

Hunter's Hole Conservation Area Program Decision Document 11-001

Partners: Yuma Crossing National Heritage (YCNHA)
U.S. Border Patrol (USBP)
U.S. Bureau of Land Management (BLM)

CONSERVATION AREA DEVELOPMENT

Background

In 2007 The Walton Foundation met with the YCNHA regarding potential investment in the Limitrophe section of the Lower Colorado River. YCNHA proposed the Hunter's Hole Restoration project in response. The 435 acre project provided for preservation of 30 acres of existing cottonwood/willow, establishment of 40 acres of mesquite, development of 20 acres of surface water, creation of 15 acres of marsh and planting of local grasses on the remaining acres.

In 2008 YCNHA approached Reclamation with a request to complete the project which would be located on federal lands. In response, Yuma Area Office completed National Environmental Protection Act compliance after discussions with other federal agencies. The Environmental Assessment was completed in April 2009, and the Finding of No Significant Impact (FONSI) document was signed in June 2009.

YCNHA invited a number of stakeholders to participate in the project planning effort. These stakeholders include BLM, USBP, U.S. Fish and Wildlife Service, U.S. and Mexican Sections of the International Boundary and Water Commission, Arizona Game and Fish Department, the City of Yuma, Yuma County Sheriff's Office, Environmental Defense, National Wildlife Federation, ProNatura Noroeste, and private landowners in the area. ProNatura Noroeste has developed a complimentary restoration plan on the Mexico side heralding the project as a bi-national border restoration effort.

In 2008, the YCNHA identified the Hunter's Hole area for restoration and asked the LCR MSCP to evaluate the project for inclusion into their program. In October 2008, a trip report was completed for the Hunter's Hole which recommended the LCR MSCP remain involved in the planning, but not commit long-term funding until the roles and responsibilities of the LCR MSCP was defined.

In 2010, the YCNHA, in cooperation with the Reclamation, has developed a restoration plan for the Hunter's Hole (see attached figure) located within the State of Arizona and within Reach 7 of

the LCR MSCP planning area. The focus of the restoration has changed due to dropping groundwater levels. The open water was eliminated and replaced with wet cottonwood-willow (35 acres+-) and honey mesquite (15 acres+-). The result is anticipated to achieve 50 acres of cottonwood-willow land cover type, reduce future pumping costs, use less water, and maximize the credit for the LCR MSCP. A supplemental Environmental Assessment has been completed based on the revised restoration plan.

Funding

Funding for permitting, design, clearing, infrastructure development, and planting of native trees has been obtained from the Arizona Water Protection Fund and will be administered by the YCNHA. Development costs are not the responsibility of the LCR MSCP, but approach \$1,000,000. The revised design was presented to the Steering Committee of the Arizona Water Protection Fund who has concurred with the changes pending long-term support from the LCR MSCP for operations and maintenance.

The LCR MSCP would be responsible for future management, maintenance, and monitoring of the restored area for the life of the program. Once established, annual funding to maintain the area is anticipated to be:

Project Management and Coordination	\$5,000
On-site maintenance & Utility Bills	<u>\$25,000</u>
Annual Cost	\$30,000

Border Safety

The safety of Border Patrol agents and subsequent LCR MSCP staff and contractors is a major concern for this project given its proximity to the border with Mexico. Discussions with the Border Patrol indicate the number of contacts with undesirable elements in this vicinity have been drastically reduced since the construction of a border fence. To ensure the support and safety of the Border Patrol, representatives from the patrol were shown dense habitats created in the Blythe area. It was made clear that the LCR MSCP is creating habitat for covered species and would not be trimming or clearing areas within the habitat. A letter of support of the restoration activities from the Border Patrol has been received (see attached letter). However, if safety issues arise, it is understood that habitat creation, monitoring, and maintenance activities would be revisited and revised to ensure the safety of all parties.

Water Use

The source of water for restoration purposes is groundwater from an existing well, funded by Reclamation, and located on Reclamation withdrawn lands. The total volume of water to be pumped annually is anticipated to be less than 1,000 ac-feet, although if the footprint of the Conservation Area were increased at a later date or additional water is required to meet covered species habitat performance criteria such as increased soil moisture or humidity, the annual pumping rate could be as high as 3,000 ac-ft.

Discussions with the Arizona Department of Water Resources indicate that ground water use below the Northerly International Boundary with Mexico is not currently accounted for as Colorado River water and therefore is available for restoration purposes. However, changes in groundwater gradient at a later date may influence or affect this determination.

The Boulder Canyon Operations Office of Reclamation has made the following determination (see attached memorandum) concerning water use at Hunter's Hole. As described in the Procedures Section under Item No. 10 of the LCR MSCP Water Accounting Agreement, signed March 11, 2010;

To the extent that the natural depletion of Lower Colorado River water is reduced as a result of the removal of non-irrigated phreatophyte vegetation from a parcel of land within a Conservation Area for Program purposes and Lower Colorado River water is thereafter applied to replacement vegetation on that parcel for Program purposes for the benefit of Covered Species, Reclamation shall:

- (a) consider the amount of Lower Colorado River water saved by the removal of such vegetation to be equivalent to the amount applied to replacement vegetation of each such parcel of land; and
- (b) not report the application of Lower Colorado River water to such replacement vegetation as a diversion or consumptive use of Lower Colorado River in the annual report filed pursuant to Article V of the Consolidated Decree.

The memorandum states, based on our interpretation of the recently signed LCR MSCP Water Accounting Agreement and the factors noted above it appears water is available for restoration purposes and no decree accounting is required. This finding is applicable to the project, if and only if, the project becomes a Conservation Area for the LCR MSCP. Although diversions would not be reported in the annual decree accounting report, a totalizing flow meter would be installed and all diversions recorded.

Land Use Agreement

Hunter's Hole is located on Reclamation withdrawn lands within the Limitrophe Division of the Colorado River. As such, a land use agreement is not anticipated and no compensation for land and water resources is anticipated.

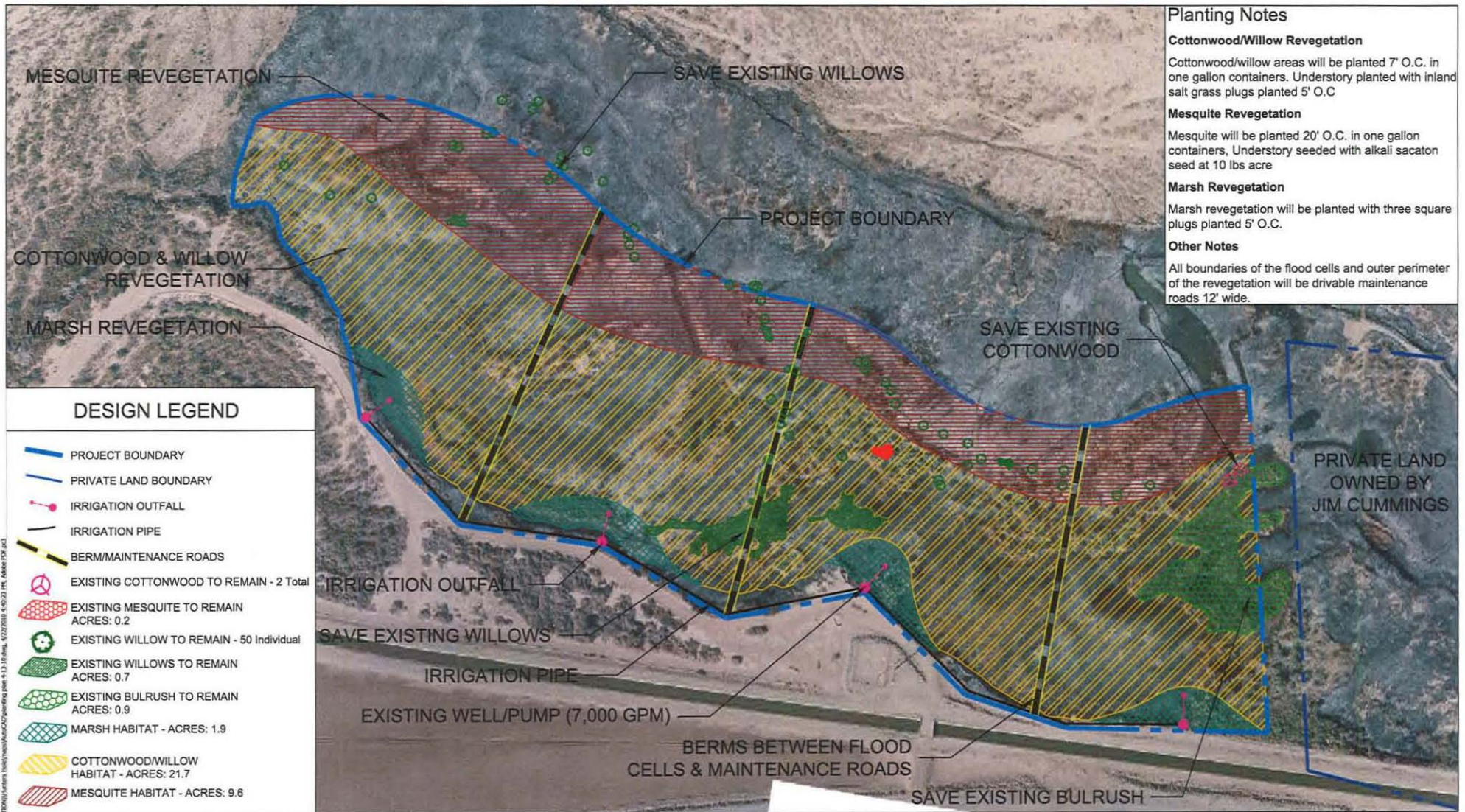
Other Factors

Based on the new design, operations and maintenance costs have been reduced to approximately \$30,000 per year. Hunter's Hole has higher cost per acre than many riparian sites, but that cost is somewhat offset by not having to pay for design, permitting, infrastructure construction, and planting which is estimated at approximately \$900,000.

Hunter's Hole provided some unique challenges such as ensuring the safety of restoration staff and Border Patrol agents while working along the U.S.-Mexico border and partnered with the bi-national effort at Colonia Miguel Aleman is an excellent example of working towards a common restoration goal. No other current conservation areas have been proposed for Reach 7 or the last 22 miles of the Colorado River in the United States which historically provided both migratory and nesting habitat for many LCR MSCP covered species and specifically the southwestern willow flycatcher.

RECOMMENDATION

The Program Manager is recommending the inclusion of Hunter's Hole as a new Conservation Area to be managed for LCR MSCP covered species. It is anticipated that the Hunter's Hole will provide at least 50 acres of cottonwood-willow land cover type which would be managed for LCR MSCP covered species.



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Fred Phillips Consulting, LLC
 401 SOUTH LEROUX STREET
 FLAGSTAFF, AZ
 86001
 TEL 928 773 1530
 FAX 928 774 4166
 Ecosystem Restoration Land Planning

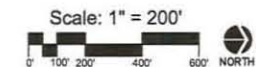
PREPARED FOR:
 YUMA CROSSING NATIONAL
 HERITAGE AREA IN
 PARTNERSHIP WITH THE
 BUREAU OF RECLAMATION

CITY OF YUMA

HUNTER'S HOLE RIPARIAN AND WETLAND RESTORATION

YUMA, ARIZONA

SHEET TITLE :
 REVISED PLANTING PLAN



DATE: APRIL 21, 2010
 JOB NO.:
 DRAWN BY: JF
 DESIGNED BY: FOP/DB
 CHECKED BY: FOP

SHEET NO.:
 FIGURE 1

4035 South Avenue A
Yuma, AZ 85365



**U.S. Customs and
Border Protection**

SEP 22 2010

Mr. John Swett
Program Manager
Bureau of Reclamation
Post Office Box 61470
Boulder City, NV 89006-1470

Dear Mr. Swett:

Thank you for your August 31, 2010 letter regarding the Hunter's Hole Riparian and Wetland Restoration Plan. The U.S. Border Patrol's Yuma Sector acknowledges the value of establishing a riparian zone within the Lower Colorado River Limitrophe Division and supports your restoration plan for the Hunter's Hole area. From its inception, the development of the Hunter's Hole Project has been a well received effort that will preserve the environment, provide a sanctuary for wildlife and benefit the communities that use it for recreation. We have been consulted during the planning and development stages of this project and are grateful for the opportunity to provide input.

Our concerns so far relate to access in and around the border area and limited visibility resulting from the growth of dense vegetation in the riparian zone. It is critical that our agents maintain the ability to monitor and access the immediate border to detect, respond and interdict all cross-border threats. Thick vegetation continues to be a significant border security challenge for us, as cross-border violators and smugglers use vegetative cover to conceal themselves and their contraband from our surveillance platforms and motorized patrols.

After reviewing the revised site design plan and proposed planting layout, Yuma Sector finds that enforcement and monitoring efforts can be accomplished within and throughout the periphery and perimeter of the area. The establishment of the proposed 12 foot wide drivable perimeter maintenance road and lateral maintenance roads associated with this project is essential to our enforcement efforts in the area of Hunter's Hole.

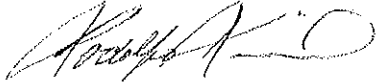
Yuma Sector therefore, concurs with the design/planting plan presented to us dated April 21, 2010. We look forward to working with you and the Yuma Crossing National Heritage Area on this collaborative effort and will share any concerns with you relating to public safety or border security as this project moves forward.

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 22 2010	
YUMA, AZ	
U.S. CUSTOMS AND BORDER PROTECTION	
9/22/10 / A 8000	
9/28/10 7/11 8400	

Mr. John Swett
Page 2

Should you have any questions or require additional information, please contact Supervisory Border Patrol Agent Paul Merkley at (928) 341-6509.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodolfo Karisch". The signature is fluid and cursive, with a large loop at the end.

Rodolfo Karisch
Deputy Chief Patrol Agent
Yuma Sector

Enclosure

cc: Mr. Charles Flynn
Executive Director
Yuma Crossing National Heritage Area
180 W. First Street, Suite E
Yuma, AZ 85364



United States Department of the Interior



BUREAU OF RECLAMATION

Lower Colorado Regional Office

P.O. Box 61470

Boulder City, NV 89006-1470

OCT 19 2010

IN REPLY REFER TO:

LC-4200

WTR-4.10

MEMORANDUM

To: Multi-Species Conservation Program Office (MSCP)
Attention: John Swett, Chief, MSCP

From: Steven C. Hvinden *Steven C. Hvinden*
Chief, Boulder Canyon Operations Office

Subject: Water Accounting Methodology for Hunter's Hole in the State of Arizona

In response to letters from both the Yuma Crossing Heritage dated January 15, 2010, and the Yuma Area Office response, dated March 2, 2010, the Boulder Canyon Operation Office (BCOO) of the Bureau of Reclamation has been asked to provide clarification regarding the accounting for water to be used at Hunter Hole Conservation area. In accordance with Article V of the Consolidated Supreme Court Decree in *Arizona v. California*, 547 U.S. 150 (2006), BCOO has the responsibility to annually account for the diversions, return flows, and consumptive uses of Colorado River water in the Lower Basin.

This memorandum is in response to your request to clarify the water accounting methodology that would be applied to water utilized in the establishment and long-term maintenance of a conservation area for program purposes at Hunter's Hole located within the Limitrophe Division of the Lower Colorado River. We understand the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) has an overall goal of developing a minimum of 8,132 acres of habitat divided into four habitat groups: (1) cottonwood-willow, (2) honey mesquite, (3) marsh, and (4) backwater, and that a conservation area established at Hunter's Hole would provide credit in Reach 7 within the State of Arizona. We also understand that non-native phreatophyte vegetation has been removed at Hunter's Hole and the site has been re-vegetated with an equal acreage of native vegetation that will be managed for LCR MSCP covered species.

The source of water for restoration purposes is groundwater from an existing well located on-site at Hunter's Hole. The total volume of water to be pumped annually is anticipated to be less than 1,000 acre-feet, although if the conservation area at Hunter's Hole were increased at a later date or additional water is required to meet covered species habitat performance criteria such as increased soil moisture or humidity, the annual pumping volume could be as high as 3,000 acre-feet.

The following language is described in the Procedures Section under Item No. 10 of the LCR MSCP Water Accounting Agreement, signed March 11, 2010:

10. To the extent that the natural depletion of Lower Colorado River water is reduced as a result of the removal of non-irrigated phreatophyte vegetation from a parcel of land within a Conservation Area for Program purposes and Lower Colorado River water is thereafter applied to replacement vegetation on that parcel for Program purposes for the benefit of Covered Species, Reclamation shall:

- (a) consider the amount of Lower Colorado River water saved by the removal of such vegetation to be equivalent to the amount applied to replacement vegetation of each such parcel of land; and
- (b) not report the application of Lower Colorado River water to such replacement vegetation as a diversion or consumptive use of Lower Colorado River in the annual report filed pursuant to Article V of the Consolidated Decree.

In summary, based on our interpretation of the LCR MSCP Water Accounting Agreement, the factors noted above, and the understanding that any future increase in the acreage of the re-vegetation site at Hunter's Hole will not exceed the area from which non-native vegetation was removed, it appears water is available for restoration purposes and no decree accounting is required for water use at Hunter's Hole.

If you need additional information or clarification, please contact Mr. Paul Matuska, Water Accounting and Verification Group Manager, at 702-293-8164.