



# United States Department of the Interior



BUREAU OF RECLAMATION  
Phoenix Area Office  
6150 West Thunderbird Road  
Glendale, AZ 85306-4001  
April 8, 2024

IN REPLY REFER TO:  
PXAO-1500  
2.1.4.17

VIA ELECTRONIC MAIL AND U.S. MAIL

Subject: Notice of Public Scoping for an Environmental Assessment (EA) of the Proposed Issuance of an Enhancement of Survival Permit and Proposed Construction of a Fish Barrier in Eagle Creek, Graham and Greenlee Counties, Arizona (Action by 15 days from the date of this letter)

Dear Interested Party:

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

## EOS Permit and SHA

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

## Eagle Creek Fish Barrier

Reclamation's fish barrier construction program is one of several actions included in a May 15, 2008, USFWS Biological Opinion (BO) designed to partially mitigate the impact of the delivery of water through the Central Arizona Project and its potential to introduce and spread nonnative aquatic species to the Gila River Basin. A key conservation measure of the BO calls for the construction of fish barriers to assist in indigenous fish conservation efforts. Reclamation proposes to construct one concrete fish barrier in Eagle Creek to prevent upstream incursion of nonnative fish (Figure 4). The barrier would be constructed in Eagle Creek on private lands owned by the Applicants between river mile 51 and 52 (3698411 Northing, 640417 Easting, UTM NAD 83, Zone 12S).

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INTERIOR REGION 8 • LOWER COLORADO BASIN

ARIZONA, CALIFORNIA\*, NEVADA\*

\* PARTIAL

Reclamation and USFWS have concluded that an EA is the appropriate level of review under the National Environmental Policy Act (Public Law 91-190). The purpose of an EA is to evaluate the impacts of the proposed actions on the human and natural environment and allow Reclamation and USFWS to determine whether to prepare an environmental impact statement or a finding of no significant impact. As part of this EA process, Reclamation and USFWS are seeking your participation in identifying any potential issues with or effects of the proposed actions and any information related to the identification of historic properties under the National Historic Preservation Act (54 U.S.C. 306108).

Comments should be submitted via traditional mail to: Bureau of Reclamation, ATTN: Eagle Creek Environmental Assessment, 6150 West Thunderbird Road, Glendale, AZ, 85306, or via email to [dgraziani@usbr.gov](mailto:dgraziani@usbr.gov) no later than 15 days from the date of this letter.

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

For additional information regarding this letter, please contact Dominic Graziani, Supervisory Natural Resource Specialist via email at [dgraziani@usbr.gov](mailto:dgraziani@usbr.gov) or by telephone at (623) 773-6250. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability, may dial 711 (TTY, TDD, or TeleBraille) to access telecommunication relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States.

Sincerely,

SEAN  
HEATH

Digitally signed by SEAN  
HEATH  
Date: 2024.04.05  
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Acting Alexander B. Smith  
For Area Manager

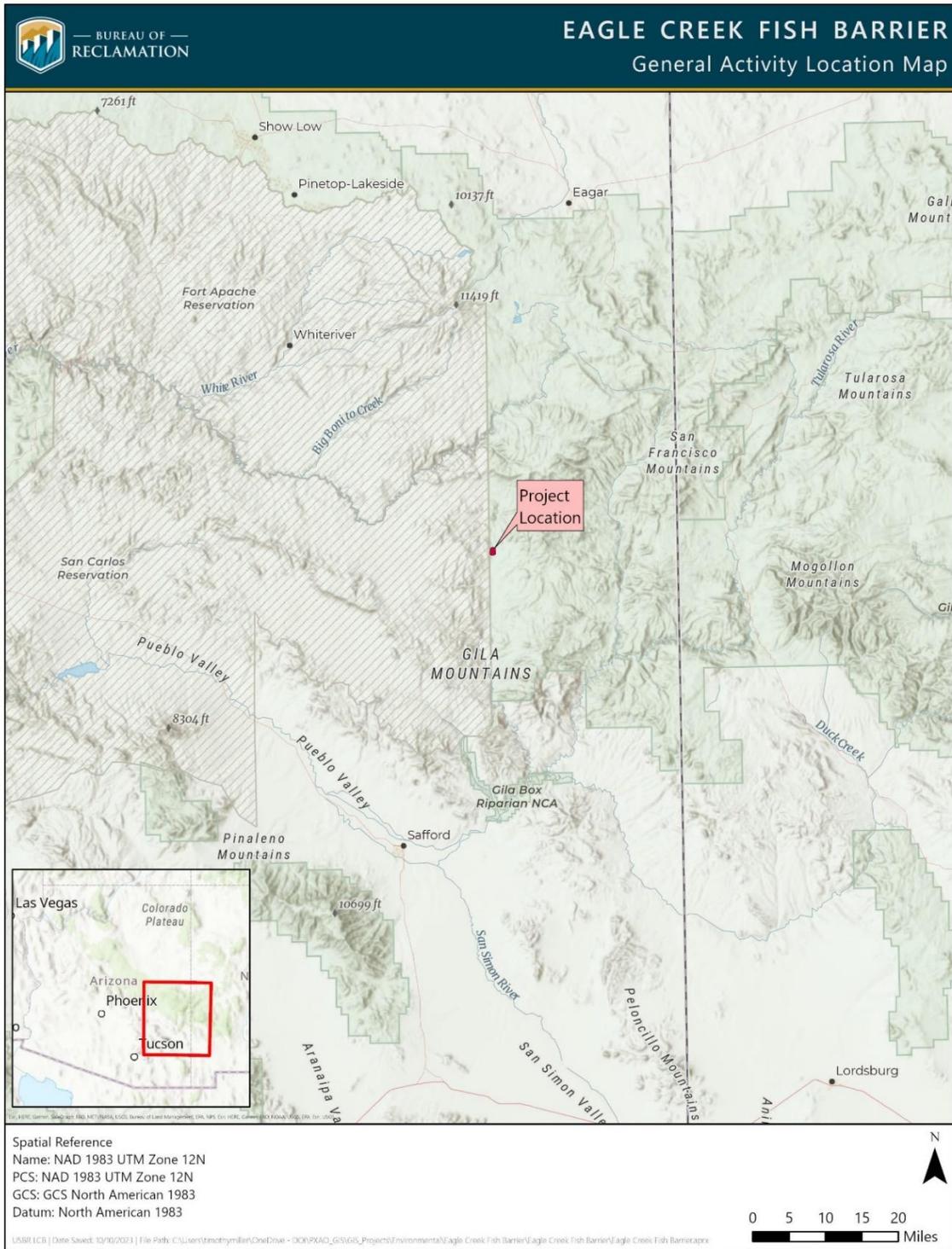


Figure 1. General Location of the Proposed Actions.



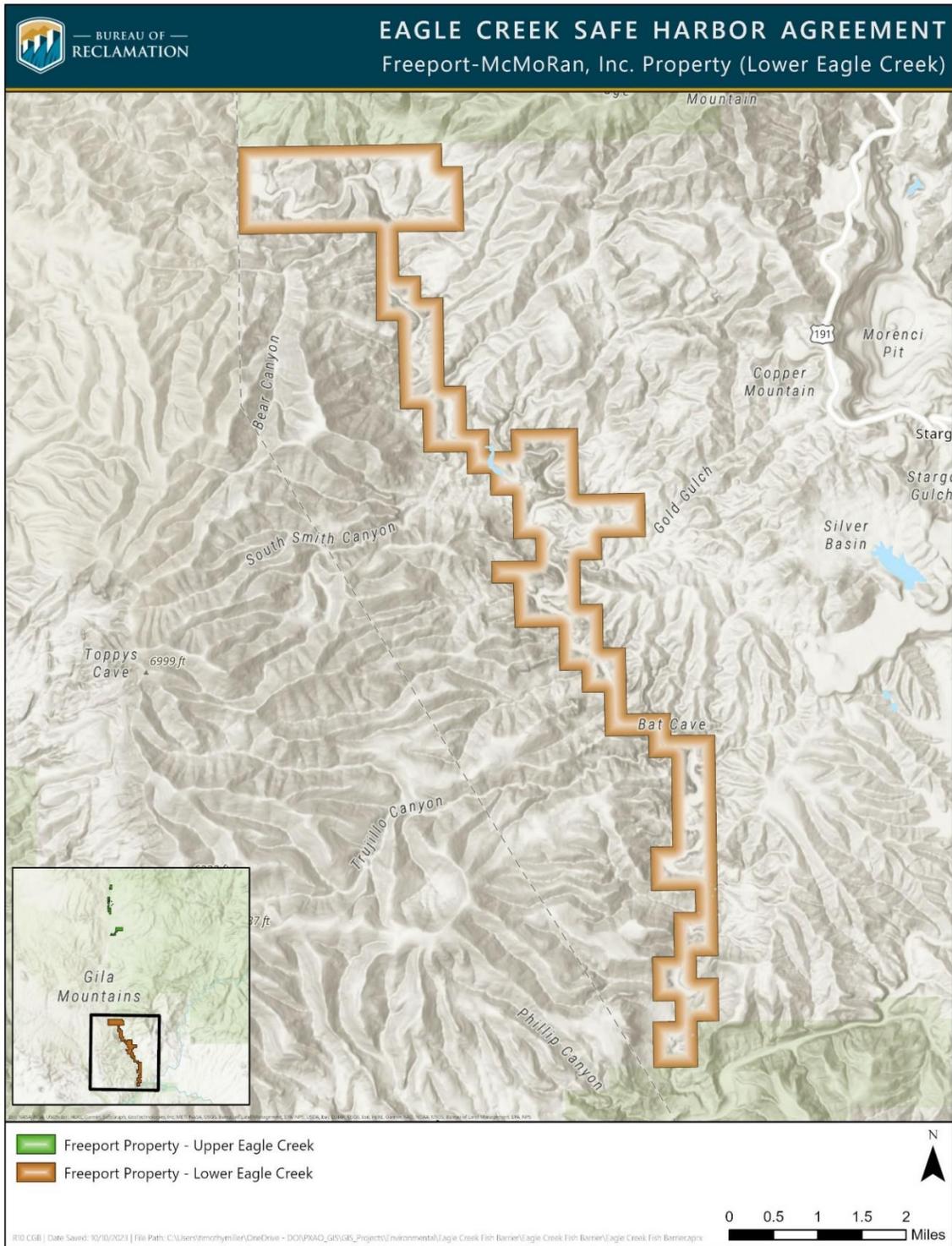


Figure 3. Freeport-McMoRan Properties along Lower Eagle Creek.

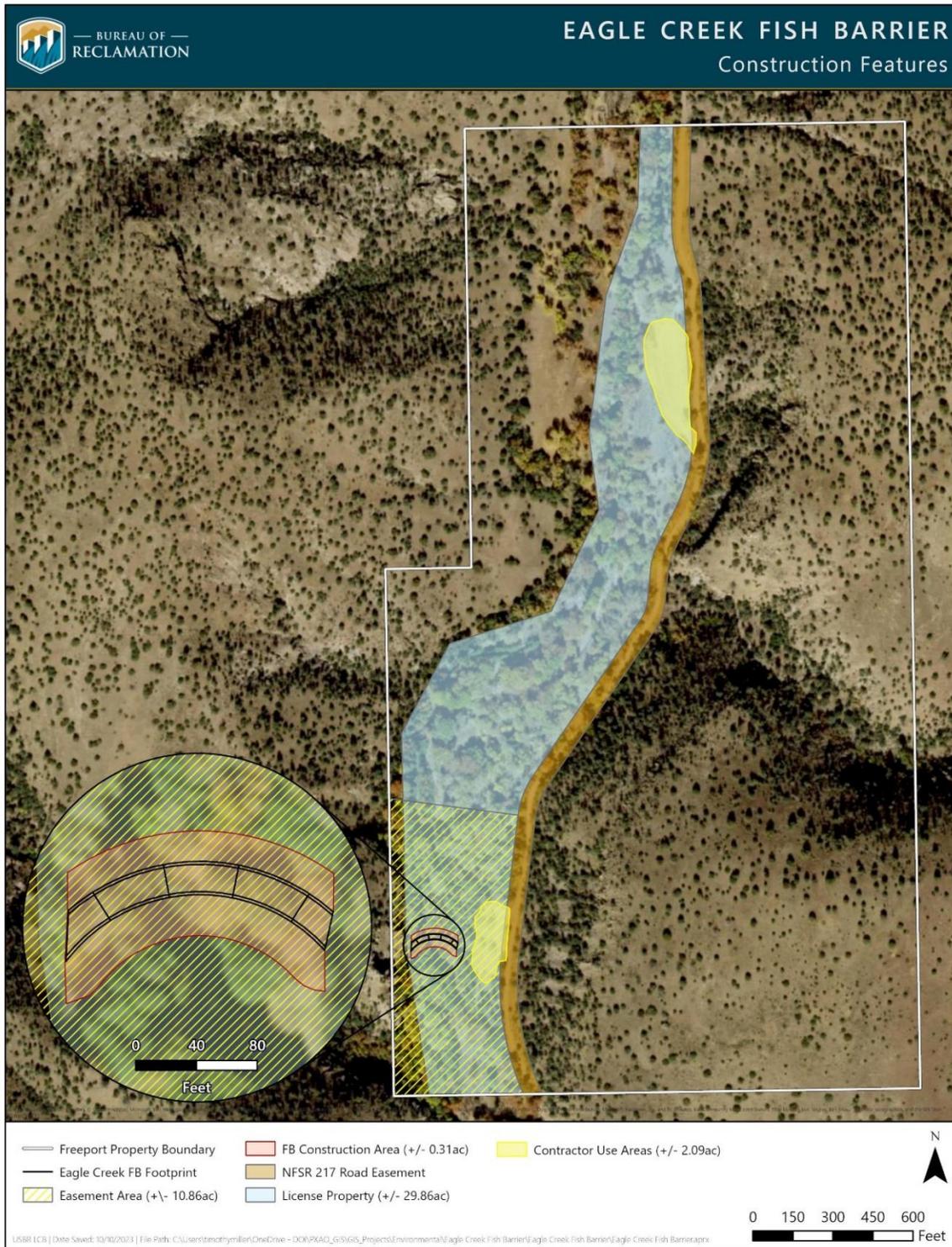


Figure 4. Proposed Fish Barrier in Eagle Creek.