:

- Western American history (mining and historic settlements)
- Traveling back country byways (old mining / ranch / county roads as listed as open to travel by the BLM)
- The enjoyment of the solitudes and vistas this desert area provides.

### **Comment on Draft Environmental Assessment LC-14-15 Preamble**

I support the preamble statement at the beginning of the EA that says “The mission of the Department of the Interior is to protect and provide access to our Nation’s natural and cultural heritage.” A reasonable and prudent man would say that to again open Planet Ranch and its roads to public access would be in direct support of this mission statement. The beneficiaries would be the Public, they being the owners of the land, once the LCR MSCP Planet Ranch Lease is approved. I support re-opening these historic 150 year old roads to back country travel again.

### **Comment on Section 1.1.1 Proposed Federal Action**

I support the proposed federal action to acquire a lease for 3,418 acres of land known as Planet Ranch from Freeport Minerals Corp to benefit the LCR MSCP and the benefits it would provide public access concurrently via AGFC publically proposed actions.

### **Comment on Section 1.2.3 Planet Ranch**

I can prove the Planet Ranch area (and roads) have been the site of significant human activity since at least 1866.

The statement presented in this section of the EA discussing the human presence in the Planet Ranch area in modern times is woefully deficient, and it therefore minimizes and diminishes any acknowledgement of the development, mining, travel, roads, permanent impact, and occupation of Planet Ranch, activities in the Bill Williams River corridor from Planet Ranch to the Colorado

River, and the adjoining areas. One could form the simple opinion after reading this section in the EA that the Planet Ranch site and land is pristine, wild, untouched and therefore incompatible for the AGFC to permit public access let alone public travel across it. The best example I can present to refute this poor image of a wilderness area is a map dated 1866 (attached) in the possession of the Bancroft Library, UC Berkley, which was drawn by Edward Fairman, a civil engineer. I attached two versions of the same map for your review.

The first map shows the confluence of the Bill Williams and Colorado, the mining towns of Planet and Aubrey, all the mines and all claimed acreage, and finally the roadway traveling from Aubrey at the confluence to the town of Planet. It also shows the roads intersecting with the road coming north up Mineral Wash. This is physical proof that the area was in use and traveled over since least 1866. Coincidentally that map shares the same “birth year” as in the 1866 RS2477 mining road authority stating “The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted.”

The second map was produced by me from the original as the original map has all the identify notations written 90° off from true north. To permit a better understanding and appreciation of the activities mapped, I segmented the map into sections, then rotated (oriented) them to north is up.

### **Comment on Section 2.2.1 LCR MSCP Lease and Donation**

I support the federal action to implement the Big Sandy River – Planet Ranch Agreement as on the date of execution (approval) it would transfer the ownership (by donation) of 3,418 acres of land to AGFC who have repeatedly and publically vowed to reopen the land and roads to the public. However in regards to the roads the EAs states “The main access road to the Lease area would be open to the public.” The map shown in Figure 7, page 17, does not show the access roads or any connection to either county road. Makes one wonder what good the offer to open roads are if we can’t get there in the first place.

Some of these roads in and around the Planet Ranch Lease have been in existence since 1866 (see prior comment), were ‘public right- a- way RS2477 mining and ranching roads’ prior to the land being homesteaded. And more specifically and contrary to the perception the roads (and Planet Ranch) have been ‘closed to the public,’ they have not. Public access occurred frequently years ago under ARMCO ownership (and note there were no gates then). Then when it was purchase by the City of Scottsdale (but managed by local folks) yes gates were installed but, and while not stated in the report and apparently unknown to the USBR, public access continued, abet at a reduced frequency. Just because the ranch has gates doesn’t mean they didn’t open. They did to me to me several times and also for many people that I know of in Lake Havasu City. Some of the onsite ranch managers and field employees were more accommodating to requests to ‘Can I pass through’ than others. But it became a hit and miss proposition during the later years if you could flag someone down near the gate or the manager happened to be in his office to hear the phone ring. It’s the same concept of you driving to my house. It has a front door. It is normally closed. But if you knock and you seem nice enough I might let you in. Its known as western hospitality!

One could also make the forceful legal argument that a “Prescriptive Easement” exists across Planet ranch due to the decades, if not the century plus use of these roads in, around, and through

Planet Ranch. You may also note that Mohave County Highway 133 serves as the north transit link to Planet Ranch and that the La Paz County “Planet Ranch Road” serves as the south transit link. Why would the two counties have spent all that money over all those years maintaining roads that lead directly and only to a ‘closed’ ranch - roads that serve no other public need? Planet Ranch should remain open for travel between La Paz and Mohave countries.

I also support the voluntary “in lieu” property tax payment by AGFC to Mohave and La Paz Counties to offset any tax loss.

I also support the proposal as Freeport would grant AGFC an easement to cross their (Freeport’s) lands to access Planet Ranch. This easement to AGFC is vital to making this proposal viable.

In as far as the comments in this section regarding “Equipment and Infrastructure” and the map – Figure 7 Existing roads on Leased Lands – it is very inaccurate. By simply performing a Google Earth overview it becomes very obvious that many routes, all dirt roads in varying degree of size, condition and evidence of usage, are apparent. The simplistic portrayal of “just one road”, and a segmented road indicted at that, is deceptive. I would demand that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel. I am not demanding all routes be open, but I am certainly requesting AGFC open those routes that best serve the purposes of the public in transiting the area and enjoying their adjacent public lands and to outreach to the public for comments to assist them in this task.

#### **Comment on Section 3.3.2.1 Biological Resources - Affected Environment**

I agree that the impact to wildlife in the eastern two thirds of the Lease area is extremely minimal at best as it is barren former agricultural land. It bears no native foliage, and holds no attraction for wildlife, nor could it provide any cover or nesting opportunities.

#### **Comment on Section 3.3.2.2 Environment Consequences - Proposed Action**

I agree with the statement that during maintenance activities by USBR “A maximum speed limit of 25 MPH will be established within the Lease area to reduce the potential for tortoises, lowland leopard frogs, northern Mexican gartersnakes, and other ground dwelling species to be struck by vehicles.”

I would further approve if this 25 MPH speed limit was extended to the Lease area full time, and not just during a maintenance period. It should be posted and so enforced by AGFC. This will also reduce the effects of dust.

#### **Comment on Section 3.3.3.1 Affected Environment “The Historic Period at Planet Ranch and Vicinity”**

Nothing is stated as to the origin or establishment of the town site of Planet which predates the ranch by 50 years at the minimum. Nor is anything said about the adjoining mines, the immediately adjacent Kohen, Lopez or Esquerra Ranches, or the historic “Planet” road that was in use by 1866 and connected Planet with Aubrey at the confluence of the Bill Williams and the Colorado Rivers, and its intersection with the Mineral Wash Road. Historically the Bill Williams River road was a major route of travel and for mineral exploration, beginning around

1860, when gold and silver mining communities such as Planet on the river and Signal, on the Big Sandy River, were established in the region. See the 1912 map “A Birds -Eye View of Territory Tributary to Yucca, AZ. By A.M. Stene, 1912.” that shows some of these sites.

The first date in the EA statement is 1910 when Planet ranch was first homesteaded. I have attached a photograph of a grave marker at the family plot of the Esquerra Ranch (attached). This and four other graves can be discerned to this day. It is located 2 - 3 miles to the west and across the river from the historic Planet settlement site, and the Arizona Pioneer & Cemetery Research Project has nine Death Certificates for it on file. The Lopez Ranch is north of the river and east of Planet Ranch and has five graves present.

[http://www.apcrp.org/LOPEZ\\_RANCH\\_CEM/Lopez\\_Ranch\\_Cem\\_Article\\_Mast.htm](http://www.apcrp.org/LOPEZ_RANCH_CEM/Lopez_Ranch_Cem_Article_Mast.htm)

Planet was a mining settlement in existence by at least 1866. It predates Planet Ranch. The Kohen, Lopez, and Esquerra Ranches also were established in the area. A date of 1900 was located for the Lopez ranch. A Goggle Earth search of the Esquerra and Kohen Ranch reveals numerous building foundations, roadways, equipment, materials, debris, and derelict vehicles. It is clearly obvious, both visually (via internet publically accessible satellite imagery) and through research that this area, in and around the Lease area, has been heavily traveled up to the present day and has experienced the effects of a century and a half of mining and ranching activities.

The statement presented in this section discussing the human presence in the Planet Ranch area in modern times is woefully deficient, and it therefore minimizes and diminishes any acknowledgement of the development, mining, travel, roads, and occupation of Planet Ranch, activities in the Bill Williams River corridor to the Colorado River and the adjoining areas. One could form the simple opinion that the Planet Ranch site and land is pristine, wild, untouched and therefore incompatible for the AGFC to permit public access let alone public travel across it. The best example I can present to refute this poor image of a wilderness area is a map dated 1866 (attached) in the possession of the Bancroft Library, UC Berkley, which was drawn by Edward Fairman, a civil engineer. I attached two versions of the same map for your review.

The first map shows the confluence of the Bill Williams and Colorado, the two mining towns of Planet and Aubrey, all the mines and claimed acreage, and finally the roadway traveling from Aubrey at the confluence to the town of Planet. It also shows the roads intersecting with the road coming north up Mineral Wash. This is physical proof that the area was in use and traveled over since least 1866. Coincidentally that map shares the same “birth year” as in the 1866 RS2477 mining road authority stating “The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted.”

The second map was produced by me from the original as the original map has all the identifying notations written 90° off from true north. To permit a better understanding of the activities mapped I segmented the map into sections, then rotated (oriented) them so north is up.

### **Comment on Section 3.3.6.2.2 Recreation – Environmental Consequences – Proposed Action**

I would demand that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel in the Lease area. I am not demanding all routes be open, but I am certainly requesting AGFC open those routes that best serve the

purposes of the public in transiting the area and enjoying their adjacent public lands and to outreach to the public for comments to assist them in this task.

Further it is imperative that USBR and AGFC ally and present a strong front in requesting that Freeport allow the use of their roads (giving easements to AGFC as outlined in the other Planet Ranch pending agreements) which will then permit public access to and through Freeport and then to and through the Planet Ranch Lease lands. I support restricting public vehicular traffic while on Freeport lands to just the established roads. Without this component the effort will collapse. Any statements made by AGFC to this point that the deal proposed by Freeport will benefit the public will ring hollow.

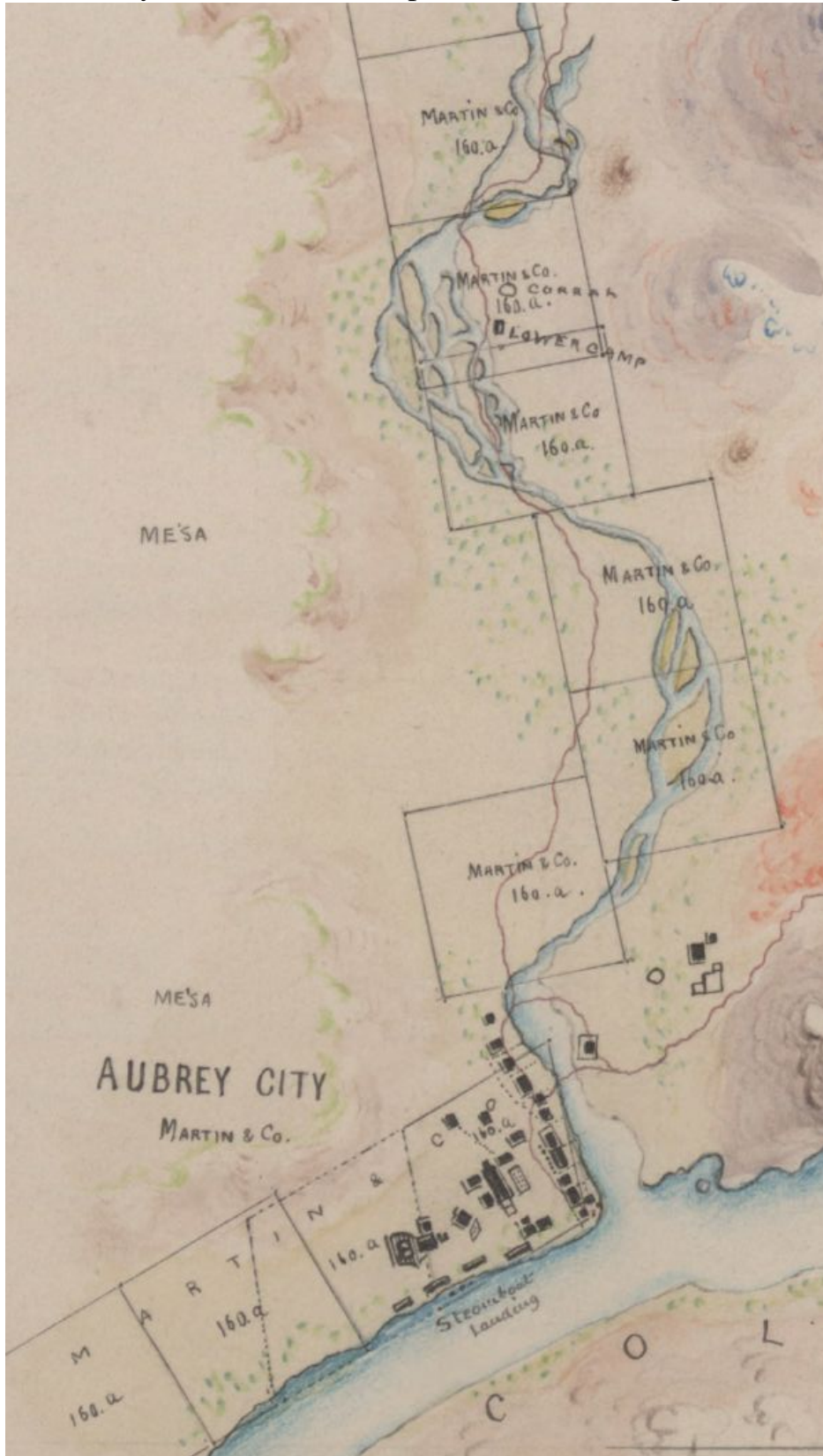
### **Lastly**

Because of the distance of this area, from the nearest highway, the only safe way to reach this area of beauty is by motorized 4 wheel drive vehicle. It is too far from the highway to walk! An older person will only be able to enjoy the great scenery from the vistas presented here from a vehicle. I am confident that the AGFC will formalize a route system that will allow the public when travel through the Lease area the ability to maintain an optimal balance between authorized resource use and the protection and long term sustainability of sensitive resources.

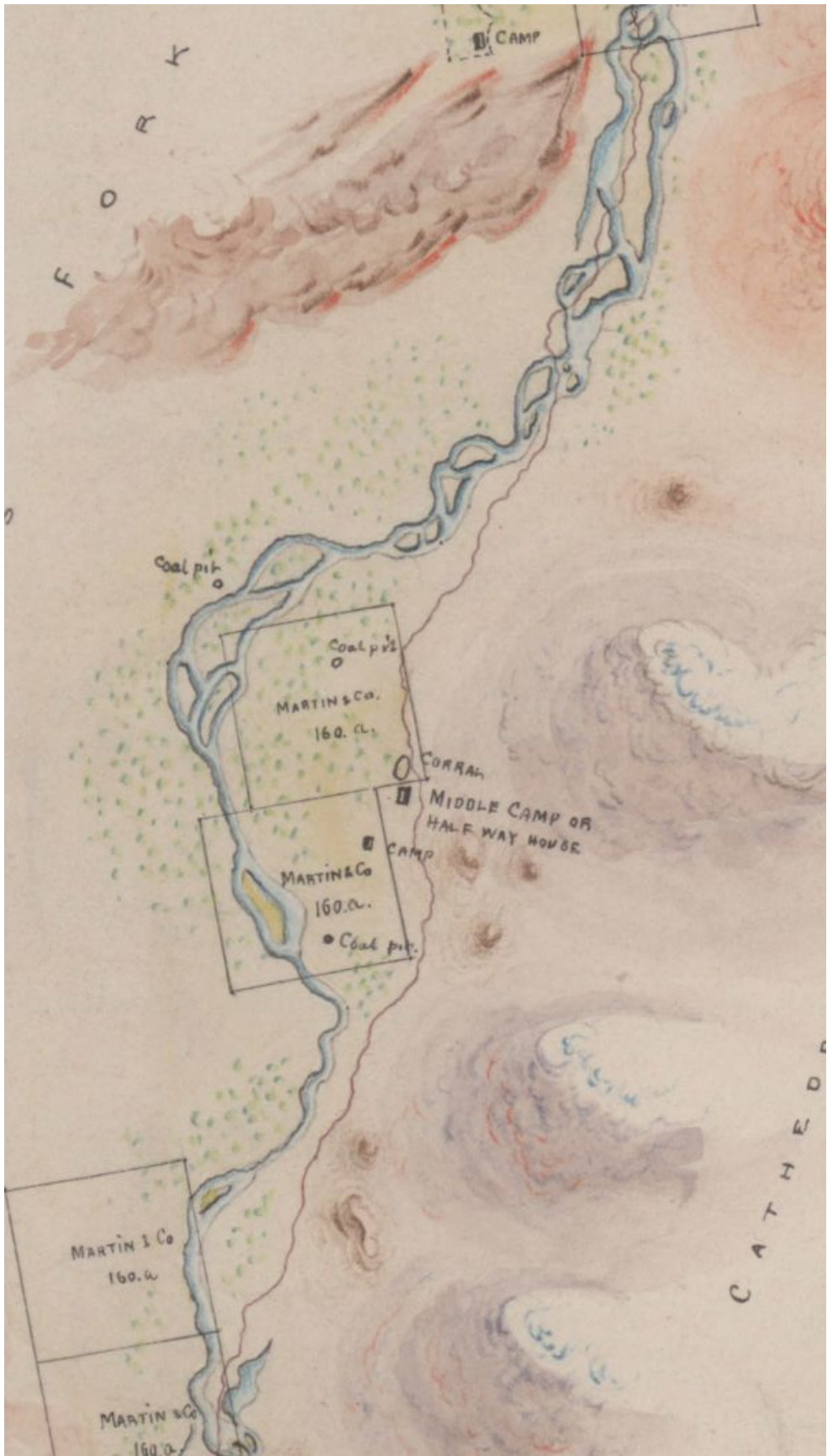
The Federal Land Policy and Management Act (FLPMA) firmly established the concept of multiple use and sustained yield, with recreation as one of the principle uses. The trend is for retirement people to move south or west, remain active and seek recreational opportunities on the Public Lands.

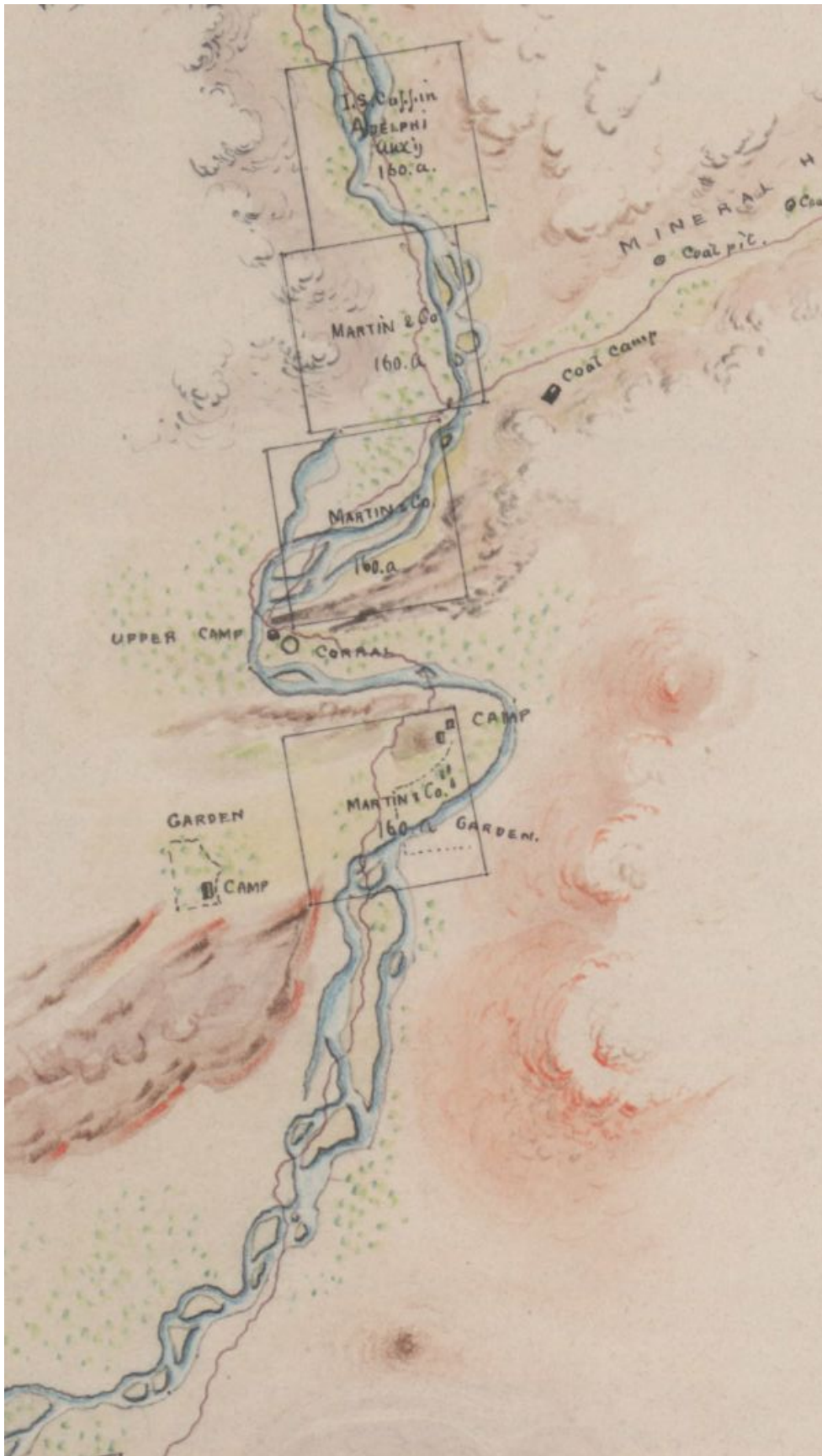
Respectfully submitted,  
Bruce Speirs

Aubrey to Planet 1866 Map - Set of four enlargements













Esquerra Ranch & Cemetery (Located north of the Bill Williams River and N/W of the Planet town site). Nine death certificates on file. Oldest grave dated 1910.



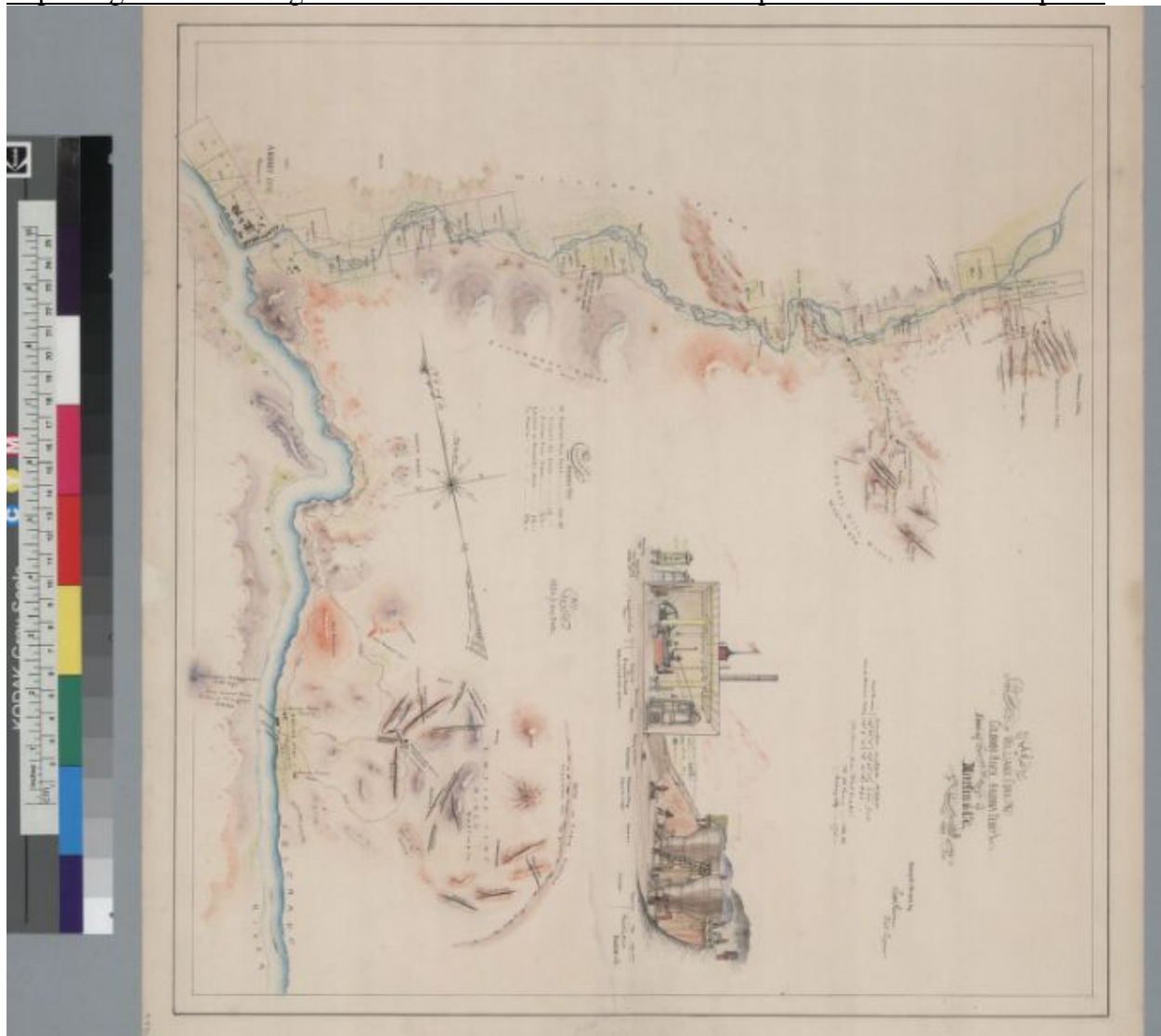
Lopez Ranch with five graves. North of the river and east of Planet Ranch.



Map of confluence of Williams Fork and Colorado River, Arizona Territory...

Edward Fairman, artist [1866]

<http://imgzoom.cdlib.org/Fullscreen.ics?ark=ark:/13030/tf2n39p0x0/z1&&brand=calisphere>



## **Bruce Speirs**

**Comment 1: Section 1.2.3 Planet Ranch:** The statement presented in this section of the EA discussing the human presence in the Planet Ranch area in modern times is woefully deficient, and it therefore minimizes and diminishes any acknowledgement of the development, mining, travel, roads, permanent impact, and occupation of Planet Ranch, activities in the Bill Williams River corridor from Planet Ranch to the Colorado River, and the adjoining areas. One could form the simple opinion after reading this section in the EA that the Planet Ranch site and land is pristine, wild, untouched and therefore incompatible for the AGFC to permit public access let alone public travel across it.

**Response:** Thank you for your letter, maps, and other historical information. Section 1.2.3 is intended to provide a brief overview of Planet Ranch so the reader may better understand the reasons for acquiring the Lease for the LCR MSCP. We appreciate the long human presence in the area, and recognize that Planet Ranch has been in use for agriculture and other purposes for many years.

**Comment 2: Section 2.2.1 LCR MSCP Lease and Donation:** I support the federal action to implement the Big Sandy River – Planet Ranch Agreement as on the date of execution (approval) it would transfer the ownership (by donation) of 3,418 acres of land to AGFC who have repeatedly and publically vowed to reopen the land and roads to the public. However in regards to the roads the EAs states “The main access road to the Lease area would be open to the public.” The map shown in Figure 7, page 17, does not show the access roads or any connection to either county road. Makes one wonder what good the offer to open roads are if we can’t get there in the first place.

**Response:** Thank you for your support of the Federal action. The map shown in Figure 7 (now numbered as Figure 8) shows the existing roads within the Lease area for which Reclamation will have maintenance responsibility under the Lease. It was not intended as a complete inventory of all roads within the Lease area and the surrounding area. Figure 6 has been added to the final EA to show the public access to the Lease area from the south using Mineral Wash Road. Figure 6 also shows the Planet Ranch Road and portions of Planet Ranch that will remain in private ownership. Public access is not guaranteed from the north, as Planet Ranch Road is located on private land. The Lease would grant Reclamation and AGFD a license to access and cross the portions of Planet Ranch not included in the Lease in order to further the purposes of the Lease, which is for habitat restoration and other compatible activities for the benefit of the LCR MSCP.

Section 3.3.6.2.2. of the EA states that “Restoration and site planning would be conducted for the Lease area which will identify the types and level of public access as well as the types of recreation activities that are compatible with the LCR MSCP. In accordance with the Act, public access would be consistent with all applicable Federal and State laws and management plans for the Lease area.” Reclamation and AGFC will work together to identify this level of public access but do not guarantee public access outside of the Lease area, as that is at the discretion of the private landowner.

**Comment 3:** Some of these roads in and around the Planet Ranch Lease have been in existence since 1866 (see prior comment), were ‘public right- a- way RS2477 mining and ranching roads’

prior to the land being homesteaded. And more specifically and contrary to the perception the roads (and Planet Ranch) have been ‘closed to the public,’ they have not.

**Response:** We appreciate the comments regarding the potential presence of RS 2477 public roads access rights. Claims regarding RS 2477 can only be decided in a Federal court of competent jurisdiction. Reclamation does not have administrative authority to validate, or to invalidate, claims of access pursuant to RS 2477. Decisions regarding RS 2477 rights and the impacts from them are outside the authority of Reclamation and the scope of the Proposed Action in the EA. Reclamation complies with all decisions of courts of competent jurisdiction that affect lands we manage.

The Draft EA does not state that Planet Ranch has always been closed to public access only that currently, as private land, public access is subject to approval by Freeport.

**Comment 4:** One could also make the forceful legal argument that a “Prescriptive Easement” exists across Planet ranch due to the decades, if not the century plus use of these roads in, around, and through Planet Ranch.

**Response:** As with RS 2477, Reclamation does not have administrative authority to validate, or to invalidate, claims of access pursuant to a prescriptive easement. Claims regarding prescriptive easements are decided by a State court of competent jurisdiction. Decisions regarding prescriptive easements and the impacts from them are outside the authority of Reclamation and the scope of the Proposed Action in the EA. Reclamation complies with all decisions of courts of competent jurisdiction that affect lands we manage.

**Comment 5: Section 2.2.1 LCR MSCP Lease and Donation:** In as far as the comments in this section regarding “Equipment and Infrastructure” and the map – Figure 7 Existing roads on Leased Lands – it is very inaccurate. By simply performing a Google Earth overview it becomes very obvious that many routes, all dirt roads in varying degree of size, condition and evidence of usage, are apparent. The simplistic portrayal of “just one road”, and a segmented road indicted at that, is deceptive. I would demand that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel. I am not demanding all routes be open, but I am certainly requesting AGFC open those routes that best serve the purposes of the public in transiting the area and enjoying their adjacent public lands and to outreach to the public for comments to assist them in this task.

**Response:** Please see our response to Comment 2 regarding Figure 7 and public access.

**Comment 6:** I would further approve if this 25 MPH speed limit was extended to the Lease area full time, and not just during a maintenance period. It should be posted and so enforced by AGFC. This will also reduce the effects of dust.

**Response:** Thank you for this recommendation. It will be considered by AGFC and Reclamation in restoration and site planning.

**Comment 7: Affected Environment “The Historic Period at Planet Ranch and Vicinity”:** Nothing is stated as to the origin or establishment of the town site of Planet which predates the ranch by 50 years at the minimum. Nor is anything said about the adjoining mines, the



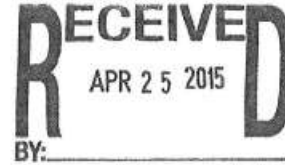
immediately adjacent Kohen, Lopez or Esquerra Ranches, or the historic “Planet” road that was in use by 1866 and connected Planet with Aubrey at the confluence of the Bill Williams and the Colorado Rivers, and its intersection with the Mineral Wash Road.

**Response:** Again, we thank you for sharing the maps on historical information on Planet Ranch and Vicinity. The prehistoric and historic information in that section was not intended as a comprehensive history of the area; but was provided only as a brief overview to illustrate the long history of land use in the area and to highlight the prehistoric and historic resources that are present in and near the Lease area. This language has been added to page 41 to clarify the purpose of this section. We have also added the approximate date of establishment of the Planet Mine on page 42 to illustrate the long history of mining in the area.

**Comment 8: Section 3.3.6.2.2 Recreation – Environmental Consequences – Proposed Action**

Further it is imperative that USBR and AGFC ally and present a strong front in requesting that Freeport allow the use of their roads (giving easements to AGFC as outlined in the other Planet Ranch pending agreements) which will then permit public access to and through Freeport and then to and through the Planet Ranch Lease lands.

**Response:** As described in Section 2.2.1, and in the Legislative draft of the Lease contained in the Appendices to the Draft EA, Freeport would grant Reclamation and AGFC easements for existing access road that are not part of the Lease.



From: Darryld Kautzmann  
P.O. Box 220  
Lake Havasu City, AZ 86405

Re: Public Comment on Draft Environmental Assessment LC-14-15 (Planet Ranch Lease)

Dear Sirs,

I am an 18 year resident of Lake Havasu City, Arizona. For the past 10 years I have been active in off roading, and have been working closely with the Lake Havasu City BLM office to help establish trails which, by law should be open to Off Highway Vehicles.

In reviewing the Draft Assessment LC-14-15, the Proposed USBR Planet Ranch Lease action I find the U.S. Bureau of Reclamation has submitted an incomplete and misleading documentation of the history of Trails (roads) in the proposed lease action.

The Bureau has mentioned the main North South road through Planet Ranch, and has proposed it remain open to the public, to which I agree.

The Bureau ignored, or overlooked, several old mine roads from Aubrey Landing through the Planet Ranch area, going on to the Eastern mines and the town of Signal. They have also overlooked , or failed to mention the road from the Colorado River to Planet Mine. All of these roads predated the establishment of Planet Ranch.

I urge the Bureau follow the guidelines for a Draft Environmental Impact Assessment That they do a complete, and a correct assessment recognizing the early mining history, and reestablish the early roads to, and through, Planet Ranch, and under Public Law RS 2477, designate these roads to remain open to OHV traffic in the pending lease.

Rules that apply to the average landowner, or land user, should also apply to a Government Agency. A complete and revised Environmental assessment needs to be resubmitted.

Thank you for your consideration.

Darryld Kautzmann

**Darryld Kautzmann**

**Comment:** In reviewing the Draft Assessment LC-14-15, the Proposed USBR Planet Ranch Lease section I find the U.S. Bureau of Reclamation has submitted an incomplete and misleading documentation of the history of Trails (roads) in the proposed lease action.

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**Response:** Thank you for your letter. Please see our responses to Bruce Speirs Comments 2, 4, 5 and 6.



PlanetRanchEA, BOR LCR <sha-lcr-planetranchea@usbr.gov>

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## Submission of Public Comments on Draft Environmental Assessment LC-14-15

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Conrad Skaggs <cskaggs@citlink.net> Fri, Apr 24, 2015 at 2:50 PM  
To: planetrancheasea@usbr.gov

**TO: Bureau of Reclamation  
ATTN: LC 2620 PO Box 61470  
Boulder City, NV 89006**

**FROM: Conrad & Diana Skaggs  
Lake Havasu City AZ**

- I am a resident of Lake Havasu City, AZ.
- I am directly impacted by the proposed USBR Planet Ranch Lease action.
- I am an avid outdoor enthusiast, off highway vehicle user, hiker, bicycle rider, and hunter

### **Comment on Draft Environmental Assessment LC-14-15 Preamble**

I support the preamble statement at the beginning of the EA that says "The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage."

Opening Planet Ranch and its roads to public access would be in direct support of this mission statement.

The Public will benefit once the LCR MSCP Planet Ranch Lease is approved.

I support re-opening these historic 150 year old roads to back country travel again.

### **Comment on Section 1.1.1 Proposed Federal Action**

I support the proposed federal action to acquire a lease for 3,418 acres of land known as Planet Ranch from Freeport Minerals Corp to benefit the LCR MSCP and the benefits it would provide public access concurrently via AGFC publically proposed actions.

#### **Comment on Section 1.2.3 Planet Ranch**

Planet Ranch area (and roads) have been the site of significant human activity for decades.

The statement presented in this section of the EA discussing the human presence in the Planet Ranch area in modern times is woefully deficient, and it therefore minimizes and diminishes any acknowledgement of the development, mining, travel, roads, permanent impact, and occupation of Planet Ranch, activities in the Bill Williams River corridor from Planet Ranch to the Colorado River, and the adjoining areas.

The Planet Ranch site and lands are not pristine, wild, or untouched and therefore are compatible for the AGFC to permit public access let alone public travel across it.

Many examples can be found of very early use of this area.

The mining towns of Planet and Aubrey, all the mines, and finally the roadway traveling from Aubrey at the confluence to the town of Planet were established in the prior century.

A road from the Colorado River up the Bill Williams and intersecting with the road coming north up Mineral Wash has been there for many years.

Roads were established under 1866 RS2477 mining road authority stating "The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted."

#### **Comment on Section 2.2.1 LCR MSCP Lease and Donation**

I support the federal action to implement the Big Sandy River – Planet Ranch Agreement as on the date of execution (approval) as it would transfer the ownership (by donation) of 3,418 acres of land to AGFC who have repeatedly and publically vowed to reopen the land and roads to the public.

The EAs incorrectly states "The main access road to the Lease area would be open to the public." The map shown in Figure 7, page 17, does not show the access roads or any connection to either county road. Makes one wonder what good the offer to open roads are if we can't get there in the first place.

Some of these roads in and around the Planet Ranch Lease have been in existence since 1866, and were 'public right-a-way RS2477 mining and ranching roads' prior to the land being homesteaded.

I also support the voluntary "in lieu" property tax payment by AGFC to Mohave and La Paz Counties to offset any tax loss.

I also support the proposal as Freeport would grant AGFC an easement to cross their (Freeport's) lands to access Planet Ranch. This easement to AGFC is vital to making this proposal viable.

Figure 7 "Existing roads on Leased Lands" is very inaccurate. Google Earth overview shows many roads.

Planet Ranch has many roads and routes, all dirt roads in varying degree of size, condition and evidence of usage.

Stating that only one road exists is not correct.

I would demand that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel.

I am not demanding all routes be open, but I am certainly requesting AGFC open those routes that best serve the purposes of the public in transiting the area and enjoying their adjacent public lands.

#### **Comment on Section 3.3.2.1 Biological Resources - Affected Environment**

I agree that the impact to wildlife in the eastern two thirds of the Lease area is extremely minimal at best as it is barren former agricultural land.

The Planet Ranch area on the east side bears no native foliage, and holds no attraction for wildlife, nor could it provide any cover or nesting opportunities.

#### **Comment on Section 3.3.2.2 Environment Consequences - Proposed Action**

I agree with the statement that during maintenance activities by USBR "A maximum speed limit of 25 MPH will be established within the Lease area to reduce the potential for tortoises, lowland leopard frogs, northern Mexican gartersnakes, and other ground dwelling species to be struck by vehicles."

I would approve if this 25 MPH speed limit was extended to the Lease area full time, and not just during a maintenance period. It should be posted and so enforced by AGFC.

Driving no faster than 25 mph on these dirt roads will reduce the effects of dust.

Driving no faster than 25 mph on these dirt roads will lessen any impacts by vehicles transiting the area.

#### **Comment on Section 3.3.3.1 Affected Environment "The Historic Period at Planet Ranch and Vicinity"**

Nothing is stated as to the origin or establishment of the town site of Planet which predates the ranch by 50 years at the minimum.

Nothing is stated about the adjoining mines, the immediately adjacent Kohen, Lopez or Esquerra Ranches, or the historic "Planet" road that was in use by 1866 and connected Planet with Aubrey at the confluence of the Bill Williams and the Colorado Rivers, and its intersection with the Mineral Wash Road.

Historically the Bill Williams River road was a major route of travel and for mineral exploration, beginning around 1860. Gold and silver mining communities such as Planet on the river and Signal, on the Big Sandy River, were established in the region in the 1860's.

The first date in the EA statement about human occupation or impacts is 1910 when Planet ranch was first homesteaded. This is incorrect.

Planet (the mining settlement) was established as a mining settlement by at least 1866. It predates Planet Ranch.

The Kohen, Lopez, and Esquerra Ranches also were established in the area. A date of 1900 was located for the Lopez ranch.

A Goggle Earth search of the Planet Ranch area shows the Esquerra and Kohen Ranch and reveals numerous building foundations, roadways, equipment, materials, debris, and derelict vehicles.

The Lease area, has been heavily traveled up to the present day and has experienced the effects of a century and a half of mining and ranching activities.

It is clearly obvious, both visually (via internet publically accessible satellite imagery) and through research that this area, in and around the Lease area, has been heavily traveled up to the present day and has experienced the effects of a century and a half of mining and ranching activities.

The statement presented in this section discussing the human presence in the Planet Ranch area in modern times is woefully deficient.

The statement presented in this section minimizes and diminishes any acknowledgement of the development, mining, travel, roads, and occupation of Planet Ranch, activities in the Bill Williams River corridor to the Colorado River and the adjoining areas.

The statement presented in this section could allow one to form the simple opinion that the Planet Ranch site and land is pristine, wild, untouched and therefore incompatible for the AGFC to permit public access let alone public travel across it.

I have seen a map that shows the confluence of the Bill Williams and Colorado, the two mining towns of Planet and Aubrey, all the mines and claimed acreage, and finally the roadway traveling from Aubrey at the confluence to the town of Planet. It also shows the roads intersecting with the road coming north up Mineral Wash. This is physical proof that the area was in use and traveled over since least 1866.

The roads are public roads once they were established 1866 by the RS2477 mining road authority stating "The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted."



**Comment on Section 3.3.6.2.2 Recreation – Environmental Consequences – Proposed Action**

I want the USBR to fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel in the Lease area.

I am not demanding all routes be open but enough for me to cross Planet Ranch and to enjoy the limits of Planet ranch..

I am requesting AGFC open those routes that best serve the purposes of the public in transiting the are.

I am requesting AGFC open those routes so the public can enjoy the adjacent public lands surrounding Planet Ranch.

It is important that USBR and AGFC demand Freeport allow the use of their roads (giving easements to AGFC as outlined in the other Planet Ranch pending agreements).

The lease agreement needs to ensure public access to and through Freeport lands and then to and through the Planet Ranch Lease lands.

I support restricting public vehicular traffic while on Freeport lands to just the established roads.

Without Freeport extending an easement to AGFC this component wil cause the effort to collapse.

**Because of the distance of this area, from the nearest highway, the only safe way to reach this area of beauty is by motorized 4 wheel drive vehicle.**

**It is too far from the highway to walk!**

Respectfully

**Conrad & Diana Skaggs**

## **Conrad and Diana Skaggs**

**Comment 1: Section 1.2.3 Planet Ranch:** The statement presented in this section of the EA discussing the human presence in the Planet Ranch area in modern times is woefully deficient, and it therefore minimizes and diminishes any acknowledgement of the development, mining, travel, roads, permanent impact, and occupation of Planet Ranch, activities in the Bill Williams River corridor from Planet Ranch to the Colorado River, and the adjoining areas. The Planet Ranch site and lands are not pristine, wild, or untouched and therefore are compatible for the AGFC to permit public access let alone public travel across it.

**Response:** Thank you for your comments. Please see our response to Bruce Speirs, Comment 1.

**Comment 2: Section 2.2.1 LCR MSCP Lease and Donation:** I support the federal action to implement the Big Sandy River – Planet Ranch Agreement as on the date of execution (approval) as it would transfer the ownership (by donation) of 3,418 acres of land to AGFC who have repeatedly and publically vowed to reopen the land and roads to the public.

The EAs incorrectly states “The main access road to the Lease area would be open to the public.” The map shown in Figure 7, page 17, does not show the access roads or any connection to either county road. Makes one wonder what good the offer to open roads are if we can’t get there in the first place. Some of these roads in and around the Planet Ranch Lease have been in existence since 1866, and were ‘public right-a- way RS2477 mining and ranching roads’ prior to the land being homesteaded.

**Response:** Thank you for your support of the Proposed Action. Please see our response to Bruce Speirs, Comment 2.

**Comment 3: Section 2.2.1 LCR MSCP Lease and Donation: Figure 7** “Existing roads on Leased Lands” is very inaccurate. Google Earth overview shows many roads. Planet Ranch has many roads and routes, all dirt roads in varying degree of size, condition and evidence of usage. Stating that only one road exists is not correct. I would demand that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel. I am not demanding all routes be open, but I am certainly requesting AGFC open those routes that best serve the purposes of the public in transiting the area and enjoying their adjacent public lands.

**Response:** Please see our response to Bruce Speirs, Comment 5.

**Comment 4: Section 3.3.2.2 Environment Consequences - Proposed Action:** I would approve if this 25 MPH speed limit was extended to the Lease area full time, and not just during a maintenance period. It should be posted and so enforced by AGFC.

**Response:** Please see our response to Bruce Speirs, Comment 6.

**Comment 5: Section 3.3.3.1 Affected Environment “The Historic Period at Planet Ranch and Vicinity”:** Nothing is stated as to the origin or establishment of the town site of Planet which predates the ranch by 50 years at the minimum. Nothing is stated about the adjoining

mines, the immediately adjacent Kohen, Lopez, or Esquerra Ranchs, or the historic “Planet” road that was in use by 1866 and connected Planet with Aubrey at the confluence of the Bill Williams and the Colorado Rivers, and its intersection with the Mineral Wash Road.

**Response:** Please see our response to Bruce Speirs, Comment 6.

**Comment 6: Section 3.3.6.2.2 Recreation – Environmental Consequences – Proposed**

**Action:** I want the USBR to fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel in the Lease area. I am not demanding all routes be open but enough for me to cross Planet Ranch and to enjoy the limits of Planet ranch. I am requesting AGFC open those routes that best serve the purposes of the public in transiting the are. I am requesting AGFC open those routes so the public can enjoy the adjacent public lands surrounding Planet Ranch. It is important that USBR and AGFC demand Freeport allow the use of their roads (giving easements to AGFC as outlined in the other Planet Ranch pending agreements). The lease agreement needs to ensure public access to and through Freeport lands and then to and through the Planet Ranch Lease lands.

**Response:** Please see our response to Bruce Speirs, Comments 5 and 7.



PlanetRanchEA, BOR LCR &lt;sha-lcr-planetranchea@usbr.gov&gt;

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**PLANET RANCH**

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**Diana Delk** <drdelk@yahoo.com>  
Reply-To: Diana Delk <drdelk@yahoo.com>  
To: "planetrancheaseea@usbr.gov" <planetrancheaseea@usbr.gov>

Sat, Apr 25, 2015 at 7:39 PM

**TO: Bureau of Reclamation**  
**ATTN: LC 2620 PO Box 61470**  
**Boulder City, NV 89006**  
[planetrancheaseea@usbr.gov](mailto:planetrancheaseea@usbr.gov)

**FROM: Rodger Delk**  
**Lake Havasu City/Mohave County, AZ**

**Submission of Public Comments on Draft Environmental Assessment LC-14-15****Comment on Draft Environmental Assessment LC-14-15 Preamble**

I support the preamble statement at the beginning of the EA that says "The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage."

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The Public will benefit once the LCR MSCP Planet Ranch Lease is approved.

I support re-opening these historic 150 year old roads to back country travel again.

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**Comment on Section 1.2.3 Planet Ranch**

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Ranch area in modern times is woefully deficient, and it therefore minimizes and diminishes any acknowledgement of the development, mining, travel, roads, permanent impact, and occupation of Planet Ranch, activities in the Bill Williams River corridor from Planet Ranch to the Colorado River, and the adjoining areas.

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Roads were established under 1866 RS2477 mining road authority stating "The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted."

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The EA's incorrectly state "The main access road to the Lease area would be open to the public." The map shown in Figure 7, page 17, does not show the access roads or any connection to either county road. Makes one wonder what good the offer to open roads are if we can't get there in the first place.

Some of these roads in and around the Planet Ranch Lease have been in existence since 1866, and were 'public right- a- way RS2477 mining and ranching roads' prior to the land being homesteaded.

Contrary to the perception the roads (and Planet Ranch) have been 'closed to the public,' they have not.

Public access occurred frequently years ago under ARMCO ownership (and note - there were no gates then).

Public access continued after it was purchased by the City of Scottsdale.

Yes there are gates installed but, and while not stated in the report and apparently unknown to the USBR, public access continued, albeit at a reduced frequency.

Just because the ranch has gates doesn't mean they didn't open. They did to me to me several times and also for many people that I know of in Lake Havasu City.

Some on-site ranch managers and field workers permitted me to enter and cross Planet Ranch.

I think the decades of prior use has established a "Prescriptive Easement."

A "Prescriptive Easement" exists across Planet ranch due to the decades, if not the century plus use of these roads in, around, and through Planet Ranch.

These roads are serviced by Mohave County Highway 133 and La Paz County "Planet Ranch Road."

Both counties have maintained those access roads for years.

Planet Ranch should remain open for travel between La Paz and Mohave counties.

I also support the voluntary "in lieu" property tax payment by AGFC to Mohave and La Paz Counties to offset any tax loss.

I also support the proposal as Freeport would grant AGFC an easement to cross their (Freeport's) lands to access Planet Ranch. This easement to AGFC is vital to making this proposal viable.

Figure 7 "Existing roads on Leased Lands" is very inaccurate. Google Earth overview shows many roads.

Planet Ranch has many roads and routes, all dirt roads in varying degree of size, condition and evidence of usage.

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#### **Comment on Section 3.3.2.1 Biological Resources - Affected Environment**

I agree that the impact to wildlife in the eastern two thirds of the Lease area is extremely minimal at best as it is barren former agricultural land.

The Planet Ranch area on the east side bears no native foliage, and holds no attraction for wildlife, nor could it provide any cover or nesting opportunities.

#### **Comment on Section 3.3.2.2 Environment Consequences - Proposed Action**

I agree with the statement that during maintenance activities by USBR "A maximum speed limit of 25 MPH will be established within the Lease area to reduce the potential for tortoises, lowland leopard frogs, northern Mexican gartersnakes, and other ground dwelling species to be struck by vehicles."

I would approve if this 25 MPH speed limit was extended to the Lease area full time, and not just during a maintenance period. It should be posted and so enforced by AGFC.

Driving no faster than 25 mph on these dirt roads will reduce the effects of dust.

Driving no faster than 25 mph on these dirt roads will lessen any impacts by vehicles transiting the area.

#### **Comment on Section 3.3.3.1 Affected Environment "The Historic Period at Planet Ranch and Vicinity"**

Nothing is stated as to the origin or establishment of the town site of Planet which predates the ranch by 50 years at the minimum.

Nothing is stated about the adjoining mines, the immediately adjacent Kohen, Lopez or Esquerra

Ranches, or the historic "Planet" road that was in use by 1866 and connected Planet with Aubrey at the confluence of the Bill Williams and the Colorado Rivers, and its intersection with the Mineral Wash Road.

Historically the Bill Williams River road was a major route of travel and for mineral exploration, beginning around 1860

Gold and silver mining communities such as Planet (on the river) and Signal (on the Big Sandy River) were established in the region in the 1860's.

The first date in the EA statement about human occupation or impacts is 1910 when Planet ranch was first homesteaded. This is incorrect.

Planet (the mining settlement) was established as a mining settlement by at least 1866. It predates Planet Ranch.

The Kohen, Lopez and Esquerra Ranches also were established in the area. A date of 1900 was located for the Lopez ranch.

A Goggle Earth search of the Planet Ranch area shows the Esquerra and Kohen Ranch and reveals numerous building foundations, roadways, equipment, materials, debris, and derelict vehicles.

The Lease area, has been heavily traveled up to the present day and has experienced the effects of a century and a half of mining and ranching activities.

It is clearly obvious, both visually (via internet publically accessible satellite imagery) and through research that this area, in and around the Lease area, has been heavily traveled up to the present day and has experienced the effects of a century and a half of mining and ranching activities.

The statement presented in this section discussing the human presence in the Planet Ranch area in modern times is woefully deficient.

The statement presented in this section minimizes and diminishes any acknowledgement of the development, mining, travel, roads, and occupation of Planet Ranch, activities in the Bill Williams River corridor to the Colorado River and the adjoining areas.

The statement presented in this section could allow one to form the simple opinion that the Planet Ranch site and land is pristine, wild, untouched and therefore incompatible for the AGFC to permit public access let alone public travel across it.

I have seen a map that shows the confluence of the Bill Williams and Colorado, the two mining towns of Planet and Aubrey, all the mines and claimed acreage, and finally the roadway traveling from Aubrey at the confluence to the town of Planet. It also shows the roads intersecting with the road coming north up Mineral Wash. This is physical proof that the area was in use and traveled over since least 1866.

The roads are public roads once they were established 1866 by the RS2477 mining road authority stating "The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted."

#### **Comment on Section 3.3.6.2.2 Recreation – Environmental Consequences – Proposed Action**

I want the USBR to fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel in the Lease area.



I am not demanding all routes be open but enough for me to cross Planet Ranch and to enjoy the limits of Planet ranch..

I am requesting AGFC open those routes that best serve the purposes of the public in transiting the are.

I am requesting AGFC open those routes so the public can enjoy the adjacent public lands surrounding Planet Ranch.

It is important that USBR and AGFC demand Freeport allow the use of their roads (giving easements to AGFC as outlined in the other Planet Ranch pending agreements).

The lease agreement needs to ensure public access to and through Freeport lands and then to and through the Planet Ranch Lease lands.

I support restricting public vehicular traffic while on Freeport lands to just the established roads.

Without Freeport extending an easement to AGFC this component will cause the effort to collapse.

**Lastly – In conclusion**

Because of the distance of this area from the nearest highway, the only safe way to reach this area of beauty is by motorized 4 wheel drive vehicle.

It is too far from the highway to walk! An older person will only be able to enjoy the great scenery from the vistas presented here from a vehicle.

I am confident that the AGFC will formalize a route system that will allow the public when travel through the Lease area the ability to maintain an optimal

balance between authorized resource use and the protection and long term sustainability of sensitive resources.

The Federal Land Policy and Management Act (FLPMA) firmly established the concept of multiple use and sustained yield, with recreation as one of the principle uses.

The trend is for retirement people to move south or west, remain active and seek recreational opportunities on the Public Lands.

These lands have been open to the public until just recently. Please let us use this area again.

Respectfully

Rodger A. Delk

Lake Havasu City/Mohave County Resident

## **Rodger A. Delk**

**Comment 1: Section 1.2.3 Planet Ranch:** Planet Ranch area (and roads) have been the site of significant human activity for decades. The statement presented in this section of the EA discussing the human presence in the Planet Ranch area in modern times is woefully deficient, and it therefore minimizes and diminishes any acknowledgement of the development, mining, travel, roads, permanent impact, and occupation of Planet Ranch, activities in the Bill Williams River corridor from Planet Ranch to the Colorado River, and the adjoining areas. The Planet Ranch site and land are not pristine, wild, untouched and therefore are compatible for the AGFC to permit public access let alone public travel across it.

**Response: Response:** Thank you for your comments. Please see our response to Bruce Speirs, Comment 1.

**Comment 2: Section 2.2.1 LCR MSCP Lease and Donation:** I support the federal action to implement the Big Sandy River – Planet Ranch Agreement as on the date of execution (approval) it would transfer the ownership (by donation) of 3,418 acres of land to AGFC who have repeatedly and publically vowed to reopen the land and roads to the public. The EA incorrectly states “The main access road to the Lease area would be open to the public.” The map shown in Figure 7, page 17, does not show the access roads or any connection to either county road. Makes one wonder what good the offer to open roads are if we can’t get there in the first place.

**Response: Response:** Thank you for your support of the Proposed Action. Please see our response to Bruce Speirs, Comment 2.

**Comment 3:** Some of these roads in and around the Planet Ranch Lease have been in existence since 1866 (see prior comment), were ‘public right- a- way RS2477 mining and ranching roads’ prior to the land being homesteaded. And more specifically and contrary to the perception the roads (and Planet Ranch) have been ‘closed to the public,’ they have not.

**Response:** Please see our response to Bruce Speirs, Comment 3.

**Comment 4:** I think the decades of prior use has established a “Prescriptive Easement.” A “Prescriptive Easement” exists across Planet ranch due to the decades, if not the century plus use of these roads in, around, and through Planet Ranch.

**Response:** Please see our response to Bruce Speirs, Comment 4.

**Comment 5: Section 2.2.1 LCR MSCP Lease and Donation:** Figure 7 “Existing roads on Leased Lands – it is very inaccurate. Google Earth overview shows many roads. Planet Ranch has many roads and routes, all dirt roads in varying degree of size, condition and evidence of usage. Stating that only one road exists is not correct. I would demand that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel. I am not demanding all routes be open, but I am certainly requesting AGFC open those routes that best serve the purposes of the public in transiting the area and enjoying their adjacent public lands.

**Response:** Please see our response to Bruce Speirs, Comment 5.

**Comment 6:** I would further approve if this 25 MPH speed limit was extended to the Lease area full time, and not just during a maintenance period. It should be posted and so enforced by AGFC.

**Response:** Please see our response to Bruce Speirs, Comment 6.

**Comment 7: Affected Environment “The Historic Period at Planet Ranch and Vicinity”:** Nothing is stated as to the origin or establishment of the town site of Planet which predates the ranch by 50 years at the minimum. Nothing is said about the adjoining mines, the immediately adjacent Kohen, Lopez or Esquerra Ranches, or the historic “Planet” road that was in use by 1866 and connected Planet with Aubrey at the confluence of the Bill Williams and the Colorado Rivers, and its intersection with the Mineral Wash Road.

**Response:** Please see our response to Bruce Speirs, Comment 7.

**Comment 8: Section 3.3.6.2.2 Recreation – Environmental Consequences – Proposed Action**

I want the USBR to fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel in the Lease area. I am not demanding all routes be open but enough for me to cross Planet Ranch and to enjoy the limits of Planet Ranch. I am requesting AGFC open those routes that best serve the purposes of the public in transiting the area. I am requesting AGFC open those routes so the public can enjoy the adjacent public lands surrounding Planet Ranch. It is important that USBR and AGFC demand Freeport allow the use of their roads (giving easements to AGFC as outlined in the other Planet Ranch pending agreements).

**Response:** Please see our response to Bruce Speirs, Comments 5 and 8.



PlanetRanchEA, BOR LCR <sha-lcr-planetranchea@usbr.gov>

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## access to Planet Ranch

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**Gene** <hobday@frontiernet.net>  
To: planetrancheaseea@usbr.gov

Sun, Apr 26, 2015 at 4:38 PM

I am a retired resident of Lake Havasu City who for years has enjoyed exploring the desert and high country of Arizona. At my wife and I age we can only visit area that we can drive to in our jeep. We have visited the Planet Ranch area on many occasions as we knew the previous caretaker. We would now like to continue visiting the Ranch as an open area controlled by BLM. Thank you. Gene & Nancy Hobday, 2326 Cup Dr. LHC, AZ

**Gene and Nancy Hobday**

**Comment 1:** Thank you for your comment. Please see our response to Bruce Speirs, Comment 2. As clarification, the Lease area will be owned by AGFC on behalf of the State of Arizona, and managed by LCR MSCP and AGFC. There are no plans for management of the area by the BLM.



PlanetRanchEA, BOR LCR &lt;sha-lcr-planetranchea@usbr.gov&gt;

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## Submission of Public Comments on Draft Environmental Assessment LC-14-15

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Jack Caufield <caufieldj@earthlink.net>  
To: planetrancheaseea@usbr.gov

Thu, Apr 30, 2015 at 9:14 PM

TO: Bureau of Reclamation  
ATTN: LC 2620 PO Box 61470  
Boulder City, NV 89006  
[planetrancheaseea@usbr.gov](mailto:planetrancheaseea@usbr.gov)

FROM: Jack and Diane Caufield  
Lodi, CA

### Submission of Public Comments on Draft Environmental Assessment LC-14-15

We are part-time residents of Lodi, CA, and spent approximately three months in the Quartzsite-Bouse-Parker, Arizona area each year Rockhounding, off roading, sight seeing and other outdoor activities. We and our friends are directly impacted by the proposed USBR Planet Ranch Lease Action. So are the local businesses we support. Road closures are causing many of our friends to no longer come to the area due to the reduction in areas to Rockhound, sight see and travel off road. We need the roads/trails to travel since we are senior citizens and some of us have disabilities which prevent walking and hiking long distances in the desert.

We and our friends frequently travel in the area of Planet Ranch searching for rocks and minerals and also need to cross the river to access sites on the other side.

### Comment on Draft Environmental Assessment LC-14-15

We **support** re-opening these historic 150 year old roads to back country travel and exploration for rocks and sight seeing.

### Comment on Section 1.1.1 Proposed Federal Action

We support the proposed federal action to acquire a lease for 3,418 acres of land known as Planet Ranch from Freeport Minerals Corp to benefit the LCR MSCP and the benefits it would provide in public access concurrently via AGFC publicly proposed actions.

### Comment on Section 1.2.3 Planet Ranch

The information provided in this section is completely inadequate. It minimizes and diminishes all the development, mining, travel, roads, permanent impact and occupation of the Plant Ranch and roads including activities in the Bill William corridor from the Plant ranch to the Colorado River and adjoining areas. Please note: there has been mining and travel throughout this area since 1866, and RS2477 mining road authority says basically "the right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted.".....Many examples can be found of early use of this area.

**These lands are not pristine, wild , or untouched and therefore are compatible for the AGFC to permit public access and public travel across the Planet Ranch and road area.**

**Comment on Section 2.2.1 LCR MSCP Lease and Donation**

Some of these roads in and around the Planet Ranch Lease have been in existence since 1866, and were 'public right-of-way RS2477 mining and ranching roads' prior to the land being homesteaded. The EA incorrectly states "the main access road to the lease area would be open to the public" A review of the maps doesn't show access roads or any connection to either County road.

Depending on the ownership and Ranch staff, the public has been allowed in this area for years.

We were surprised at our visit in March 2015 to find it again blocked.

We think the prior decades of use has established a "Prescriptive Easement." We also support the voluntary "in lieu" property tax payment by AGFC to Mohave and La Paz counties to offset any tax loss. Both counties maintained Mohave County Road 133 and Planet Ranch road for years. to allow public access.

**A review of Goggle Earth shows that many roads exist in the area, not just one road. This also needs to be corrected.**

**We request that AGFC open as many routes as possible to allow access by senior citizens and those with disabilities as we can no longer walk long distances.**

**Comment on Section 3.3.2.1 Biological Resources - Affected Environment**

The Planet Ranch area in the east side bears no native foliage, and hold no attraction for wildlife, not could it provide any cover or nesting opportunities.

**Comment on Section 3.3.2.2 Environmental Consequences - Proposed Action**

Driving no faster than 25 mph on these dirt roads will reduce the effects of dust and reduce the potential for tortoises, and other ground dwelling species to be struck by vehicles. However, we have not even seen tortoises in this area.

**Comment on Section 3.3.3.1 Affected Environment "The Historic Period at Planet Ranch and Vicinity"**

Historically the Bill Williams River road was a major route of travel and for mineral exploration, beginning around 1860. The statement presented in this section discussing the human presence in the Planet Ranch area in modern times is woefully deficient. This section needs to be completely rewritten and updated to include all the historic information and usage. It needs to go back to as early as 1866.

**Comment on Section 3.3.6.2.2 RECREATION - Environmental Consequences - Proposed Action**

I am requesting the AGFC open those routes that best serve the purposes of the public in transiting the area with the support of the USBR including consideration of senior citizens and those with disabilities who can no longer walk long distances. This includes the need to demand that Freeport allow the use of the roads as defined in an agreement. Access through the Freeport lands is needed for the public.

Lastly, in conclusion, we are in our mid seventies and can't walk the distance needed to reach the areas we're interested in. If We are not allowed to enjoy this area, it will be one more reason to



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**discontinue our visits to the Quartzsite, Bouse and Parker areas, and the surrounding area and that impact will be felt by businesses in the surrounding area.**

Respectfully,

**Jack and Diane Caufield**

**1021 S. Pleasant Ave., Lodi CA 95240**

**Avid Rockhound , outdoor enthusiasts and off roaders.**

<https://mail.google.com/mail/u/0/?ui=2&ik=e2fedcf324&view=pt&search=inbox&msg=14d0daf36716a4f5&siml=14d0daf36716a4f5>

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## **Jack and Diane Caufield**

**Comment 1: Section 1.2.3 Planet Ranch:** The information provided in this section is completely inadequate. It minimizes and diminishes all the development, mining, travel, roads, permanent impact and occupation of the Planet Ranch and roads including activities in the Bill Williams corridor from the Planet ranch to the Colorado River and adjoining areas. Please note: there has been mining and travel throughout this area since 1866, and RS2477 mining road authority says basically "the right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted."....Many examples can be found of early use of this area.

**Response:** Thank you for your comments. Please see Bruce Speirs, Comments 1 and 3.

**Comment 2: Section 2.2.1 LCR MSCP Lease and Donation:** The EA incorrectly states "the main access road to the lease area would be open to the public" A review of the maps doesn't show access roads or any connection to either County road.

**Response:** Please see Bruce Speirs, Comment 2.

**Comment 3:** We think the prior decades of use has established a "Prescriptive Easement."

**Response:** Please see Bruce Speirs, Comment 4.

**Comment 4:** A review of Goggle Earth shows that many roads exist in the area, not just one road. This also needs to be corrected.

**Response:** Please see Bruce Speirs, Comment 5.

**Comment 5: Section 3.3.3.1 Affected Environment "The Historic Period at Planet Ranch and Vicinity":** Historically the Bill Williams River road was a major route of travel and for mineral exploration, beginning around 1860. The statement presented in this section discussing the human presence in the Planet Ranch area in modern times is woefully deficient. This section needs to be completely rewritten and updated to include all the historic information and usage. It needs to go back to as early as 1866.

**Response:** Please see Bruce Speirs, Comment 7.

**Comment 6: Section 3.3.6.2.2 Recreation - Environmental Consequences- Proposed Action:** I am requesting the AGFC open those routes that best serve the purposes of the public in transiting the area with the support of the USBR including consideration of senior citizens and those with disabilities who can no longer walk long distances. This includes the need to demand that Freeport allow the use of the roads as defined in an agreement. Access through the Freeport lands is needed for the public.

**Response:** Please see Bruce Speirs, Comment 5.



PlanetRanchEA, BOR LCR &lt;sha-lcr-planetranchea@usbr.gov&gt;

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**Submission of Public Comments on Draft Environmental Assessment LC-14-15**

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**Jim Bowen** <jdbowen123@yahoo.com>  
To: planetrancheaseea@usbr.gov

Fri, Apr 24, 2015 at 1:05 PM

**TO: Bureau of Reclamation****ATTN: LC 2620 PO Box 61470****Boulder City, NV 89006**[planetrancheaseea@usbr.gov](mailto:planetrancheaseea@usbr.gov)**From:****Jim Bowen****P.O. Box 1125****Lake Havasu City, AZ**

The Environmental Assessment is an attempt to take a snapshot of the current status of the Planet Ranch Area by 5 individuals--2 Natural Resource Specialists, 1 Archaeologist, 1 Environmental Protection Specialist, and 1 Geographic Information Systems Specialist. -While the 5 preparers of the report do a fine job in each of their respective areas of expertise--they fail to adequately acknowledge the fact that there are many roads in the area that date back to 1866. While the report states that the historic copper mining town of Swansea adjoins the eastern boundary, the report does not mention the network of roads that went from Swansea to the Southwest corner of the Planet Ranch property to the mining area of the Planet Mine and the paddle boat landing area of Aubrey Landing near the junction with the Colorado River. With old maps and either on foot or with a 4 wheel drive vehicle a person can see there are roads on the north and south side of the Bill Williams River. I have been using these historic roads for the last 18 years in this area. The roads are very lightly traveled in some cases, and allow the visitor a nice feeling of seclusion, history, and nature. If the roads are left in their current state, without any major form of maintenance there would be very little impact on the plant and animal life in the area. The roads could be left open but signed for either 4 wheel drive or high clearance vehicles and any impact from the need for major maintenance could be avoided.

Respectively,

Jim Bowen

[jdbowen123@yahoo.com](mailto:jdbowen123@yahoo.com)

**Jim Bowen**

**Comment:** While the 5 preparers of the report do a fine job in each of their respective areas of expertise- they fail to adequately acknowledge the fact that there are many roads in the area that date back to 1866.

**Response:** Thank you for your comments. Please see Bruce Speirs Comments 2, 3, and 7.



PlanetRanchEA, BOR LCR &lt;sha-lcr-planetranchea@usbr.gov&gt;

## AZ Peace Trail

Joan Beck <fourby@citlink.net>  
To: planetrancheasea@usbr.gov

Thu, Apr 30, 2015 at 12:25 PM

**TO: Bureau of Reclamation**

**ATTN: LC 2620 PO Box 61470**

**Boulder City, NV 89006**

**Draft Environmental Assessment LC-14-15**

We strongly urge the USBR and the AGFC to ensure that the Planet Ranch remain open for travel between La Paz and Mohave Counties. We support the proposal that Freeport Minerals Corp. would grant AGFC an easement to cross their lands to access Planet Ranch. This easement to AGFC is vital to making this proposal viable. These roads are serviced by Mohave County Highway 133 and La Paz County "Planet Ranch Road." Both counties have maintained those access roads for years.

### **Comment on Section 3.3.2.2 Environment Consequences - Proposed Action**

We agree with the statement that during maintenance activities by USBR "A maximum speed limit of 25 MPH will be established within the Lease area to reduce the potential for tortoises, lowland leopard frogs, northern Mexican garter snakes, and other ground dwelling species to be struck by vehicles." We would also approve if the 25 MPH speed limit was extended to the Lease area full time, not just during a maintenance period. It should be posted and so enforced by AGFC. Driving no faster than 25 mph on these dirt roads will reduce the effects of dust as well.

### **Comment on Section 3.3.3.1 "The Historic Period at Planet Ranch and Vicinity"**

Historically the Bill Williams River road was a major route of travel and for mineral exploration. Beginning in the 1860's gold and silver mining communities such as Planet Ranch on the river and Signal, on the Big Sandy River, were established in the region. It is clearly obvious, both visually (via internet publically accessible satellite imagery) and through research that this area, in and around the Lease area, has been heavily traveled up to the present day and has experienced the effects of a century and a half of mining and ranching activities. The roads are public roads once they were established in 1866 by the RS2477 mining road authority stating: "The right-of-way for the construction of highways across public lands not otherwise reserved for public purposes is hereby granted."

### **Comment on Section 3.3.6.2.2 Recreation – Environmental Consequences – Proposed Action**

It is important that USBR and AGFC request that Freeport Minerals Corp. allow the use of their roads (giving easements to AGFC as outlined in the other Planet Ranch pending agreements).

The lease agreement needs to ensure public access to and through Freeport lands and then to and through the Planet Ranch Lease lands. We support restricting public vehicular travel to pre-existing established roads.

We support the federal action to implement the Big Sandy River – Planet Ranch Agreement as on the date of execution (approval) it would transfer the ownership (by donation from Freeport Minerals Corp.) of 3,418 acres of land to AGFC who have repeatedly and publically vowed to reopen the land and roads to the public. The Federal Land Policy and Management Act (FLPMA) firmly established the concept of multiple use and sustained yield, with recreation as one of the principle uses.

We are an active four-wheel drive club practicing the tenets of TreadLightly! Our members range in ages from families with young children to the over 80's crowd. Many of our members are "snow birds" escaping their cold winters to

[https://mail.google.com/mail/b/4961u07uF28&ik=e2fedcf524&view=pt&search=inbox&ms\\_g=14d0bc0ed39591&iml=14d0bc0ed39591](https://mail.google.com/mail/b/4961u07uF28&ik=e2fedcf524&view=pt&search=inbox&ms_g=14d0bc0ed39591&iml=14d0bc0ed39591)

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enjoy our gorgeous desert. Some of us with limited mobility only have access to the beauty of our public lands through use of our four wheel drive vehicles. Our club has an adopted trail with the BLM Kingman Resource Area with several more trails in the adoptive process. We care deeply for our lands and pick up trash when and where we find it. We also hold frequent cleanups on our public lands in cooperation with BLM and ERACE (Mohave County Environmental Rural Area Clean-up Enforcement).

We also enjoy many a fine ride on some of the roads under discussion and Swansea is a great experience.

We appreciate your efforts on our behalf and ask that you enter our comments into the record.

Sincerely,

Joan Beck, Chair – Environmental Issues Committee

Bullhead 4 Wheelers, Inc.

Bullhead City, AZ

**Joan Beck**

**Comment:** We strongly urge the USBR and the AGFC to ensure that the Planet Ranch remain open for travel between La Paz and Mohave Counties. We support the proposal that Freeport Minerals Corp. would grant AGFC an easement to cross their lands to access Planet Ranch.

**Response:** Thank you for your comments. Please see Bruce Speirs Comments 2 and 5.

**Comment: Section 3.3.2.2.2 EnvironmentalConsequences- Proposed Action:** We would also approve if the 25 mph speed limit was extended to the Lease area full time, not just during a maintenance period. It should be posted and so enforced by AGFC.

**Response:** Please see Bruce Speirs, Comment 6.

**Comment:** The lease agreement needs to ensure public access to and through Freeport lands and then to and through the Planet Ranch Lease lands. We support restricting public vehicular travel to pre-existing established roads. We support the Federal action to implement the Big Sandy River-Planet Ranch Agreement as on the date of execution on (approval) it would transfer the ownership (by donation from Freeport Minerals Corp.) of 3,418 acres of land to AGFC who have repeatedly and publically vowed to reopen the land and roads to the public. The Federal Land Policy and Management (FLPMA) firmly established the concept of multiple use and sustained yield, with recreation as one of the principle uses.

**Response:** Thank you for your support of the Proposed Action. Please see Bruce Speirs, Comment 5 for a discussion on public access. To clarify, FLPMA is the legislation that established the Bureau of Land Management's multiple-use mandate and governs actions on BLM managed lands. The Lease area will be owned by AGFC on behalf of the state of Arizona and managed by LCR MSCP and AGFC, so FLPMA will not apply to the Lease area.





PlanetRanchEA, BOR LCR &lt;sha-lcr-planetranchea@usbr.gov&gt;

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**Planet Ranch Lease Draft Environmental Assessment LC-14-15.**

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**Perry Marchant** <perrymarchant@hotmail.com>

Mon, Apr 27, 2015 at 8:32 AM

To: "planetrancheaseea@usbr.gov" &lt;planetrancheaseea@usbr.gov&gt;

I support the preamble statement at the beginning of the EA that says "The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage."

Opening Planet Ranch and its roads to public access would be in direct support of this mission statement.

The Public will benefit once the LCR MSCP Planet Ranch Lease is approved.

I support re-opening these historic 150 year old roads to back country travel again.

GP Marchant

**Perry Marchant**

**Comment:** I support reopening these historic 150 year old roads to back county travel again.

**Response:** Thank you for your comments. Please see Bruce Speirs, Comment 5.



PlanetRanchEA, BOR LCR &lt;sha-lcr-planetranchea@usbr.gov&gt;

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## Planet Ranch

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**Ro (RoAnne) Beets** <robeets@robeets.com>  
 To: planetrancheaseea@usbr.gov

Fri, Apr 24, 2015 at 3:48 PM

- Regarding Planet Ranch issues: '

I am a resident of Lake Havasu City, AZ and feel that as local resident and avid user of the back roads and jeeping trails throughout Arizona's public lands. I am directly impacted by the proposed USBR Planet Ranch Lease action.

- My family and I are not only outdoor enthusiasts, we frequently go out into the remote desert areas for off highway vehicle experience, we both hike and bird watch. We enjoy touring historic sites and contribute to the preservation of many sites, we are nature & desert lovers would spend approximately 1-2 days per week during the winter/cooler season exploring back roads, historic sites, hiking trails and such. We also enjoy rock hound and wild life viewing. We frequent in the area of Planet Ranch individually, with friends and with local jeep clubs and such.

I am a local area Realtor and encourage visitors and people who are interested in either moving to the area, or purchasing second/vacation homes here to become involved in many of these same outdoor activities. Areas such as Planet Ranch and other desert public lands are a vital source and attraction to the area. Which promotes the economy of nearby cities and populations, encourages and promotes public awareness of historical values of the nearby areas to these cities. And provides for enjoyment by the public at large.

-

Here are my concerns and feelings towards the proposals on Planet Ranch usage:

### Comment on Draft Environmental Assessment LC-14-15 Preamble

We support the preamble statement at the beginning of the EA that says "The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage." And I feel that opening Planet Ranch and its roads to public access would be in direct support of this mission statement. Further: The Public will benefit once the LCRMSCP Planet Ranch Lease is approved. Therefore, I support re-opening these historic 150 year old roads to back country travel once again.

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### Comment on Section 1.1.1 Proposed Federal Action

We support the proposed federal action to acquire a lease for 3,418 acres of land known as Planet Ranch from Freeport Minerals Corp to benefit the LCRMSCP and the benefits it would provide public access concurrently via AGFC publically proposed actions.

**Comment on Section 1.2.3 Planet Ranch**

Planet Ranch area (and roads) have been the site of significant human activity for many decades. And the statement presented in this section of the EA discussing the human presence in the Planet Ranch area in modern times is seriously lacking in information, therefore minimizing & diminishing proper recognition of the development, mining, travel, roads, permanent impact, and occupation of Planet Ranch including activities in the Bill Williams River corridor from Planet Ranch to the Colorado River, and it's adjoining areas.

Since the Planet Ranch site and it's lands are not really by any means wild, pristine or untouched they should therefore be considered compatible for the AGFC to permit public access let alone public travel across it. It's evident that many examples can be found of very early use of this area.

The mining towns of Planet and Aubrey, all the assorted local mines, and finally the roadway traveling from Aubrey at the confluence to the town of Planet were established long ago in the prior century. A road from the Colorado River up the Bill Williams and intersecting with the road coming north up Mineral Wash has been there for many years thus demonstrating continuous use over decades of this area by people for various reasons.

Roads were established under 1866 RS2477 mining road authority stating "The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted."

**Comment on Section 2.2.1 LCR MSCP Lease and Donation**

I support the federal action to implement the Big Sandy River - Planet Ranch Agreement as on the date of execution (approval) since it would transfer the ownership (by donation) of 3,418 acres of land to AGFC who have repeatedly & publically vowed to reopen the land and roads to the public.

The EAs states incorrectly: "The main access road to the Lease area would be open to the public." The map shown in Figure 7, page 17, doesn't show the access roads or any connection to either county road. So therefore one has to question what good the offer to open roads are, if we can't get there in the first place.

Some of these roads in and around the Planet Ranch Lease have been in existence since 1866, and were 'public right-a-way RS2477 mining and ranching roads' prior to the land being homesteaded.

Contrary to the perception the roads (and Planet Ranch) have been 'closed to the public,' they have not. Public access occurred frequently years ago under ARMCO ownership (and note - there were no gates then). PLUS, Public access continued after it was purchase by the City of Scottsdale.

"While there are gates installed but, and while not stated in the report and apparently unknown to the USBR, public access has continued, although at a reduced frequency. And just because the ranch has gates doesn't mean they didn't open. They have several times for myself and friends/ family and also for many people that I know of in Lake Havasu City. On occasion some onsite ranch managers and field let us enter and cross Planet Ranch. Thus I think the decades of prior use has established a "Prescriptive Easement."

***A "Prescriptive Easement" exists across Planet ranch due to the decades, if not the century plus use of these roads in, around, and through Planet Ranch.***

These roads are serviced by Mohave County Highway 133 and La Paz County "Planet Ranch Road." Both counties have maintained those access roads for years. Planet Ranch should remain open for travel between La Paz and Mohave countries.

I also support the voluntary "in lieu" property tax payment by AGFC to Mohave and La Paz Counties to offset any tax loss.

I also support the proposal as Freeport would grant AGFC an easement to cross their (Freeport's) lands to access Planet

Ranch. This easement to AGFC is vital to making this proposal viable.

Figure 7 "Existing roads on Leased Lands" is very inaccurate. Google Earth overview shows many roads in usable condition and that are certainly in that condition based on on/off use otherwise these roads would have overgrown to the degree of impassibility. Planet Ranch has many roads and routes, all dirt roads in varying degree of size, condition and evidence of usage. Stating that only one road exists is simply NOT correct.

We would ask that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel.

We are not suggesting that all routes be open, but are certainly requesting AGFC open those routes that best serve the purposes of the public in transiting the area and enjoying their adjacent public lands

-

**Comment on Section 3.3.2.1 Biological Resources - Affected Environment**

We agree that the impact to wildlife in the eastern two thirds of the Lease area is extremely minimal at best as it is barren former agricultural land.

The Planet Ranch area on the east side offers no known native foliage, and holds no specific attraction for wildlife, nor could it provide any cover or nesting opportunities.

**Comment on Section 3.3.2.2 Environment Consequences - Proposed Action**

We agree with the statement that during maintenance activities by USBR "A maximum speed limit of 25 MPH will be established within the Lease area to reduce the potential for tortoises, lowland leopard frogs, northern Mexican garter snakes, and other ground dwelling species to be struck by vehicles."

We would approve if this 25 MPH speed limit was extended to the Lease area full time, and not just during a maintenance period. It should be posted and so enforced by AGFC. . Driving no faster than 25 mph on these dirt roads will reduce the effects of dust. Driving no faster than 25 mph on these dirt roads will lessen any impacts by vehicles transiting the area

-

**Comment on Section 3.3.3.1 Affected Environment "The Historic Period at Planet Ranch and Vicinity"**

Please note that nothing is stated as to the origin or establishment of the town site of Planet which predates the ranch by 50 years at the minimum. Nor is anything stated about the adjoining mines, the immediately adjacent Kohen, Lopez or Esquerra Ranches, or the historic "Planet" road that was in use by 1866 and connected Planet with Aubrey at the confluence of the Bill Williams and the Colorado Rivers, and its intersection with the Mineral Wash Road.

Historically the Bill Williams River road was a major route of travel and for mineral exploration, beginning around 1860 when Gold and silver mining communities such as Planet on the river and Signal, on the Big Sandy River, were established in the region in the 1860's.

The first date in the EA statement about human occupation or impacts is 1910 when Planet ranch was first homesteaded.

This is incorrect. Planet (the mining settlement itself) was established as a mining settlement by at least 1866. Which therefore predates Planet Ranch.

The Kohen, Lopez, and Esquerria Ranches also were established in the area. A date of 1900 was located for the Lopez ranch.

A Goggle Earth search of the Planet Ranch area shows the Esquerria and Kohen Ranch and reveals numerous building foundations, roadways, equipment, materials, debris, and derelict vehicles. The Lease area, has been heavily traveled up to the present day and has experienced the effects of a century and a half of mining and ranching activities.

It is clearly obvious, via internet which is publically accessible satellite imagery & through research that this area, in and around the Lease area, has been heavily traveled up to the present day and has experienced the effects of a century and a half of mining and ranching activities.

The statement presented in this section discussing the human presence in the Planet Ranch area in modern times is quite inaccurate.

The statement presented in this section both minimizes & diminishes any acknowledgement of the development, mining, travel, roads, and occupation of Planet Ranch, activities in the Bill Williams River corridor to the Colorado River and the adjoining areas.

The statement presented in this section could mistakenly lead someone to assume the simple opinion that the Planet Ranch site and land is pristine, wild, untouched and therefore incompatible for the AGFC to permit public access let alone public travel across it. Even though assorted maps that shows the confluence of the Bill Williams and Colorado, the two mining towns of Planet and Aubrey, all the mines and claimed acreage, and finally the roadway traveling from Aubrey at the confluence to the town of Planet. It also shows the roads intersecting with the road coming north up Mineral Wash. This is physical proof that the area was in use and traveled over since least 1866.

The roads are public roads once they were established 1866 by the RS2477 mining road authority stating "The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted."

-

**Comment on Section 3.3.6.2.2 Recreation – Environmental Consequences – Proposed Action**

We would wish that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel in the Lease area. Please be aware that we are not demanding all routes be open but enough for me to cross Planet Ranch and to enjoy the limits of Planet ranch.. But rather we are requesting AGFC open those routes that best serve the purposes of the public in transiting the area. We are requesting AGFC open those routes so the public can enjoy the adjacent public lands surrounding Planet Ranch.

It is important that USBR and AGFC demand Freeport allow the use of their roads (giving easements to AGFC as outlined in the other Planet Ranch pending agreements).

The lease agreement should absolutely ensure public access to and through Freeport lands and then to and through the Planet Ranch Lease lands.

We support restricting public vehicular traffic while on Freeport lands to just the established roads. Without Freeport extending an easement to AGFC this component will cause the effort to collapse.

**In conclusion :**

Because of the distance of this area, from the nearest highway, the only safe way to reach this area of beauty is by motorized 4 wheel drive vehicle.

It is too far from the highway to walk! Any older or handicapped or physically limited person will only be able to enjoy the great scenery from the vistas presented here from a vehicle.

I am confident that the AGFC will formalize a route system that will allow the public when travel through the Lease area the ability to maintain an optimal balance between authorized resource use and the protection and long term sustainability of sensitive resources.

The Federal Land Policy and Management Act (FLPMA) firmly established the concept of multiple use and sustained yield, with recreation as one of the principle uses.

The trend is for retirement people to move south or west, remain active and seek recreational opportunities on the Public Lands. We are seeing greater numbers of very active persons retiring, traveling and using our more remote public lands for their enjoyment.

These lands have been open to the public until just recently. Please let us use this area again.

Respectfully

**Ro ( RoAnne) Beets**, Selman Real Estate 928-486-4835 Cell

[robeets@robeets.com](mailto:robeets@robeets.com) [www.LoveLakeHavasuhomes.com](http://www.LoveLakeHavasuhomes.com)



## **RoAnne Beets**

**Comment 1: Section 1.2.3 Planet Ranch:** Planet Ranch area (and roads) have been the site of significant human activity for many decades. And the statement presented in this section of the EA discussing the human presence in the Planet Ranch area in modern times is seriously lacking in information, therefore minimizing & diminishing proper recognition of the development, mining, travel, roads, permanent impact, and occupation of Planet Ranch including activities in the Bill Williams River corridor from Planet Ranch to the Colorado River, and its adjoining areas. Since the Planet Ranch site and its lands are not really by any means wild, pristine or untouched they should therefore be considered compatible for the AGFC to permit public access let alone public travel across it.

**Response:** Thank you for your comments. Please see Bruce Speirs, Comment 1.

**Comment 2:** Roads were established under 1866 RS2477 mining road authority stating “The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted.”

**Response:** Please see Bruce Spears, Comment 3.

**Comment 3: Section 2.2.1 LCR MSCP Lease and Donation:** I support the federal action to implement the Big Sandy River – Planet Ranch Agreement as on the date of execution (approval) since it would transfer the ownership (by donation) of 3,418 acres of land to AGFC who have repeatedly & publically vowed to reopen the land and roads to the public. The EAs states incorrectly: “The main access road to the Lease area would be open to the public.” The map shown in Figure 7, page 17, doesn’t show the access roads or any connection to either county road. So therefore one has to question what good the offer to open roads are, if we can’t get there in the first place.

**Response:** Thank you for your support of the Federal action. Please see Bruce Speirs, Comment 2.

**Comment 4:** A “Prescriptive Easement” exists across Planet ranch due to the decades, if not the century plus use of these roads in, around, and through Planet Ranch.

**Response:** Please see Bruce Spears, Comment 4.

**Comment 5:** Figure 7 “Existing roads on Leased Lands” is very inaccurate. Google Earth overview shows many roads in usable condition and that are certainly in that condition based on on/off use otherwise these roads would have overgrown to the degree of impassibility. Planet Ranch has many roads and routes, all dirt roads in varying degree of size, condition and evidence of usage. Stating that only one road exists is simply not correct. We would ask that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel. We are not suggesting that all routes be open, but are certainly requesting AGFC open those routes that best serve the purposes of the public in transiting the area and enjoying their adjacent public lands

**Response:** Please see Bruce Speirs, Comment 5

**Comment 6: Section 3.3.2.2 Environment Consequences - Proposed Action:** We would approve if this 25 MPH speed limit was extended to the Lease area full time, and not just during a maintenance period. It should be posted and so enforced by AGFC.

**Response:** Please see Bruce Speirs, Comment 6.

**Comment 7: Section 3.3.3.1 Affected Environment “The Historic Period at Planet Ranch and Vicinity”:** Please note that nothing is stated as to the origin or establishment of the town site of Planet which predates the ranch by 50 years at the minimum. Nor is anything stated about the adjoining mines, the immediately adjacent Kohen, Lopez or Esquerra Ranches, or the historic “Planet” road that was in use by 1866 and connected Planet with Aubrey at the confluence of the Bill Williams and the Colorado Rivers, and its intersection with the Mineral Wash Road.

**Response:** Please see Bruce Speirs, Comment 7.

**Comment 8:** We would wish that the USBR fully support the AGFC as AGFC determines which of the routes they determine will be appropriate for public travel in the Lease area. Please be aware that we are not demanding all routes be open but enough for me to cross Planet Ranch and to enjoy the limits of Planet ranch. But rather we are requesting AGFC open those routes that best serve the purposes of the public in transiting the area. We are requesting AGFC open those routes so the public can enjoy the adjacent public lands surrounding Planet Ranch. It is important that USBR and AGFC demand Freeport allow the use of their roads (giving easements to AGFC as outlined in the other Planet Ranch pending agreements). The lease agreement should absolutely ensure public access to and through Freeport lands and then to and through the Planet Ranch Lease lands.

**Response:** Please see Bruce Speirs, Comments 5 and 8.

**Comment:** The Federal Land Policy and Management Act (FLPMA) firmly established the concept of multiple use and sustained yield, with recreation as one of the principle uses.

**Response:** To clarify, FLPMA is the legislation that established the Bureau of Land Management’s multiple-use mandate and governs actions on BLM managed lands. The Lease area will be owned by AGFC on behalf of the state of Arizona and managed by LCR MSCP and AGFC, so FLPMA will not apply to the Lease area.



PlanetRanchEA, BOR LCR &lt;sha-lcr-planetranchea@usbr.gov&gt;

## Submission of Public Comments on Draft Environmental Assessment LC-14-15

**Dee Holland** <beauholland@centurytel.net>  
 Reply-To: Dee Holland <beauholland@centurytel.net>  
 To: planetrancheaseea@usbr.gov

Tue, Apr 28, 2015 at 12:09 PM

### Correction:

----- Original Message -----

**From:** Dee Holland

**To:** planetrancheaseea@usbr.gov

**Sent:** Tuesday, April 28, 2015 1:06 PM

**Subject:** Submission of Public Comments on Draft Environmental Assessment LC-14-15

**TO: Bureau of Reclamation**  
**ATTN: LC 2620 PO Box 61470**  
**Boulder City, NV 89006**  
[planetrancheaseea@usbr.gov](mailto:planetrancheaseea@usbr.gov)

**FROM: Shirley Leeson**  
 La Mesa, CA

### Submission of Public Comments on Draft Environmental Assessment LC-14-15

I am a resident of La Mesa, CA, I spend time during January through March in the Quartzsite, AZ area and this will directly impact me by the proposed USBR Planet Ranch Lease Action.

I am an avid rockhound and I'm frequently in the area of Planet Ranch searching for rocks and minerals.

#### Comment on Draft Environmental Assessment LC-14-15

I **support** re-opening these historic 150 year old roads to back country travel and exploration for rocks again.

#### Comment on Section 1.1.1 Proposed Federal Action

I support the proposed federal action to acquire a lease for 3,418 acres of land known as Planet Ranch from Freeport Minerals Corp to benefit the LCR MSCP and the benefits it would provide public access concurrently via AGFC publicly proposed actions.

#### Comment on Section 1.2.3 Planet Ranch

Please note: there has been mining, travel through this area since 1866, and RS2477 mining road authority says basically "the right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted."....Many examples can be found of early use of this area.

[https://mail.google.com/mail/b/4967u07uF2&ik=e2fedcf624&view=pt&search=inbox&ms\\_g=14d016ed037c48e8&siml=14d016ed037c48e8](https://mail.google.com/mail/b/4967u07uF2&ik=e2fedcf624&view=pt&search=inbox&ms_g=14d016ed037c48e8&siml=14d016ed037c48e8)

1/2

**Comment on Section 2.2.1 LCR MSCP Lease and Donation**

Some of these roads in and around the Planet Ranch Lease have been in existence since 1866, and were 'public right-of-way RS2477 mining and ranching roads' prior to the land being homesteaded.

I think the prior decades of use has established a "Prescriptive Easement."

**Comment on Section 3.3.2.1 Biological Resources - Affected Environment**

The Planet Ranch area in the east side bears no native foliage, and hold no attraction for wildlife, not could it provide any cover or nesting opportunities.

**Comment on Section 3.3.2.2.2 Environmental Consequences - Proposed Action**

Driving no faster than 25 mph on these dirt roads will reduce the effects of dust and reduce the potential for tortoises, and other ground dwelling to be struck species by vehicles.

**Comment on Section 3.3.3.1 Affected Environment "The Historic Period at Planet Ranch and Vicinity"**

Historically the Bill Williams River road was a major route of travel and for mineral exploration, beginning around 1860. The statement presented in this section discussing the human presence in the Planet Ranch area in modern times is woefully deficient.

**Comment on Section 3.3.6.2.2 RECREATION - Environmental Consequences - Proposed Action**

I am requesting the AGFC open those routes that best serve the purposes of the public in transiting the area.

Lastly, in conclusion,

I am 82 years old, I can't walk the distance needed to reach the areas I'm interested in. If I am not allowed to enjoy this area, it will be one more reason to discontinue my visits to the Quartzsite, Lake Havasu, and the surrounding area and that impact will be felt by businesses in the surrounding area.

Respectfully,

Shirley Leeson  
6155 Haas St. La Mesa, CA 91942  
Avid Rockhound

**Shirley Leeson**

**Comment 1: Section 2.2.1 LCR MSCP Lease and Donation:** Some of these roads in and around the Planet Ranch Lease have been in existence since 1866, and were 'public right-of-way RS2477 mining and ranching roads' prior to the land being homesteaded. I think the prior decades of use has established a "Prescriptive Easement."

**Response:** Thank you for your comments. Please see Bruce Speirs Comments 3 and 4.

**Comment 2: Section 3.3.3.1 Affected Environment "The Historic Period at Planet Ranch and Vicinity":** Historically the Bill Williams River road was a major route of travel and for mineral exploration, beginning around 1860. The statement presented in this section discussing the human presence in the Planet Ranch area in modern times is woefully deficient.

**Response:** Please see Bruce Speirs, Comment 1.

**Comment 3: Section 3.3.6.2.2 Recreation - Environmental Consequences - Proposed Action:** I am requesting the AGFC open those routes that best serve the purposes of the public in transiting the area.

**Response:** Please see Bruce Speirs, Comments 5 and 8.



PlanetRanchEA, BOR LCR <sha-lcr-planetranchea@usbr.gov>

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## Planet Ranch Comments

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**Skip 1** <askpuggill@hotmail.com>  
To: planetrancheaseea@usbr.gov

Mon, Apr 27, 2015 at 10:09 AM

Attached is my submission.

Thank you for your consideration.

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 **Planet Ranch.pages.zip**  
256K

TO: Bureau of Reclamation  
ATTN: LC 2620 PO Box 61470  
Boulder City, NV 89006

## **Submission of Public Comments on Draft Environmental Assessment LC-14-15**

- I am an avid outdoor enthusiast, off highway vehicle user, desert lover, walker, and love to take photos of the beautiful desert.
- I am frequently in the area of Planet Ranch pursuing my interests

### ***Comment on Draft Environmental Assessment LC-14-15 Preamble***

I support the preamble statement at the beginning of the EA that says "The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage." I support re-opening these historic 150 year old roads to back country travel again.

As a member of the 'Senior Block of Voters', which is one of the largest voting blocks in the nations, by opening up these trails you will be allowing 1000's of Seniors to visit this area. It is great to have hiking trails for the younger, BUT the Senior Block of Voters also enjoys getting out and seeing this wonderful country of ours.

### ***Comment on Section 1.1.1 Proposed Federal Action***

I support the proposed federal action to acquire a lease for 3,418 acres of land known as Planet Ranch from Freeport Minerals Corp to benefit the LCR MSCP and the benefits it would provide public access concurrently via AGFC publicly proposed actions. Again understand that the Senior Block of Voters is a large group.

### ***Comment on Section 1.2.3 Planet Ranch***

Planet Ranch area (and roads) have been the site of significant human activity for many decades.



## **Skip 1**

**Comment 1:** I support reopening these historic 150 year old roads to back county travel again.

**Response:** Thank you for your comments. Please see Bruce Speirs, Comment 5.

**Comment 2: Section 1.2.3 Planet Ranch:** Planet Ranch (and roads) have been the site of significant human activity for many decades.

**Response:** Please see Bruce Speirs, Comment 1.



PlanetRanchEA, BOR LCR &lt;sha-lcr-planetranchea@usbr.gov&gt;

## Submission of Public Comments on Draft Environmental Assessment LC-14-15

**SUSAN GUIBORD** <guibords@yahoo.com>  
 Reply-To: SUSAN GUIBORD <guibords@yahoo.com>  
 To: "planetrancheaseea@usbr.gov" <planetrancheaseea@usbr.gov>

Tue, Apr 28, 2015 at 2:36 PM

To: Bureau of Reclamation  
 ATTN: LC 2620 PO Box 61470  
 Boulder City, NV 89006

From: Susan and Charles Guibord  
 2992 Cisco Dr N  
 Lake Havasu City, Az 86403  
 April 28, 2015

Dear Official:

As involved citizens we would like to offer the following concerns with the draft, **Environmental Assessment LC-14-15**.

We are residents of Lake Havasu City, Az and feel we are directly impacted by the proposed USBR Planet Ranch Lease action. We are avid outdoor enthusiasts, having retired here for the outdoor opportunities, including four wheeling in our Jeep Wrangler, off roading in our Can Am side, enjoying the historical element as much as nature's beauty as given to us by God himself. The area of Planet Ranch to pursue these interests should not be taken away.

### **Preamble Comment:**

We support the preamble statement portion of the Environmental Assessment that states "The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage." Opening Planet Ranch and its roads to public access would be in direct support of this mission statement.

### **Section 1.2.3 Planet Ranch Comment:**

The Planet Ranch site and lands are not pristine, wild, or untouched and therefore are compatible for the AGFC to permit public access let alone public travel across it. Roads were established under 1866 RS2477 mining road authority stating "The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted." As members of Havasu 4 Wheelers, we are concerned with all the ways lands are taken from us such as the unconscionable land grab by environmentalists and other groups claiming to be saviors of the land. This is just another way to block us senior citizens from enjoying the land. We are unable to visit these places by backpacking for days. At present, within a 100 mile radius of Lake Havasu City, there are twenty three Arizona Wilderness areas and twenty five California Federal & State Wilderness area encompassing 2,393,490 acres as well as 32,857 acres of Wildlife Refuges, not to mention 1,303,658 acres of Indian Reservations and 836,992 acres of military proving grounds. How about saving a little for us to enjoy by vehicle?

**Section 2.2.1 LCR MSCP Lease and Donation Comment:**

We support the federal action to implement the Big Sandy River – Planet Ranch Agreement as on the date of execution (approval) as it would transfer the ownership (by donation) of 3,418 acres of land to AGFC who have repeatedly and publically vowed to reopen the land and roads to the public. Planet Ranch has many roads and routes, all dirt roads in varying degree of size, condition and evidence of usage. I am not requesting all routes be open, but I certainly would expect, in all fairness, AGFC open those routes that best serve the purposes of the public in transiting the area and enjoying their adjacent public lands.

**In Conclusion**

Because of the distance of this area, from the nearest highway, the only safe way to reach this area of beauty is by motorized 4 wheel drive vehicle. Off-roading is an opportunity for families as well as senior citizens to enjoy geocache searches, photography, history, phenomenal beauty and a way to express gratitude to God for His blessings.

These lands have been open to the public until just recently. Please let us use this area again.

Sincerely,

Susan and Chuck Guibord

## **Susan and Chuck Guibord**

**Comment 1: 1.2.3 Planet Ranch Comment:** The Planet Ranch site and lands are not pristine, wild, or untouched and therefore are compatible for the AGFC to permit public access let alone public travel across it. Roads were established under 1866 RS2477 mining road authority stating “The right-of-way for the construction of highways across public lands not reserved for public purposes is hereby granted

**Response:** Thank you for your letter. Please see Bruce Speirs Comments 1 and 3.

**Comment 2: LCR MSCP Lease and Donation Comment:** We support the Federal action to implement the Big Sandy River-Planet Ranch Agreement as on the date of execution (approval) as it would transfer the ownership (by donation) of 3,418 acres of land to AGFC who have repeatedly and publically vowed to reopen the land and roads to the public. Planet Ranch has many road and routes, all dirt roads in varying degree of size, condition, and evidence of usage. I am not requesting all routes be open, but I certainly would expect, in all fairness, AGFC open those routes that best serve<sup>3</sup> the purposes of the public n transiting the area and enjoying their adjacent public lands.

**Response:** Please see Bruce Speirs, Comments 2 and 5.