



United States Department of the Interior

NATIONAL PARK SERVICE

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IN REPLY REFER TO:
10.B(2550)

FINDING OF NO SIGNIFICANT IMPACT

Peralta Regional Park Environmental Assessment Pinal County, Arizona

March 2021

This Finding of No Significant Impacts (FONSI) documents the decision of the National Park Service (NPS) to approve a Land and Water Conservation Fund (LWCF) grant application for the development of Peralta Regional Park. In order to approve the grant application and subsequent development of Peralta Regional Park, the NPS is adopting the existing 2019 Peralta Regional Park Final Environmental Assessment (EA) prepared by the Bureau of Land Management (BLM) for compliance with the National Environmental Policy Act (NEPA). The selected alternative will create Peralta Regional Park (Peralta RP) through a lease with the BLM, and the subsequent development of 498 acres under the Recreation and Public Purposes Act (R&PP). The NPS LWCF program has determined that no significant environmental effects will result in adopting the 2019 EA because none of the circumstances, information, action or its impacts have changed, and the original impacts were also found to not be significant. The LWCF program has independently reviewed the existing EA and determined it meets all NEPA requirements applicable to the NPS. This FONSI will be made available to the public once it is signed.

The BLM prepared the 2019 EA to document and analyze the potential effects of its decision to issue a lease to Pinal County of 498 acres of land for the development of a county regional park. The selected alternative approves Pinal County's proposed Peralta RP project which includes construction of new facilities and their management and maintenance for 25 years under a lease with an option to patent the land. The proposed Peralta RP identifies different recreation use areas and multi-use trails of various skill levels accessed via an organized parking/trailhead area. The trail system features loops and connector trails that total approximately 8 miles. Two unique and signature activities are proposed for this 498-acre park: rock climbing and dark-sky designation for night sky viewing activities. This would be a new regional park managed by the county.

With approval of this lease by the BLM (October 10, 2019), a request was made to the LWCF program for matching funds to assist in the development of the recreation opportunities planned for this regional park. The 2019 EA contains the environmental analysis of the potential impacts associated with the development of the site with recreation facilities for public use; therefore, the LWCF adopts that EA to satisfy our NEPA obligations for the award of this grant.

In 1965, Congress signed the Land and Water Conservation Fund (LWCF) Act into law (now codified at 54 U.S.C. §200305) for the purpose of establishing and protecting a public outdoor recreation estate for the health and vitality of the American people and our visitors. The program is administered in partnership with the States. Each state, U.S. territory, and the District of Columbia has a designated lead

agency and governor-appointed State Liaison Officer (SLO) who is delegated authority to administer the program on behalf of the State and their alternate. In Arizona, the governor appointed LWCF alternate state liaison officer is the chief of Grants and Trails within the Arizona State Parks and Trails (AZSPT) department.

This grant request for the proposed project was locally developed and competed at the state level through a process designed and managed by our state partners. The NPS conducts an independent review of the proposed project for federal assistance to determine how well it accomplishes the purpose of the LWCF Act and meets program requirements. This evaluation includes a consideration of the project's eligibility for assistance, its technical adequacy, and its financial soundness. As part of this review, the NPS will determine whether:

1. the proposal is in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) (LWCF Manual, Chapter 2);
2. the proposal has been developed in accordance with the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA) and other applicable laws and Executive Orders and meets administrative requirements contained in the LWCF Manual (2008)71 (2021).

The LWCF is a federal financial assistance program and thus all NPS LWCF decisions are subject to the provisions of NEPA and associated guidance. The NEPA process coordinates compliance with applicable related federal environmental requirements including compliance with Section 106 of the NHPA, as amended, and the Advisory Council on Historic Preservation (ACHP) implementing regulations at 36 C.F.R. Part 800.

The request to approve an LWCF development grant and award financial assistance that will construct the County's first regional park for public outdoor recreation use has been made to NPS by the AZSPT. They will in turn subgrant this to Pinal County who will develop and manage the outdoor recreation opportunities in perpetuity. This project is in accord with the SCORP because the priorities identified preservation and conservation, accessibility and inclusion, collaboration and partnership, and funding are all reflected in this project proposal. Pinal County is one of the fastest growing counties in the country; therefore, the need to preserve property, through collaboration with BLM, and provide outdoor recreation that includes options for all is extremely important. Upon NPS approval of the project, an NPS-signed copy of the approved project agreement will be sent to the SLO and the FONSI will be forwarded back to the State to be published for a 30-day no comment period on their public notification system.

PURPOSE AND NEED

The purpose and need of the project is to develop the first regional park for Pinal County. This project will transform previously managed BLM property into Peralta RP. Facilities available for recreation would include the proposed park entry, internal park roadways, equestrian facilities, activity loop, group and individual picnic sites, car/tent camping (Phase I), trails, climbing area, camp host site, water station, and vault toilet facilities (encompassing approximately 22 acres). The R&PP Act lease would authorize Pinal County to construct and maintain all recreation facilities proposed within the proposed 498-acre lease area for a term of 25 years, with the option to patent.

The proposed 498-acre Peralta RP is located in Pinal County within portions of Sections 6 and 7, Township 1 South, Range 6 East, Gila and Salt River Baseline and Meridian (U.S. Geological Survey Florence Junction, Arizona 7.5' 1966). The Peralta RP would be accessed by Peralta Road from the intersection with Arizona Highway 60 approximately three miles east of the community of Gold Canyon.

This property is in the western foothills of the Superstition Mountains. The terrain is within the watershed of Peralta Canyon, an ephemeral drainage that briefly enters the western edge of the site. Peralta Canyon (also referred to as Peralta Wash away from the Superstition Mountains) is a tributary of Queen Creek, which drains into the Gila River. Other than ephemeral flows following heavy rains, no surface water is present in the area. The property is dominated by native vegetation.

According to the National Environmental Policy Act (NEPA) of 1969, P.L. 91-190, 42 U.S.C. 4321 et seq., this EA is required to help the NPS evaluate the potential environmental impacts on significant resources and issues posed by the AZSPT while developing Peralta RP.

ALTERNATIVES CONSIDERED

Described below are the BLM alternatives considered in their EA: no action and the proposed action (or preferred alternative).

No Action – The BLM would not lease this land to the County for the development of a regional park and there would be no park development or adverse environmental impacts to the area since construction would not occur. This action is not preferred because it does not serve the current and future needs of Pinal County, which is eager to provide more outdoor recreation options within the county.

Selected Alternative – The BLM would lease the land and LWCF awards this grant to the AZSPT, who sub-grants that to Pinal County, to develop the facilities for a regional park. This includes installing fencing around the park, constructing a primary entry, roadways to and within the park, trails, an equestrian day use area, activity loop, picnic sites, and car/tent camp sites. It is estimated that 22 acres will be disturbed to develop these facilities.

SELECTED ALTERNATIVE

This LWCF development grant for the proposed Peralta RP would start within a 1- to 2-year timeframe of R&PP Lease and would provide the majority of recreational facilities previously mentioned. This is considered Phase I and construction activities include the proposed park entry, internal park roadways, equestrian facilities, activity loop, group and individual picnic sites, car/tent camping, trails, climbing area, camp host site, water station, and vault toilet facilities.

To minimize clearing of natural vegetation, and to the extent practicable, park roadways were developed to overlap with existing off-highway vehicle two track disturbances. Where existing two-track disturbances cannot be utilized for access due to environmental or engineering concerns, natural boulders would be placed in an arrangement to restrict vehicular access and dead and downed vegetation would be used to demonstrate where access to a trail is no longer desired.

Fencing: The proposed park boundary would be defined by a wildlife-friendly fence set around the park's perimeter (approximately 4.1 miles in length). The fence would define the park limits and help direct access to the intended point of entry.

Access: The existing Peralta Road alignment would be the primary roadway providing public access to the proposed park. The primary park entry would occur at the proposed intersection of Peralta Road and the northwest corner of the proposed park site. The primary entry drive would consist of a turnaround loop to accommodate the pull through of a vehicle if the park gate is closed. The proposed primary entry road would connect the Peralta Road entry to the other internal park roadways. This roadway would be a combination of split lane one-way segments and two-way traffic lanes. Within the Park, the roadway surface would be non-paved and consist of a graded and compacted roadbed with a width of 11 feet for

each lane, 22 feet total for the travel lanes and 4-foot shoulders on either side for a total width of 30 feet. The road edge would be a graded earthen bar/ditch to direct drainage and provide definition to the road edge. An administrative road approximately 12 feet wide will extend approximately 780 feet across Arizona State Land Department Trust Lands before entering the proposed Peralta RP. The primary function of this secondary entry would be for emergency or maintenance access.

Water: There is an existing well site located within the Peralta RP. This site would be improved so that it can serve as the water source for the park. A second water source would be made available for public use for filling personal use water containers.

Electricity: There is no existing electrical distribution accessible within the Peralta RP. No electrical distribution facilities are proposed, and therefore no public access to electricity would be available within the park. A solar panel canopy and solar appurtenances are proposed to provide power for the host site. Additional proposed site lighting would be limited to locations of informational kiosks and vault toilet facilities. All proposed lighting would be powered by localized solar panels and would conform to International Dark Sky standards.

Construction of the site will be done according to engineered plans that follow best design practices. Construction would occur in the following overlapping phases: site survey, clearing and grubbing, grading and drainage, utility installation, surface construction (including roadways, hardscapes and buildings), landscape treatments, and project closeout. Equipment used during construction would include road graders, dump trucks, track hoes, concrete trucks, and lift trucks. All staging and materials stockpiles would be contained and secured within a construction area designated within the main parking area off the activity loop. Construction would occur during normal weekday hours. Pinal County would include standard operation procedures (SOPs) and best management practices (BMPs) as design features to minimize environmental impacts. These design features include:

- During construction and operations of the park facilities, “Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects” (Arizona Game and Fish Department 2014) would be followed.
- The following measures from the Recommended Standard Mitigation Measures for Projects In Sonoran Desert Tortoise Habitat (Arizona Interagency Desert Tortoise Team 2008) would also be implemented as part of the Proposed Action to minimize potential impacts to BLM sensitive species:
 - To the extent possible, project activities would be scheduled when tortoises are inactive (typically November 1 to March 1).
 - A desert tortoise protection education program would be presented to all employees, inspectors, supervisors, contractors, and subcontractors who carry out proposed activities at the project site.
 - Areas of new construction or disturbance would be flagged or marked on the ground prior to construction. All construction workers would strictly limit their activities and vehicles to areas that have been marked. Construction personnel would be trained to recognize markers and understand the equipment movement restrictions involved.
 - Project features that might trap or entangle desert tortoises, such as open trenches, pits, open pipes, etc. would be covered or modified to prevent entrapment.
- Pinal County would establish, as part of its operations plan, educational outreach on the Sonoran Desert tortoise in conjunction with the proposed interpretive trail and at informational kiosks throughout the park.

- During raptor nesting season and upon confirmation of an active raptor nest in the climbing area, Pinal County would consider providing signage that would notify and educate the public of active nesting.
- To the extent possible, all vegetation clearing activities would be conducted outside of the primary migratory bird nesting season (March 1 – July 15) to avoid potential destruction of active migratory bird nests or disturbance to nesting birds. If vegetation clearing activities are required for construction during the bird-nesting season, Pinal County would perform a clearance survey to check the area for active nests. Any active nests encountered would be avoided until the birds have fledged.
- Animal-proof trash receptacles would be utilized throughout the park to discourage opportunistic wildlife feeding.
- Pinal County will follow the BLM Phoenix District Office’s Integrated Weed Management Plan (Bureau of Land Management Phoenix District Office 2015), which would be utilized on site during and after the construction of the development.
- Where previously disturbed two track roads cannot be utilized for access due to environmental or engineering concerns, natural boulders will be placed in an arrangement to restrict vehicular access and slash or downed tree limbs will be used to demonstrate that access to a trail is no longer desired.
- All motorized vehicle uses would be limited to existing graded roads, and no motor vehicle off-road travel (cross country or trails) would be permitted.
- The following measures would reduce visual impacts within the characteristic landscape:
 - Materials and surface treatments should repeat and/or blend with the existing form, line, color, and texture of the landscape.
 - Grouped structures would all be painted the same color or use materials that complement the surrounding landscape to reduce visual complexity and color contrast.
 - Exterior finish, color, and texture of buildings and other structures would be selected to blend with the characteristic landscape. Paint colors would be specified to blend in with the existing landscape colors as closely as possible.
 - Nighttime lighting at facilities would be controlled by using shielded and down-casting fixtures and motion detection switches using full-shielded, full-cutoff, and down-casting fixtures.
 - Installation of non-native gravel or asphalt pavement would be avoided where possible to reduce color and texture contrasts with the existing landscape.
 - Existing rocks, vegetation, and drainage patterns would be preserved to the maximum extent possible.
 - Signage and markers would be minimized whenever possible. Reverse sides of signs and mounts would be painted or coated to reduce color contrasts with the existing landscape. Markers would be only as tall as necessary to be seen by the intended viewer and those along roads would be installed parallel to travel on the road.

ENVIROMENTAL IMPACTS

Based on the analysis in the BLM EA, this development project will have short term impacts during construction. The BLM reviewed an exhaustive list of resources that could be impacted by this lease and

development. Several of the SOPs and BMPs reduce or minimize impacts to the resources. In other instances, the short-term impacts were considered minor, or the resource was not present; therefore, further analysis was unwarranted. The BLM EA includes Section 3.3 Resources Considered for Analysis, which provides rationale for not analyzing the following resources in more detail: geology, air quality, sound, water quality (streams, wetlands, and floodplains), circulation and transportation, plant/animal species (threatened and endangered), unique ecosystems, wildlife (and habitat), noxious or invasive weeds, accessibility, cultural resources, socioeconomics, environmental justice, farm lands (prime or unique), tribal concerns, and wastes (hazardous or solid). The BLM identified the following resources or uses that may be affected that warranted additional analysis in the EA and are summarized with information directly from the EA below. The LWCF program provides rationale for land and realty, livestock grazing and minerals as it relates to the LWCF Act, regulations, and program policy. The most important resource for the program is recreation.

Lands and Realty

The selected alternative conforms with BLM policy. The issuance of a lease for approximately 498 acres of lands that are not needed for any federal purposes will be administered by Pinal County for the development of recreational facilities for public purposes under the R&PP Act. During the term of the lease, BLM would not have to consider any new easements, ROWs, permits, leases, claims or withdrawals. This would be beneficial for the BLM.

Livestock grazing

The proposed Peralta RP project is located within the greater Buzzards Roost grazing allotment. The Buzzards Roost grazing allotment is classified as a perennial/ephemeral allotment, in the Category C management level. Category C (custodial) allotments are allotments where BLM lands contribute less than 10 percent of the total forage within the allotment or are less than 10 percent of the total land within the allotment. Under the preferred alternative, the BLM would cancel the existing lease for the BLM portion of the Buzzards Roost grazing allotment. Livestock grazing could continue for 2-years following issuance of a final grazing decision issued by the BLM. Removal of livestock grazing as a permitted use within the proposed Peralta RP lease area could have long-term indirect beneficial effects to wildlife by increasing the availability of forage for native wildlife in the area. The BLM concludes that the loss of this acreage from the larger Buzzards Roost grazing allotment (12,482 acres) will have minor effects on livestock grazing resources.

The LWCF program would encourage the removal of this land from a grazing allotment to meet the SCORP priorities of preservation and conservation. This would also increase the accessibility at the site. The expectation of the program is non-recreation activities such as grazing occurring on the property at the time of award would cease within three years.

Minerals

There are seven registered unpatented locatable mining claims on approximately 137.6 acres within the Peralta RP lease area. These claims allow 'casual use' activities ordinarily resulting in no or negligible disturbance of the public lands or resources, such as simple prospecting with hand tools such as picks, shovels, and metal detectors. The preferred alternative cannot legally impede mineral operations within the proposed Peralta RP boundary that have preexisting mining claims, if those claims are viable to develop. Direct effects to recipients of mining claim land use authorizations could occur during construction and operation of the proposed Peralta RP by temporarily preventing access to individual claims but would be negligible because surface jurisdiction and mineral ownership would not change. Development of the recreation facilities and entry features would not prohibit existing mineral operations. Therefore, the preferred alternative would have direct and indirect, negligible, adverse impacts to mineral resources.

Pursuant to the LWCF Act, if the preexisting mining claims were deemed viable for further development then the AZSPT would work with Pinal County to process a conversion of use associated with the footprint needed to access, extract, and process the mineral. The ranking of this site for LWCF assistance suggests that is a risk the County and State are knowingly entering into; therefore, this does not present an adverse impact at this time.

Recreation

This LWCF development grant would allow for the construction of the proposed Phase I Peralta RP and would temporarily limit access to areas under construction and could interrupt casual recreational activities within the proposed park boundary. Areas under construction would be temporarily closed to public access, limiting access to localized recreational activities within the proposed Peralta RP boundary.

The land that will be developed into this regional park is currently managed as undesignated land by the BLM where recreation activities may occur. Those who currently utilize the area for casual recreation activities would no longer be able to camp anywhere they choose. Recreation users would be required to camp in designated areas once construction is complete. Any fees would be established through Pinal County governmental protocol, would meet the provisions outlined in the LWCF Act, and would be similar to fees charged at other comparable regional recreation facilities.

Developed campsites and primitive campsites would provide for extended stay opportunities for visitors and are anticipated to increase the total number of visitors at any one time recreating within the proposed park boundaries. Developed multi-use trails would improve recreational experiences for hiking, mountain bike, and equestrian users. An interpretive accessible trail and star-gazing area would provide recreational activities to a wider range of skill levels than current conditions allow. Potential increases to visitation would likely occur from future population growth in Maricopa and Pinal counties, specifically from the Phoenix metropolitan area. As the population in the vicinity steadily increases, increased visitation to the area is likely to occur. Therefore, direct and indirect effects of the preferred alternative could have incremental beneficial effects on recreational resources in the area by creating opportunities for improved recreational experiences and helping to resolve existing recreation-based land management and user conflict issues.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT

After considering the environmental consequences described in the EA, the NPS has determined that the selected alternative and its associated actions will not have a significant effect on the quality of the human environment considering the potentially affected environment and degree of effects of the action (40 CFR 1501.3(b)(7)). Thus, an environmental impact statement will not be prepared. This finding is based on the following:

- The potentially affected environment under the selected action does not include adverse effects to unique or special resources, historic properties, rare, threatened, or endangered species, or other areas with special status. The project area includes BLM lands that are currently used for livestock grazing and occasionally accessed for mineral development. These are not pristine, wilderness or other special status lands. The selected action would result in the cessation of grazing on 498 acres of BLM land. This is not significant in the context of the larger Buzzard's Roost allotment since the opportunity to graze the remaining allotment will continue.
- The selected alternative will not result in impacts with a large degree of effect. The only long term (exceeding 6 months) adverse impacts from the selected alternative is the cessation of grazing activities in the project area. The cessation of grazing, however, will result in permanent

wildlife habitat and new public recreational opportunities. The selected action does not have meaningful impacts on other environmental resources. The NPS believes that on balance the effect will be beneficial. Finally, the effects of the selected alternative are generally known and there is not conflicting science or information regarding the scientific impacts of the selected action.

- The selected alternative will not adversely affect public health or safety. Industry standard construction safety requirements will be followed, and formal development of the site as a recreational area will provide standardized access with formal trails and facilities.
- The selected alternative will not violate federal, state, or local laws or requirements for the protection of the environment. Please see below for more information.

AGENCY COORDINATION

National Historic Preservation Act, Section 106 Coordination

The study area was subject to intensive inventories for cultural resources (BLM-200-17-123). Based on these inventories, four sites eligible for listing on the National Register of Historic Places are present. Project design was modified in order to avoid adverse effects to these sites. On May 30, 2019 the BLM received concurrence from the State Historic Preservation Office that the project would have “no adverse effect” to these four sites.

On February 15, 2019, the BLM provided early notification to tribes that it was processing an application to lease approximately 498 acres in order to develop recreation facilities. The following tribes were notified: Pueblo of Zuni, Gila River Indian Community, Yavapai-Apache Nation, Yavapai-Prescott Indian Tribe, Pascua Yaqui Tribe, The Hopi Tribe, Fort McDowell Yavapai Nation, Tonto Apache Tribe, Salt River Pima-Maricopa Indian Community, White Mountain Apache Tribe and San Carlos Apache Tribe. On March 29, 2019, the BLM initiated government-to-government consultation with these tribes. To date, no issues have been raised concerning access to any sacred site, if present in the study area. No traditional cultural property has been identified. Coordination with tribes will continue through project implementation.

Threatened and Endangered Species Act

The United States Fish and Wildlife Service (USFWS) was contacted on April 27, 2020. The outcome was a finding that there are no critical habitats for plants or animals nor are there any important wildlife habitats within the project area.

PUBLIC INVOLVEMENT

The “draft” EA was made available to the public for review and comment for 30 days, from May 23, 2019 until June 21, 2019. The BLM sent notification of the document’s availability to individuals, organizations, or agencies by postcard or email. All comments received were reviewed and categorized by the BLM. Although not required for an EA by regulation, an agency may respond to and summarize substantive and timely comments received as a part of an appendix to the Final EA (BLM 2008). The BLM received 14 comments to consider. These comments are appended to the FONSI, as an attachment.

FINDING OF NO NEW SIGNIFICANT IMPACT

Based on the information provided in the EA and summarized above, the NPS has determined that implementation of the Selected Alternative is not a major federal action and does not require an Environmental Impact Statement (EIS). The Selected Alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, or threatened or

endangered species. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the Selected Alternative is also consistent with 36 C.F.R. §59.3. Therefore, in compliance with the National Environmental Policy Act, an EIS will not be prepared, and the selected project may be implemented immediately.

Recommend by:

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