

**United States Department of the Interior
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021
Telephone: (602) 242-0210 FAX: (602) 242-2513**

AESO/FA

April 22, 2004

Memorandum

To: Carol Lynn Erwin, Area Manager, Bureau of Reclamation, Phoenix Area Office
(Attn: Bruce Ellis, Chief, Environmental Resource Management, Division)

From: Field Supervisor

Subject: Draft Environmental Impact Statement on the Allocation of Water Supply and Long-Term Contract Execution, Central Arizona Project, Arizona

Thank you for your memorandum of February 24, 2004, informing us that Reclamation is reopening the public review period for the Draft Environmental Impact Statement on the Allocation of Water Supply and Long-Term Contract Execution, Central Arizona Project, June 2000 (DEIS). These comments are provided under authority of and in accordance with the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended U.S.C. 661 et. seq.), but do not constitute our detailed report under Section 2(b) of the FWCA. These comments are based on review of the DEIS; the 1982 Final Environmental Impact Statement for Water Allocations and Water Service Contracting, Central Arizona Project (1982 EIS); the 1972 Final Environmental Statement, Central Arizona Project (1972 ES); the 1968 Colorado River Basin Project Act (PL 90-537) (CRBPA) and its Legislative History (House Report No. 1312); various environmental assessments for assignment and distribution of Central Arizona Project (CAP) water; comments provided by other regulatory agencies; coordination with your agency; and literature and information contained in our files.

Our primary concern is the lack of a detailed assessment of, and proposed mitigation for, the foreseeable loss of desert biotic communities associated with the allocation and use of CAP water, particularly for municipal and industrial (M&I) growth and development. The DEIS indicates that 240,000 acres of desert land would be converted to urban use. As we have indicated to you on previous occasions, we believe the foreseeable loss of 240,000 acres of desert lands would have significant adverse effects on biological resources and should be thoroughly evaluated and mitigated in accordance with the FWCA as a consequence of the project. Mitigation should be based on analysis of effects to vegetation communities and local and regional wildlife resources, including shifts in community structure, changes in diversity and relative abundance, and long-term trends in population demographics and viability.

Mitigation under the FWCA is determined by comparing the future-with-project scenario against the future-without-project scenario. We believe that without the delivery of CAP water, M&I growth and development and associated habitat losses in central Arizona would not occur. The

interpretation that CAP water is critical to M&I growth and development is supported by the CRBPA and its Legislative History, the 1982 EIS, and various environmental assessments for assignment and delivery of CAP water.

The loss of desert lands can have negative impacts on wildlife populations because they provide movement corridors, nesting sites, and foraging areas for numerous species. Modifications can adversely affect population dynamics through habitat loss or fragmentation, and disrupt intra- and inter-specific wildlife interactions resulting in population and community shifts. Though utilizing acreage alone to assess impacts is the simplest approach, it cannot serve as a surrogate for quantification of biological and ecological function.

In summary, we believe that allocation and delivery of CAP water to Arizona has not met requirements of the FWCA. CAP water is needed to meet current and future water demands. Without CAP there would exist a critical water shortage limiting the ability of users to support M&I growth and development. Therefore, M&I growth and development is a direct consequence of the allocation of CAP water and the mitigation requirements of the FWCA are applicable. The impact of CAP on the environmental landscape of Arizona should be thoroughly assessed and mitigated. The scope of impact analysis should extend to the point of use of the water. A thorough quantification of impacts to biotic resources should be conducted and form the foundation for development of mitigation.

We appreciate the opportunity to provide technical assistance and planning recommendations for the proposed allocation of water supply and long-term contract execution for CAP. If we can be of further assistance or you have questions, please contact Don Metz (x217) or Mike Martinez (x224).

/s/ Steven L. Spangle

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-ES)
Director, Arizona Game and Fish Department, Phoenix, AZ
Regional Administrator, Environmental Protection Agency, San Francisco, CA
Director, Arizona Department of Water Resources, Phoenix, AZ

W:/MikeMartinez/CAPallocation:egg