

*Environmental Assessment
for
U.S. Coast Guard Marine Event Permit and
Special Local Regulation
Laughlin River Regatta
Bullhead City, Arizona, August 11, 2018*



*Prepared by:
U.S. Coast Guard
Sector San Diego
2710 N. Harbor Drive
San Diego, CA 92101*

July 2018

**UNITED STATES COAST GUARD (COAST GUARD) ENVIRONMENTAL ASSESSMENT FOR
MARINE EVENT PERMIT AND SPECIAL LOCAL REGULATION FOR THE
LAUGHLIN RIVER REGATTA, BULLHEAD CITY, ARIZONA, AUGUST 11, 2018**

This Coast Guard environmental assessment (EA) was prepared in accordance with National Environmental Policy Act (NEPA) Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series) and is in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 to 4370h) and the Council of Environmental Quality Regulations dated 28 November 1978 (40 C.F.R. Parts 1500-1508).

This EA serves as a concise public document to briefly provide sufficient evidence and analysis for determining the need to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI). This EA concisely describes the proposed action, the need for the proposal, the alternatives, and the environmental impacts of the proposal and alternatives. This EA also contains a comparative analysis of the action and alternatives, a statement of the environmental significance of the preferred alternative, and a list of the agencies and persons consulted during EA preparation.



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Date	YVAN LE	Environmental Engineer
	Document Preparer	SILC - EMD

I reviewed the EA and submitted my written comments to the Proponent.



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DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USCG,
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Date	DEAN AMUNDSON	EPS	Warrant
	Environmental Reviewer	SILC-EMD	Level

I reviewed the EA and submitted my written comments to the Proponent.

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Date	BRENDAN DEYO	Chief	Warrant
	Senior Environmental Professional	Office of Environmental Management (CG-47)	Level

In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this EA and considered and acknowledge the written comments submitted to me from the Environmental Reviewer(s).

08 MAY 18 

Date	J. R. BUZELLA, CAPT	Commanding Officer
	Proponent	Sector San Diego

**UNITED STATES COAST GUARD (COAST GUARD) FINDING OF NO SIGNIFICANT IMPACT
(FONSI) FOR MARINE EVENT PERMIT AND SPECIAL LOCAL REGULATION FOR THE
LAUGHLIN RIVER REGATTA, BULLHEAD CITY, ARIZONA, AUGUST 11, 2018**

The Coast Guard proposes to issue a Marine Event Permit (MEP) to Marnell Gaming LLC, for the Laughlin River Regatta in the lower Colorado River in Bullhead City, Arizona. In addition, the Coast Guard would issue a Notice of Enforcement for the Special Local Regulation for Annual Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona) in 33 CFR 100.110 to include the regulated area for this proposed event (previously named "Bullhead City River Regatta" in 33 CFR 100.110). The MEP is required since the proposed event could introduce an extra or unusual hazard to navigation on federal navigable waters, and would be issued to Marnell Gaming LLC as the event Sponsor. If issued, the MEP will require the Sponsor to hold the event in accordance with the approved application, including Security, Communication, Safety, and Environmental Mitigation Plans to ensure safety of life on the navigable waters and protection of the surrounding natural environment.

The Laughlin River Regatta is a proposed marine event consisting of approximately 22,000 participants floating on a portion of the Colorado River on inflatable inner tubes or floats. The event is proposed to occur on 11 August 2018 between 6:00 am and 6:00 pm. Inflatable tubes or floats must be of a type available commercially and not to exceed 15 feet (ft) in diameter. Event participants would enter the River at three locations: Davis Camp in Bullhead City Arizona, Pioneer Gambling Hall, or Harrah's Resort Casino in Laughlin Nevada. The event terminus is at Rotary Park in Bullhead City; all participants must exit at this location. The maximum length of the event is approximately 11 miles and would take participants approximately 4.5 hours to complete (shorter options are available for participants entering at the two Nevada locations). A designated break location would be established at Big Bend of the Colorado State Recreation Area on the Nevada side of the River.

Summary of the Results of the Environmental Impact Evaluation: Based on the analysis presented in the EA, the Proposed Action would not result in any significant impacts to the human environment. The Proposed Action would result in minor short-term adverse impacts on biological resources, cultural resources, public health and safety, water quality, transportation, and recreation.


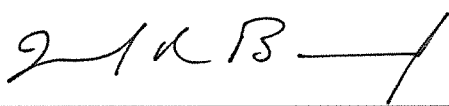
The Coast Guard has evaluated impacts on environment resources in the EA, and determined that all impacts would be less than significant. This analysis is based on management measures that the event sponsor has included in its marine event permit application, including the following:

- Alcohol Management Plan.
- Event Trash Mitigation Plan.
- A protection plan for Inscription Rock at Davis Camp.
- A plan to brief staff on biological resources that may be present in the area, especially Bonytail Chub and Razorback Sucker.
- An after action report on trash cleanup.

The Sponsor would also assist the Bullhead City Police Department in the preparation of a Crowd Management/Public Safety Plan.

Pursuant to Section 7 of the Endangered Species Act (50 CFR Part 402) the Coast Guard has determined that the Proposed Action may affect but is not likely to adversely affect Bonytail chub and Razorback sucker and the US Fish and Wildlife Service has concurred with the determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR Part 800), the Coast Guard has determined that the Proposed Action would not adversely affect any resources listed or eligible for listing on the National Register of Historic Places. The Coast Guard notified the State Historic Preservation Officers for California, Arizona, and Nevada, and the Fort Mojave Indian Tribe of this determination on June 1, 2018. Although the NHPA process is not yet complete, the Coast Guard believes, based on all the information received and analyzed to date, that it will complete NHPA compliance actions prior to the event. Further, the Coast Guard will consider any input received under the Section 106 process and will impose additional conditions on the applicant as necessary to ensure compliance with the NHPA.

Mitigation Commitments (Including Monitoring), if any, that will be Implemented to Reduce Otherwise Significant Impacts: No significant impacts have been identified that require mitigation and therefore no mitigation or monitoring commitments have been included in the Proposed Action, beyond those measures that were included in the event Sponsors marine event permit application, as detailed above.			
This FONSI is based on the Coast Guard prepared environmental assessment (EA), which has been determined to adequately and accurately discuss the environmental issues and impacts of the proposed project and provides sufficient evidence and analysis for determining that an environmental impact statement is not required.			
I reviewed the EA, which is the basis for this FONSI, and submitted my written comments to the Proponent.			
13 JULY 2018			Interim
Date	DEAN AMUNDSON Environmental Reviewer	EPS SILC-EMD	Warrant Level
I reviewed the EA, which is the basis for this FONSI, and submitted my written comments to the Proponent.			
13 JULY 2018	DEYO.BRENDAN.G.15153509 30	Digitally signed by DEYO.BRENDAN.G.1515350930 Date: 2018.07.13 17:29:11 -04'00'	Interim
Date	BRENDAN DEYO Senior Environmental Professional	Chief, Office of Environmental Management (CG-47)	Warrant Level
In reaching my decision/recommendation on the Coast Guard's proposed action, I considered the information contained in this EA/FONSI and considered and acknowledge the written comments submitted to me from the Environmental Reviewer(s). Based on the information in the EA and this FONSI document, I agree that the proposed action as described above, and in the EA, will have no significant impact on the environment.			
13 JULY 2018			
Date	J.R. BUZZELLA, CAPT Proponent	Commanding Officer Sector San Diego	

¹ Signature of the Environmental Reviewer/Senior Environmental Professional for the Bridge Administration Program may be that of the Preparer's.

Table of Contents

Chapter 1 Introduction.....	1-1
1.1 Purpose and Need.....	1-4
1.1.1 Purpose of the Proposed Action	1-4
1.1.2 Need for the Proposed Action.....	1-4
1.2 Public and Agency Involvement	1-4
1.2.1 Draft EA Review Period.....	1-5
1.3 Document Organization.....	1-5
Chapter 2 Proposed Action and Alternatives	2-1
2.1 Proposed Action.....	2-1
2.2 No Action Alternative	2-5
Chapter 3 Affected Environment and Environmental Consequences of the Proposed Action.....	3-1
3.1 Biological Resources	3-2
3.1.1 Affected Environment	3-2
3.1.2 Environmental Consequences.....	3-10
3.2 Cultural Resources	3-18
3.2.1 Affected Environment.....	3-19
3.2.2 Environmental Consequences.....	3-26
3.3 Public Health and Safety.....	3-31
3.3.1 Affected Environment	3-31
3.3.2 Environmental Consequences.....	3-32
3.4 Water Quality	3-34
3.4.1 Affected Environment.....	3-34
3.4.2 Environmental Consequences.....	3-35
3.5 Transportation	3-36
3.5.1 Affected Environment.....	3-36
3.5.2 Environmental Consequences.....	3-37
3.6 Recreation.....	3-38
3.6.1 Affected Environment	3-38
3.6.2 Environmental Consequences.....	3-38
3.7 Cumulative Impacts	3-39
3.7.1 Projects Considered	3-39
3.7.2 Evaluation of Cumulative Impacts.....	3-41
Chapter 4 Comparative Analysis.....	4-1
Chapter 5 List of Persons and Agencies Contacted during Preparation of this EA.....	5-1
Chapter 6 References	6-1

Figures

- Figure 1. Location of Proposed Laughlin River Regatta 1-2
- Figure 2. Area of Potential Effect (includes Colorado River, shorelines of the River, and all terrestrial areas that would be used as part of the event) 3-21
- Figure 3. Area of Potential Effect (includes the Colorado River, and shorelines of the River, from Davis Camp to Topock/Havasu National Wildlife Refuge) 3-22

Appendices

- Appendix A Public Outreach Materials
- Appendix B Laughlin River Regatta – Alcohol Management Plan
- Appendix C Laughlin River Regatta – Event Trash Mitigation Plan
- Appendix D USFWS Section 7 Consultation Materials

Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation
AoR	area of responsibility
AMP	Alcohol Management Plan
APE	Area of Potential Effects
BIA	Bureau of Indian Affairs
BMP	Best Management Practices
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CGDC	Coast Guard District Commander
COMDTINST	Commandant Instruction
COTP	Captain of the Port
CMPSP	Crowd Management/Public Safety Plan
CWA	Clean Water Act
EA	Environmental Assessment
EO	Executive Order
ESA	Endangered Species Act
ETMP	Event Trash Mitigation Plan
FMIT	Fort Mojave Indian Tribe
FONSI	Finding of No Significant Impact
HAPC	Habitat Area of Particular Concern
MBTA	Migratory Bird Treaty Act
MEP	Marine Event Permit
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
QRT	Quick response team
SHPO	State Historic Preservation Officer
SLR	Special Local Regulation
TRT	Trash recovery team
USACE	United States Army Corps of Engineers
USC	United States Code
USCG	United States Coast Guard
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service

Chapter 1

Introduction

The U.S. Coast Guard (Coast Guard) is proposing to issue a Marine Event Permit (MEP) to Marnell Gaming LLC (the Sponsor) and issue a Notice of Enforcement for a Special Local Regulation (SLR) for the Laughlin River Regatta in the lower Colorado River near Bullhead City, Arizona. The Laughlin River Regatta (the Event) is proposed to occur on 11 August 2018 and would involve approximately 22,000 participants on inflatable inner tubes, floating along the Colorado River from Davis Camp to Rotary Park in Bullhead City (Figure 1).

This environmental assessment (EA) has been prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) (42 United States Code [USC] §4321 et seq.); the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] §1500 et seq.); DHS Instruction Manual 023-01-001-01 (series); US Coast Guard Commandant Instruction (COMTDINST) M16475.1D; and other applicable environmental laws and regulations. The EA serves as a concise public document that provides evidence and analysis for determining whether an Environmental Impact Statement or a FONSI is needed. The EA includes the purpose and need for the action, the proposed action and alternatives, a description of the affected environment, and an analysis of environmental consequences. Based on the findings of the EA, the USCG concluded that the proposed action will have no significant impacts on the environment and issued the accompanying FONSI.

Background

The City of Bullhead City, Arizona operated the Bullhead City River Regatta from 2007 to 2016 as a half-day event conducted on a single Saturday during the month of August. From 2007 to 2010, the event operated without the need for a Coast Guard SLR or MEP. As participant levels and associated navigational hazards increased, Bullhead City determined that the event would benefit if the section of the Colorado River where the event occurred was closed to motorized vessel traffic during the event. From 2011 to 2016, Bullhead City operated the event with such a closure in place and under a Coast Guard MEP and SLR. In 2017, the City Council decided not to hold the event in part due to issues regarding trash left behind after the 2016 event, as well as due to the event's management, operations, and costs to the City. In 2017, the Sponsor acquired the rights to the event from the City Council. The Sponsor agreed with the City Council to operate the event in accordance with certain criteria, including limiting the event to 22,000 participants, creating and implementing a trash management plan, and starting a \$100,000 river cleanup fund seeded by the Sponsor event and supplemented with a \$5 environmental fee that would be charged to Event participants. On 16 January 2018, the Mohave County Board of Supervisors approved the Sponsor's application to hold the event.

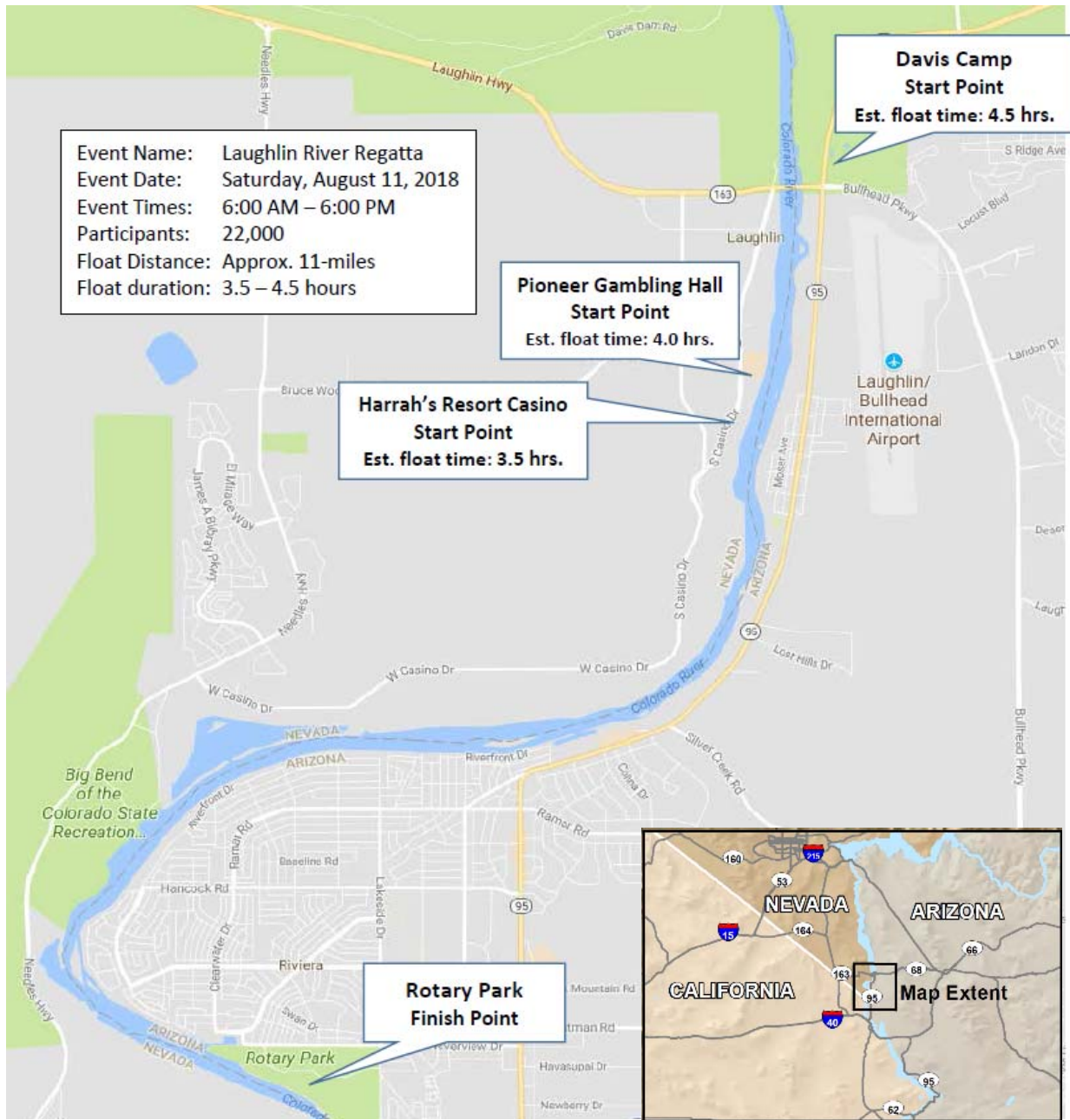


Figure 1. Location of Proposed Laughlin River Regatta

The Sponsor - Marnell Gaming, LLC, of 2100 South Casino Drive, Laughlin, Nevada - submitted an Application for Marine Event (Application) to the Coast Guard on 9 November 2017, on the grounds that the Sponsor proposes an event - the Laughlin River Regatta - that would interfere or impede the natural flow of traffic on the Colorado River because it would involve 22,000 participants, on non-motorized craft, floating down the river and taking up most of the river during the event. This area of the Colorado River is a navigable water of the United States.

The Sponsor requested the Coast Guard approve the Application, which includes a request that the Coast Guard establish a Safety Zone from Davis Camp to Rotary Park from 6:00 am to 6:00 pm on the day of the event, with the Safety Zone collapsing from north to south after the last floaters launch at 1:00 pm, and provide at least one Coast Guard patrol asset to assist in monitoring the event. The purpose of the federal regulations governing applications for marine events is to provide effective control over regattas and marine parades conducted on the navigable waters of the United States so as to insure safety of life in the regatta or marine parade area. Upon receipt of an application for a proposed regatta or marine parade the Coast Guard is required under 33 CFR 100.25 to notify the applicant whether the application is approved, or whether specific changes in the application before it can be approved, or that the application is not approved, with reasons for such disapproval.

Coast Guard has prepared an EA to ensure that it has the information necessary to take a hard look at the environmental consequences of approving the Application, approving the Application subject to conditions, or denying the Application. For the purposes of this analysis, the Coast Guard uses approval/approval with conditions as the Action Alternative, also referred to as the “proposed action”, and disapproval of the Application as the “no-action alternative” because it provides a logical framework for analyzing and comparing the environmental consequences of the two. As a result, there are many references in this EA to issuing a MEP and a Notice of Enforcement for a Special Local Regulation SLR but this does not mean and should not be interpreted to indicate a bias toward the action alternative.

Coast Guard Regulatory Authority

One of the Coast Guard’s core mission is to protect the public, the environment, and U.S. economic interests in the Nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security.

The Code of Federal Regulations, Title 33, Chapter 1, sets forth regulations governing events on navigable waters of the United States. 33 CFR 100.30 requires any individual or organization planning activities that could introduce certain safety hazards on navigable waters to first obtain authorization, in the form of a permit, from the appropriate Coast Guard District Commander (CGDC). The CGDC may delegate such

authorities to the Captain of the Port (COTP). The regulations require the CGDC or COTP to notify the applicant of any required changes to the proposed event or permit application, as necessary, to ensure safety of life on the navigable waters (33 CFR 100.25(a)(2)(ii)).

Similarly, pursuant to 33 CFR 100.35, the CGDC has authority to promulgate certain SLRs deemed necessary to ensure the safety of life on the navigable waters immediately before, during, and immediately after an approved regatta or marine parade. Such regulations may include a restriction on, or control of, the movement of vessels through a specified area immediately prior to, during, and immediately after the marine event.

1.1 Purpose and Need

1.1.1 Purpose of the Proposed Action

The purpose of the proposed action is to ensure the safety of life on the navigable waters of the United States by approving or denying the Application pursuant to 33 CFR 100.25 and, if approved, to enforce the SLR. As a result, if approved, the event would be conducted in a manner that ensures a safe, secure and enjoyable experience during the event, mitigates navigational hazards, and protects the resources, values and uses of the federal waters.

1.1.2 Need for the Proposed Action

The Sponsor has requested permission to hold an event in the area of the River that is under Coast Guard jurisdiction. If the Coast Guard approves the Application, the approval encompasses the request for the establishment of an SLR in order to implement navigational and operational safety guidelines for all participants, minimize conflicts with other existing activities, and avoid or mitigate environmental impacts on the River ecology.

1.2 Public and Agency Involvement

The Coast Guard received the Sponsor's application on 7 November 2017. On 27 November 2017, Coast Guard Sector San Diego issued a notice of the proposed event to known stakeholders (Appendix A). The Coast Guard notice informed the stakeholders that an application for a MEP had been submitted to the Coast Guard for the 11 August 2018 Laughlin River Regatta, and attached the application for further information. The notice requested that the stakeholders provide any comment on any areas of environmental concern.

In response to the notice, the Coast Guard received a letter on 7 December 2017 from the Bureau of Indian Affairs (BIA) that raised concerns about potential indirect effects on

reservation trust land of the Fort Mojave Indian Tribe (FMIT) from trash deposition and water quality issues. The BIA letter reminded Coast Guard that, while the BIA has no authority over the event, as it occurs entirely off trust land of the United States, the Coast Guard should consider the issues raised by the Tribe.

The Coast Guard received a letter from the FMIT dated 12 December 2017. The Tribe's reservation lands are located approximately 3 miles downstream from the event finish at Rotary Park. The Tribe also raised concerns about potential indirect effects on reservation lands from trash deposition and water quality issues, and requested that the Coast Guard conduct a full environmental review of the event under NEPA. It also requested that the Coast Guard consult with the Tribe both before and after the release of any draft environmental document, and before taking any action to approve the project in any way.

1.2.1 Draft EA Review Period

The Draft EA was made available to all interested federal, state, and local agencies and the general public for review and comment on 8 May 2018. A Notice of Availability of the Draft EA was posted in the Mojave Valley Daily News on 8 May 2018 (Appendix A). The public comment period closed on 23 May 2018.

During the public review period, the Coast Guard received comments from 442 parties. Approximately 422 of these parties expressed general opposition to permitting of the proposed event and 19 parties expressed general support for permitting of the proposed event (one party was neutral). The majority of comments expressed concern about public health and safety, trash, biological resources, and cultural resources. None of the comments raised environmental issues that have not been addressed in the EA. Copies of all comments received on the Draft EA are found in Appendix A.

1.3 Document Organization

This EA identifies, evaluates, and documents the environmental effects of the Proposed Action and the No Action Alternative. Chapter 2 is a description of the Proposed Action and No Action Alternative. The existing resource conditions and potential impacts are described in Chapter 3. The existing conditions described in the Affected Environment constitute the baseline for analyzing the effects of the alternatives. Chapter 4 provides a comparative analysis of the impacts of the Proposed Action and No Action alternatives. Chapter 5 contains a list of agencies contacted. Chapter 6 lists the references cited in this document.

Chapter 2

Proposed Action and Alternatives

This chapter describes the Coast Guard’s Proposed Action to issue a Marine Event Permit (MEP) to Marnell Gaming LLC, and issue a Notice of Enforcement for a Special Local Regulation (SLR), for the Laughlin River Regatta and the No Action Alternative.

In accordance with its authorities under 33 CFR 100.25(a)(2)(ii), the Coast Guard can notify an applicant of any required changes to the proposed event or permit application, as necessary, to ensure safety of life on the navigable waters. Thus, as matter of practice the Coast Guard works with applicants to address safety and security concerns and does not typically place conditions on a permit that are not already addressed in a permit application. In addition, while conditions may be placed upon a permit to ensure navigational safety, this authority does not allow conditions to be placed on a permit for environmental purposes. Once the application is considered complete the Coast Guard initiates review of the action under NEPA.

As a result of this process of reviewing and refining applications, the Coast Guard effectively screens out non-viable alternatives, such as issuing permits based on applications that do not satisfy safety and security requirements or issuing permits with additional safety and security conditions. Therefore, for purposes of the NEPA analysis that is being initiated, once the application is completed and submitted, the Coast Guard will consider only two viable alternatives: the Proposed Action to issue a permit in accordance with the approved application, including any supplemental plans (e.g., security, safety and environmental mitigation plans), and the No Action Alternative to deny the permit.

2.1 Proposed Action

The Coast Guard is proposing to issue a Marine Event Permit (MEP) to Marnell Gaming LLC, for the Laughlin River Regatta in the lower Colorado River in Bullhead City, Arizona. In addition, the Coast Guard would issue a Notice of Enforcement for the Special Local Regulation for Annual Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona) in 33 CFR 100.110 to include the regulated area for this proposed event (previously named “Bullhead City River Regatta” in 33 CFR 100.110). The MEP is required since the proposed event could introduce an extra or unusual hazard to navigation on federal navigable waters, and would be issued to Marnell Gaming LLC as the event Sponsor. If issued, the MEP will require the Sponsor to hold the event in accordance with the approved application, including Security, Communication, Safety, and Environmental Mitigation Plans to ensure safety of life on the navigable waters and protection of the surrounding natural environment.

As published, the SLR would restrict the movement of all vessels through the area from Davis Camp in Bullhead City, Arizona to Rotary Park in Bullhead City, Arizona from 6:00 a.m. to 6:00 p.m. during the proposed event, unless authorized by the Captain of the Port, or his designated representative.

The Coast Guard would issue a local Notice to mariners (LNM) at least 20 days prior the event, issue a public information release through media sources, and require the Sponsor to provide information on event flyers. Federal, state, and local law enforcement agencies will monitor Very High Frequency (VHF-FM) channel 16 radio to report navigational warnings containing information of importance to the safety of navigation. The LNM is published weekly and are also available on the Coast Guard Navigation Center website (<http://navcen.uscg.gov>).

The Laughlin River Regatta is a proposed marine event consisting of approximately 22,000 participants floating on a portion of the Colorado River on inflatable inner tubes or floats. The event is proposed to occur on 11 August 2018 between 6:00 am and 6:00 pm. Inflatable tubes or floats must be of a type available commercially and not to exceed 15 feet (ft) in diameter. Event participants would enter the River at three locations: Davis Camp in Bullhead City Arizona, Pioneer Gambling Hall, or Harrah's Resort Casino in Laughlin Nevada. The event terminus is at Rotary Park in Bullhead City; all participants must exit at this location. The maximum length of the event is approximately 11 miles and would take participants approximately 4.5 hours to complete (shorter options are available for participants entering at the two Nevada locations). A designated break location would be established at Big Bend of the Colorado State Recreation Area on the Nevada side of the River.

As a condition of the agreement with Bullhead City, the Sponsor has agreed to limit the number of participants to 22,000 (as compared to over 30,000 participants in 2016). The Coast Guard has identified, and the Sponsor has agreed to implement, certain management and protection measures necessary to ensure on-water safety protection of the environment as described below. These measures include an Alcohol Management Plan (AMP) and Event Trash Mitigation Plan (ETMP) (Appendices B and C). The control measures contained in the AMP and ETMP are summarized below.

The AMP includes the following event rules:

1. "All participants must wear a United States Coast Guard approved personal flotation device (i.e., life jacket) while on the water. Participants that violate the flotation device requirement are subject to a fine and/or removal from the event.
2. No person under the age of eight (8) years may enter the float. Participants age 8-17 must have a written release (including telephone number) signed by parent or legal guardian.

3. Participants are required to sign event waivers provided at registration.
4. All participants in the Laughlin River Regatta must exit the river at Rotary Park, no exceptions.
5. Floats must be commercially made and a type typically found in a sporting goods store.
6. Floats cannot be larger than an 8-person and should not exceed 12-feet in diameter.
7. Large floats that can take on water must contact the Nevada Department of Wildlife for a permit.
8. All belongings, floats and trash must be removed from the water after landing, no exceptions.
9. No more than 10 tubes are allowed to be tied together at one time.
10. Must use carabineer quick release clips to hook tubes together.
11. Participants must provide their own paddles/oars to assist in navigation.
12. No kegs, Styrofoam coolers, glass or unlawful substances.
13. Please Regatta responsibly. Only beer is allowed in Arizona parks.
14. All participants are required to have an onion bag (for trash) and a USCG approved personal flotation device before entering the water.
15. Any participant found dumping trash in river is subject to a fine, removal from the event, and/or arrest. Participants must properly dispose of all trash. If you no longer want your float, deflate it and properly dispose of it in a trash receptacle.
16. Participants must deflate tubes at the completion of the float before riding trolleys, golf carts or shuttle buses.
17. Participants must show their 2018 Laughlin River Regatta wristband to board the shuttle buses.
18. No launching of water balloons or any materials of any kind during event.”

Sponsor personnel will be stationed in the River and along the event route to monitor compliance with event rules. Bullhead City streets that terminate at the River would be fenced during the event to prevent unofficial entrants to the Event, while also preventing participants from exiting the River at these locations. Violation of any of the rules may result in expulsion from the event and future events.

As described previously, the Sponsor has developed and will implement an ETMP for the Event. As proposed by the Sponsor, participants will be forbidden from releasing trash or fecal matter during their recreational use of the River. To achieve that promise, the Sponsor will require participants to wear a 2018 Laughlin Regatta wristband and have a closable bag for trash. Any participant found dumping trash in the river would be subject to a fine, removal from the event, and/or arrest by local authorities.

During the Event, the Sponsor will employ trash teams on the water stationed south of the Rotary Park non-motorized boat launch area. There will be four trash recovery teams (TRT) as well as one quick response team (QRT) on the water from event commencement to event conclusion. The placement or spacing between the TRT teams are approximately

0.25 miles apart and staggered in order to address/capture any trash in the river as it comes by that area. The QRT team would be stationed behind the TRT team placements and will be mobile and able to respond to any trash or issue that may get past the TRT teams. The teams will be equipped with nets, hooks and other devices to retrieve trash from the river. The event sponsor will also employ land based trash collection teams. Each of the land base branches will utilize resources and personnel required to handle the load need for trash abatement. Compared to the 2016 event, the land-based branch has grown over 400% in terms of staffing and will include over 240 trash receptacles ranging from trash cans to garbage trucks. The ETMP details methods and personnel that would be employed as a redundant measure to compensate for people that violate state littering laws, including Arizona Law 13-1603 Criminal Littering.

Within 5-days of the Event's conclusion, the Sponsor will complete a final River cleanup event to detail all Event route areas. This post-Event process will include efforts to clean the shoreline and river bottom from both the land and water. The Sponsor has offered to send trash mitigation teams, upon request by any entity, including the Fort Mojave Indian Tribe and Havasu National Wildlife Refuge, to address any refuse issues downriver following the Event. The Coast Guard shall request that the Sponsor, as part of the ETMP, pay particular attention to in-water trash clean up in the Rotary Park area where larval fish species are known to occur.

In addition to the ETMP, the Sponsor has committed to Bullhead City to invest \$100,000 toward a long-term River cleanup fund to be administered by the Sponsor and confirmed by the City. This fund would be replenished through a \$5 environmental fee assessed on all Event registrants. The funds would be used to support any appropriate river cleanup activities throughout the year; cleanup activities under this program would be separate from and in addition to any cleanup activities conducted as part of the proposed Event. The Sponsor conducted cleanup events on the River, removing approximately 700 pounds of trash, prior to the application for the MEP to the Coast Guard.

Should the Event be permitted, the Sponsor would assist the Bullhead City Police Department in the preparation of a Crowd Management/Public Safety Plan (CMPSP). The CMPSP would use a unified command structure to manage the event under the leadership of Bullhead City Police Chief. The objectives of the CMPSP would include, in part, to establish a law enforcement presence, facilitate a safe and efficient operation, protect life, property and vital resources, facilitate efficient movement of float traffic on the river, facilitate efficient movement of pedestrian traffic in parks, and facilitate efficient movement of vehicle traffic. Participants in the CMPSP for the 2016 Bullhead City Regatta included AMR Ambulance, Arizona Department of Public Safety, Arizona GIITEM, Arizona Game & Fish, Bullhead City Fire Department, Bullhead City Police Department, Bullhead City Police Auxiliary, Bullhead City Recreation, Clark County Fire Department, Contemporary Services Corporation, Kingman Police Department, Lake Havasu City Police Department, Las Vegas Metropolitan Police Department, Mohave County

Emergency Management, Mohave County Sheriff's Office, Nevada Parks Service, Nevada Department of Wildlife, River Medical, U.S. Coast Guard, and National Weather Service. The CMPSP also includes the assistance of the Contemporary Services Corporation, which is a professional, third-party crowd management company under the command of an Incident Commander. A detailed transportation plan would be included to address traffic and parking issues.

Finally, the Sponsor, as a part of a revised permit application, has prepared a protection plan for Inscription Rock at Davis Camp. Inscription Rock is located in the north end of Davis Camp, which would be a launch site for the proposed Event. Inscription Rock is currently protected by permanent fencing; however, to ensure there are no adverse effects to the site from event participants, the Sponsor has prepared, as part of the permit application, a plan to provide security at this site from 7am to 7pm on Saturday, August 11, 2018.

The Coast Guard has requested that the Sponsor, as a part of a revised Marine Event permit application, include a requirement that all TRT staff are briefed on the Bonytail Chub and Razorback Sucker, including characteristics of the species and preferred habitat, their potential presence in the action area, what to do if Bonytail chub and Razorback Sucker are encountered, and the importance of trash removal to ensuring the species is not adversely affected. This requirement will also include establishing a reporting protocol whereby the Sponsor will gather all information on sightings by TRT or other event staff members during the event, and report this information to the USFWS, including the time, location, and any other pertinent details of the encounter.

Finally, the Coast Guard has requested that the Sponsor, as part of a revised permit application, include a requirement for an after action report to the Coast Guard, and other interested parties, on relevant concerns, including but not limited to listed species encounters, as described above, details on the implementation and effectiveness of the ETMP, and other issues as appropriate, etc.

2.2 No Action Alternative

Under the No Action Alternative, the Coast Guard would not issue the Sponsor a MEP or establish a SLR for the event. It is unlikely that the Sponsor would proceed with an organized event should the Coast Guard not issue an MEP and SLR; however, it is possible that individuals may participate in an informal float along the proposed event route, or a similar route, of the River. An informal event could attract a considerable number of participants given the ability of individuals to organize and promote such an event on social media. Participants in such an event would be subject to inland navigation rules (33 CFR 83) for navigational safety, but would not be subject to or protected by any specific navigational and public safety controls under a Coast Guard MEP or SLR

Chapter 3

Affected Environment and Environmental Consequences of the Proposed Action

This Chapter of the EA provides an environmental baseline of each resource category and the conditions on, and next to, the event site at the time this document was prepared. The regulatory framework of applicable laws, ordinances, regulations, and guidance pertinent to the resource category is also presented, where appropriate.

The environmental consequences discussion provides an analysis of the potential adverse and/or beneficial environmental impacts that could result from implementing the alternatives. Direct, indirect, and cumulative impacts are analyzed for each resource. Direct impacts are caused by the proposed action and occur at the same time and place as the proposed action. Indirect impacts are caused by the proposed action and occur later in time or are further removed in distance but are still reasonably foreseeable. Cumulative impacts result from the incremental impact of the proposed action when added to other past, present, reasonably foreseeable future actions, regardless of what agency or entity undertakes such other actions. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over time.

NEPA does not prescribe specific significance criteria but rather states that the environmental impacts should be evaluated in terms of their context, intensity, and duration. Impacts are described in terms of their context, intensity, and duration. Context refers to the geographic area (spatial extent) of impact, which varies with the physical setting of the activity and the nature of the resource. Intensity refers to the severity of the impact; evaluation of the intensity of an impact considers the sensitivity of the resource and other factors of context to determine the degree or magnitude of the impact relative to the affected environment. Duration refers to how long the impact may last, and may be either short or long term.

The following resources were considered, but are not addressed in the detailed impact analysis because the resources are not present in the event area or would not be expected to be appreciably impacted by the proposed event: agricultural lands and forest resources, mineral resources, air quality and greenhouse gases, geology and soils, socioeconomics, noise and vibration, coastal resources, utilities, and visual resources.

The resources discussed in the sections that follow are:

- Biological resources;
- Cultural resources;
- Public health and safety;
- Water quality;

- Transportation; and
- Recreation Resources.

3.1 Biological Resources

Biological resources include special-status wildlife, fish, plants, or sensitive habitats.

Under the Endangered Species Act (ESA), federal agencies, in consultation with the Secretary of the Interior, must take all necessary precautions to ensure that their actions do not jeopardize federally listed endangered or threatened species, or destroy or degrade their habitats. The ESA provides a program for conserving threatened and endangered plants and animals and the habitats in which they are found. It is designed to protect critically imperiled species from extinction due to “the consequences of economic growth and development untempered by adequate concern and conservation.” Under Section 7 of the ESA, federal agencies consult with the United States Fish and Wildlife Service (USFWS) on proposed actions that may adversely affect species and designated critical habitat protected under the ESA.

The Migratory Bird Treaty Act (MBTA) established special protection for migratory birds by regulating hunting or trade in migratory birds. The MBTA prohibits anyone to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR Part 21). Definition of “take” includes any disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young).

3.1.1 Affected Environment

Vegetation

The Arizona side of the River along the proposed Event route is largely developed, consisting of mostly urban land uses, modified banks, graded roads, and levees. The Nevada side of the River also consists of largely disturbed or developed land, similar to the Arizona side; however, this side of the River does retain greater areas of undeveloped or less disturbed land. These undeveloped areas consist of vegetation beyond the levee that is predominantly desert scrub dominated by creosote bush with other upland species such as Bermuda grass (*Cynodon dactylon*), streambed bristlegrass, Mormon tea, beavertail cactus, pencil cholla, barrel cactus, and others. The historic floodplain is composed of saltcedar-mesquite woodland composed mostly of large specimens of athel, honey mesquite, and screwbean mesquite. Some small pockets of emergent and scrub wetland habitat remain along the River, consisting of cattails, bulrush, arrowweed, saltcedar, Bermuda grass, fountain grass (*Pennisetum sp.*), rabbitfoot’s grass (*Polypogon monspeliensis*), and streambed bristlegrass (*Setaria leucopila*).

ESA Listed Species

ESA Listed Species Potentially Occurring in the Project Area

Species	Federal Status	Critical Habitat
California Least Tern (<i>Sterna antillarum browni</i>)	Endangered	No
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	Endangered	No
Western Yellow-billed Cuckoo (<i>Coccyzus americanus occidentalis</i>)	Threatened	No
Yuma clapper rail (<i>Rallus longirostris yumanensis</i>)	Endangered	No
Sonoran Desert Tortoise (<i>Gopherus agassizii</i>)	Threatened	No
Northern Mexican Gartersnake (<i>Thamnophis eques megalops</i>)	Threatened	No
Bonytail chub (<i>Gila elegans</i>)	Endangered	No
Razorback sucker (<i>Xyrauchen texanus</i>)	Endangered	No

USFWS 2018a.

California Least Tern

The California least tern (*Sterna antillarum browni*) is in the gull family and generally associated with seas, rivers, or wetlands. They have a black-capped head and black-tipped, pale gray wings of the least tern contrast with its white body. They have a white blaze across its forehead, dark forewings, black-tipped yellow bill, and yellowish feet and is 8-9 in long with a wingspan of 18 to 20 in.

California least terns occur primarily in California but may also occur in different parts of Arizona where habitat components are adequate for nesting or feeding, such as large lakes, recharge basins, or wetland areas. Breeding has been documented in Maricopa County, Arizona, and transient migrants have been documented in Mohave County.

The California least tern hunts primarily in shallow estuaries and lagoons. California least terns form nesting colonies on open sandy beaches, sandbars, gravel pits, or exposed flats along shorelines of inland rivers, lakes, reservoirs, and drainage systems. Adults nest in colonies on unvegetated sandy beaches along the coast and in lagoons and bays from mid-April to late September. During the nesting season, they forage for fish and crustaceans in shallow water.

California least tern is listed as endangered under the ESA (35 FR 8495, June 2, 1970). (USFWS 2018b)

Southwestern Willow Flycatcher

The southwestern willow flycatcher (*Empidonax traillii extimus*) is a small neotropical migrant that is approximately 5.75 in long and weighs approximately 0.4 oz. It has a grayish-green back and wings, whitish throat, light grey-olive breast, and pale yellow

belly. Two distinct wing bars are visible on the greater coverts, and an eye-ring is either absent or very faint. The upper mandible is dark, while the lower mandible is pale to yellowish. The southwestern willow flycatcher is an insectivore and forages within and above dense riparian vegetation. It catches insects while flying, hovers to glean them from foliage, and occasionally captures insects on the ground.

Flycatchers primarily live along riparian corridors in dense trees and shrubs. These riparian habitats are associated with rivers, wetlands, lakes, and reservoirs. The current occupied geographic area crosses six southwestern states including southern California, southern Nevada, southern Utah, southern Colorado, Arizona, and New Mexico, from sea level to approximately 8000 ft above sea level. In general, flycatcher distribution occurs mainly in lower elevation riparian habitat, with a few patches distributed in relatively small isolated locations. Between August and September, the southwestern willow flycatcher migrates to wintering grounds in Mexico, Central America, and possibly northern South America.

The breeding range of the southwestern willow flycatcher includes southern California, Arizona, New Mexico, extreme southern portions of Nevada and Utah, far western Texas, perhaps southwestern Colorado, and extreme northwestern Mexico. In Nevada this subspecies can be found along the Virgin River, lower Muddy River, Colorado River, and Pahrangat Valley.

The southwestern willow flycatcher breeds in relatively dense riparian tree and shrub communities associated with rivers, swamps, and other wetlands including lakes and reservoirs. In most instances, the dense vegetation occurs within the first 10 to 13 ft above ground. Habitat patches must be at least 0.25 ac in size and at least 30 ft wide. Historically the southwestern willow flycatcher nested in native vegetation including willows, seepwillow, boxelder, buttonbush, and cottonwood. Following modern changes to riparian communities, this subspecies still nests in native vegetation, but also uses thickets dominated by non-native tamarisk and Russian olive, or in mixed native non-native stands. The flycatcher builds a small open cup nest, in a fork or on a horizontal branch of a medium-sized bush or small tree with dense vegetation above and around the nest. Nest height varies and can be anywhere from ground height to several meters high, depending on height of nest tree. The southwestern willow flycatcher breeds across the lower southwestern United States from May through August.

The southwestern willow flycatcher was listed as endangered under the ESA on February 27, 1995. This subspecies was listed as endangered in California in 1990, and is listed as Wildlife of Special Concern in Arizona. Critical habitat was designated in 2005 but critical habitat is not in the area of the proposed event. (USFWS 2018b, LCRMSCP 2018a)

Western Yellow-billed Cuckoo

The yellow-billed cuckoo (*Coccyzus americanus occidentalis*) is a slender, long-tailed bird that is 10-12 inches in length and weighs 2-2.3 oz. The head and upper parts are plain grayish brown, faintly glossed with olive. Under parts are dull white, faintly shaded with pale bluish gray or pale buff. It has a long, graduated tail (about 6 in), plain grayish brown above and black below.

Yellow-bill cuckoos use a variety of riparian habitats. Cottonwood and willow trees are an important foraging habitat in areas where the species has been studied in California. Western yellow-billed cuckoos appear to require large blocks of riparian habitat for nesting. The western population of the yellow-billed cuckoo has been associated with cottonwood-willow dominated riparian habitats, with the majority of nests located in willows and, to a lesser extent, in Fremont cottonwoods. Cuckoos have been found nesting in tamarisk and mesquite, with nests generally concealed by willow foliage, but are also concealed by other types of vegetation. Nesting activities take place between late June and late July, but may begin as early as late May and continue into September. On the lower Colorado River, cuckoos face extremely high midsummer temperatures that would kill unprotected eggs and, therefore, is likely a nest-site specialist. Mature cottonwoods, with willows forming a sub-canopy layer, provide the best shading of any riparian habitat.

The western distinct population segment of the yellow-billed cuckoo was federally listed as threatened under the ESA on 3 November 2014 (Federal Register /Vol. 79, No. 192 / Friday, October 3, 2014 /Rules and Regulations). The western yellow-billed cuckoo was listed as a Status 1 species (Critically Imperiled, Endangered) in California in 1987, as threatened in Arizona, as critically imperiled in Nevada. (USFWS 2018b, LCRMSCP 2018a)

Yuma Clapper Rail

The Yuma clapper rail (*Rallus longirostris yumanensis*) is a large, gray brown to dull cinnamon rail, with a slightly down curved bill and long legs and toes relative to the body. It is one of the smaller subspecies of clapper rails. The total length for an adult clapper rail is 12.6-16.1 in, with mass ranging from 5.6-14.1 oz. Yuma clapper rail nests can be found near shore, in shallow water, and in marsh interiors. Nesting is typically between April and May with an incubation period between 23-28 days. Clapper rail young are precocial, meaning they are active and able to move freely after hatching and require little parental care. Young rails learn foraging strategies from adults but may be fed, in part, by adults until the age of 6 weeks. Young are able to fly after 10 weeks and become indistinguishable from adults.

The Yuma clapper rail inhabits freshwater or brackish stream-sides associated with dense riparian and marsh vegetation under 4,500 ft elevation. This species requires a wet

substrate, such as a mudflat, sandbar, or slough bottom that supports cattail and bulrush stands of moderate to high density adjacent to shorelines.

On the lower Colorado River, this species is currently found in scattered marshes from the Colorado River Delta in Mexico, to Topock Marsh at Havasu National Wildlife Refuge, near Needles, California. Previously, the northern limit on the lower Colorado River was Laughlin Bay, Nevada.

The Yuma clapper rail was listed as endangered under the ESA on March 11, 1967. The Yuma clapper rail is threatened in California, as a species of special concern in Arizona, and endangered in Nevada. It is also listed as threatened in Mexico. (USFWS 2018b, LCRMSCP 2018a)

Desert Tortoises

The desert tortoises (*Gopherus agassizii* and *Gopherus morafkai*) have a high domed shell that is brown in color and yellow underneath without a hinge, and a pattern and prominent growth lines on the lower and upper shell. The shell length of adults ranges from 7.8 to 14.2 in and reaches its maximum size at 5-10 years of age. The desert tortoise maintains its body temperature in the range of 25 to 35°C. This species demonstrates a delayed maturity and long life. Home range size for desert tortoises ranges from 12.4 to 124 acres, but individuals may move several miles over weeks or years. Desert tortoises are active from approximately March through October and they hibernate in burrows the remainder of the year where they conserve water and energy. Tortoises are inactive 98% of their life, in which they are often subterranean. Desert tortoises feed on a variety of herbaceous vegetation including annual and perennial grasses, flowers and fruits of annual plants, cacti, and perennial shrubs.

Recently, on the basis of DNA, geographic, and behavioral differences between desert tortoises east and west of the Colorado River, it was decided that two species of desert tortoises exist: Agassiz's desert tortoise (*Gopherus agassizii*) and Morafka's desert tortoise (*Gopherus morafkai*). *G. agassizii* occurs west of the Colorado River in the northwestern part of Mojave County in Arizona. *G. morafkai* occurs east of the Colorado River in Arizona, although this may be a composite of two species.

The Mojave population of *Gopherus agassizii* was listed as threatened under the ESA on April 2, 1990. Critical habitat was designated on February 8, 1994, in portions of the Mojave and Colorado Deserts although critical habitat is not found in the area of the proposed event. *Gopherus agassizii* is a species of special concern in the State of Arizona, threatened in the State of California, and a species of conservation priority in the State of Nevada. (USFWS 2018b, LCRMSCP 2018a)

Northern Mexican Gartersnake

The northern Mexican gartersnake (*Thamnophis eques megalops*) ranges in background color from olive to olive-brown to olive-gray with three stripes that run the length of the body. The middle dorsal stripe is yellow and darkens toward the tail. Generally adults are up to 44 in long.

In the United States, the northern Mexican gartersnake is found primarily in Arizona. The species is considered a riparian obligate (restricted to riparian areas when not engaged in dispersal behavior) and occurs chiefly in the following general habitat types: (1) Source-area wetlands [e.g., cienegas (mid-elevation wetlands with highly organic, reducing (basic, or alkaline) soils), stock tanks (small earthen impoundment), etc.]; (2) large river riparian woodlands and forests; and (3) streamside gallery forests (as defined by well-developed broadleaf deciduous riparian forests with limited, if any, herbaceous ground cover or dense grass). Throughout its range, the northern Mexican gartersnake occurs at elevations from 130 to 8,497 ft.

The northern Mexican gartersnake is listed as threatened under ESA and critical habitat has been proposed but not yet finalized. This species is protected under Arizona Game and Fish Department Commission Order 43. (USFWS 2018b)

Bonytail Chub

Bonytail chub (*Gila elegans*) are a streamlined fish, typified by its small head, slender body, and thin, pencil-like caudal peduncle. Individuals may reach lengths up to or greater than about 22 in. These large individuals are believed to be up to 50 years old. The head is compressed and the snout overhangs the mouth. The streamlined body is characterized by a smooth hump (smaller than that of the humpback chub) located directly posterior to the head of adult fish, and a narrow caudal peduncle. Coloration is typically grey dorsally, fading to white ventrally, with yellowish pigmentation near the base of the pectoral and pelvic fins. Spawning fish (males and females) display tuberculation on the head and fins. Young bonytail are easily confused with roundtail chubs and humpback chubs, particularly at smaller size classes and in areas of known coexistence. The bonytail diet is omnivorous and comprised of a wide variety of aquatic and terrestrial insects, small fish worms, algae, plankton, and plant debris.

The Bonytail chub was once found in many states, including Arizona, California, Colorado, New Mexico, Utah, and Wyoming. This fish species experienced the most abrupt decline of any of the long-lived fishes native to the main-stems of the Colorado River system due to the changes that occurred in the Colorado River basin after the construction of Hoover Dam; the fish was extirpated from the lower basin between 1926 and 1950. In the lower Basin of the Colorado River, bonytail chub are found in Lakes Havasu and Mohave, in isolated backwaters along the historical Colorado River channel, and are also being stocked into the mainstem below Parker Dam.

Bonytail are characterized as being adapted to the swifter sections of the Colorado River, with affinity for areas of high flow and rocky habitat; however, eddies and pool habitats were also used. Bonytail are mostly restricted to rocky canyons today. Recent studies in Cibola High Levee Pond have revealed that adult bonytail prefer interstitial spaces associated with shoreline riprap during daylight hours, whereas open-water areas are more commonly utilized during the nighttime hours. These areas may simulate the boulder fields of many of the areas where bonytail were once common. In the Action Area, chub would be expected to be found in the off-channel areas during the daytime.

The bonytail is currently listed as federally endangered under the ESA under a final rule published on April 23, 1980 (45 FR 27710). Bonytail was listed as threatened in Arizona in 1978, as endangered in California in 1974, and as endangered in Nevada in 1976. (USFWS 2018b, LCRMSCP 2018a)

Razorback Sucker

The razorback sucker (*Xyrauchen texanus*) distinguishable from all other catostomids by the abruptly rising, bony dorsal keel positioned behind the head that is the basis for its common name. The body shape is elongated and somewhat laterally compressed with a short and deep caudle peduncle. The subterminal mouth of razorback suckers has a clefted lower lip, and lateral margins of the lips are continuous and rounded. Adult razorback suckers can reach about 40 in. in total length but more typically grow to between 15 to 28 in and generally weigh less than 7 pounds. Body coloration transitions from dark brown to olivaceous on the upper surfaces into yellow to white on the lower surfaces. Razorback sucker diet composition is highly dependent upon life stage, habitat, and food availability but riverine adult fish consume a mixture of benthic invertebrates, algae, detritus, and inorganic materials, with little evidence of zooplankton consumption.

Historically, adult razorback sucker inhabited virtually all components of riverine habitat, in particular, low-velocity areas such as backwaters, sloughs, oxbow lakes, and other slackwater portions of the main channel were important for razorback sucker.

This species was once common throughout the Colorado River basin, but now exists sporadically throughout 750 miles of river in the Upper Colorado River basin. In the Lower Colorado River Basin, razorback suckers are found from the lower Grand Canyon down to Imperial Dam, with both natural populations (Lake Mead and Lake Mohave) and reintroduced populations present. Razorback suckers have been stocked in numerous locations in the Gila, Salt, and Verde River basins in an attempt to recover the species. Stocking in the Lower Colorado River continues from Lake Mohave down to Imperial Dam. Razorback sucker are more common below the Action Area, but the species is known to occur in the Action Area and the Lower Colorado River Multispecies Conservation Program stocks this species along this stretch of the river in the spring and fall (LCRMSCP 2018b).

The razorback sucker is currently listed as endangered under ESA final rule published on October 23, 1991 (56 FR 54957). Razorback sucker was listed as threatened - Group III status in Arizona in 1978, as endangered in California in 1974, and as endangered in Nevada in 1998. Critical habitat was designated on March 21, 1994 and includes portions of the Colorado, Verde, Gila, and Salt Rivers in the Lower Colorado River Basin, but does not include the portion of the Colorado River where the event is proposed to occur. (USFWS 2018b, LCRMSCP 2018a)

Other Special Status Species (MBTA)

The project area lies along the lower Colorado River provides important habitat for migratory birds, both upland species and waterfowl, as well as habitat for resident species. As a significant perennial waterway in Arizona, supporting rare or priority management riparian breeding bird species, it serves as an important stopover and/or wintering grounds for a host of migratory birds. The riparian community along the Lower Colorado River provides breeding habitat for a number of neo-tropical migratory birds including species of concern such yellow-billed cuckoos (*Coccyzus americanus*), Lucy's warblers (*Vermivora luciae*), Bell's vireos (*Vireo bellii*), and summer tanager (*Pyrrhuloxia rubra*). Wintering and fall migrants detected in the area include bald eagles (*Haliaeetus leucocephalus*), ferruginous hawks (*Buteo regalis*), red-tailed hawks (*Buteo jamaicensis*), sage thrashers (*Oreoscoptes montanus*), and Brewer's sparrows (*Spizella breweri*).

Wetlands and Sensitive Habitats

There is no designated critical habitat for any of the above ESA-listed species in the action area.

Both banks of the river have been heavily altered to channelize and control water flow. On the Arizona side of the river, riverbank levees have been constructed and are armored with riprap in certain stretches to protect residential and commercial development from potential flooding. On the Nevada side, a similar levee system has been constructed using primary levees that are armored with riprap in some areas and secondary levees, effectively isolating the river from the floodplain except in the most severe of flood events. Beyond the levees are areas of historic floodplains of the river formed sometime prior to the construction of the upstream dams and levees. The floodplains are most notable in Nevada, which is still relatively undeveloped or undisturbed. On both sides of the River, the uplands above the floodplain areas are bisected by numerous small, non-distinct, ephemeral drainages that flow to the relict floodplain. Most of the washes contain minimal to not consistent shelving or scour lines that are a typical indicator of regular flows. None of the washes appear to have connectivity to the Colorado River and its adjacent wetlands, especially since the relict floodplains are separated by one or more man-made levees. Several small areas of scrub and emergent wetlands may exist on both the Arizona and Nevada riverbanks.

The Havasu National Wildlife Refuge is located more than 20 miles downriver of the proposed event terminus. The refuge is comprised of 37,515 acres along the lower Colorado River in Arizona and California. It protects 30 river miles and encompasses 300 miles of shoreline from Needles, California, to Lake Havasu City, Arizona and includes one of the last remaining natural stretches of the lower Colorado River along Topock Gorge. The Havasu National Wildlife Refuge protects the remaining native riparian area and the surrounding desert upland and manages the landscape to provide habitat for endangered species and for neotropical migrants since the Refuge is within the Pacific Flyway, a major north-south migratory route along the western coast of the United States.

3.1.2 Environmental Consequences

This section describes the environmental consequences associated with the proposed action and No Action alternatives, including direct and indirect impacts, on biological resources (cumulative impacts are addressed in Chapter 4). In general, direct effects are defined as the direct or immediate effects of the project on the species or its habitat. Direct effects are those which physically contact or change the species or habitat being analyzed, for example physical damage to an individual, the complete physical loss of a spawning or foraging habitat, a blocked migration corridor, or harassment of an animal species to the point where it abandons part of its normal range.

Indirect effects are those that are caused by or will result from the proposed action and are later in time, but still reasonably certain to occur (50 CFR §402-02). Indirect effects would include ecosystem type changes that would primarily affect food web dynamics as would occur with decreased suitability of foraging habitat, and temporary noise or physical disturbance that results in avoidance behavior. The context, duration, and intensity of impacts are analyzed, defined and quantified as much as possible.

The primary stressors associated with the Proposed Action would include physical and acoustic disturbance, effects on habitat from turbidity, and ingestion or entanglement in debris.

Physical and acoustic disturbance would be largely limited to human activity and would generally result in potential short-term behavioral and physiological responses. Physical disturbance and noise by vessels associated with the Proposed Action would not be a substantial stressor since the vessels in the Proposed Action, with the exception of a few Event support vessels, are non-motorized, inflatable tubes or floats, which would produce almost no noise. There would be little potential for physical and acoustic disturbance from vessels in the action area since any vessels would be small (e.g., jet skis) and/or operating at low speed to avoid any risk to participants.

Suspended sediment and turbidity could have direct and indirect effects on protected species. Increased suspended sediments reduce piscivorous fish/bird foraging success, which may be detrimental to bird populations, but may be beneficial to fish populations. Elevated suspended sediments can also result in physiological stress, reduced growth, and indirect effects on habitat that can adversely affect survival. Of key importance in considering the detrimental effects of suspended sediments on fish are the frequency and the duration of the exposure, not just the concentration of suspended sediments. Effects on species and habitat from suspended sediment is considered to be a relatively minor stressor on species since it would be short-term and would be largely limited to human disturbance of the sediments in shallow, near shore areas. There would be little or no activities associated with the Event that could generate substantial suspended sediment, such as prop wash or in-water excavation.

Ingestion or entanglement in plastics may be the primary stressor for protected species. Plastic refuse is a major concern because it can be mistakenly consumed by fish and birds. This effect is magnified by the fact that plastic can float, allowing it to be transported far downriver, and it degrades slowly, allowing it and the effect it has on species to persist over time. Consumption of plastic wastes can have immediate effects on an animal's health through obstruct of the digestive system, or long-term health effects from elevated levels of toxins contained in plastics.

Proposed Action

ESA Listed Species

California Least Tern – The California least tern would not be impacted by the proposed action and, pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action would have no effect on California least tern.

The event would occur within the range of the least tern; however, the action area lacks suitable open-water habitat for foraging and surrounding terrestrial areas are generally ruderal lands or otherwise unsuitable for nesting. Furthermore, the typically high level of human activity and associated disturbance in the action area makes it unlikely that least terns would be found in the area except as an occasional transient.

Ingestion or entanglement in plastic or other waste deposited in the River during the Event, and that is not captured by trash collection teams, could be carried downriver to areas where least terns are found. Implementation of trash mitigation plans by the Sponsor would substantially reduce the amount of plastic or other trash remaining in the River. The likelihood that waste is missed by trash collection teams, then carried the substantial distance down river to areas containing viable areas for least terns, then encountered by and adversely affecting an individual through ingestion or entanglement, is extremely low.

Southwestern Willow Flycatcher - The Southwestern willow flycatcher would not be impacted by the proposed action and, pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action would have no effect on Southwestern willow flycatcher.

Southwestern willow flycatcher are unlikely to occur in the action area since suitable native riparian vegetation, especially the cottonwood-willow association used by the flycatcher, is not present. The inconsistent and poor quality habitat of urban and near urban areas, and the normally high level of human activity and disturbance in the action area, would make it unlikely that flycatcher would be found in the area except as an occasional transient. In addition, the southwestern willow flycatcher concludes nesting in August, and beginning in August and September, migrates to wintering grounds in Mexico, Central America, and South America. Flycatchers are even less likely occur in the action area at the time of the Proposed Action.

Lastly, should any flycatchers occupy any adjacent riparian habitat in the area at the time of the proposed event, they are unlikely to be directly affected by physical disturbance by the Proposed Action since the event Sponsor will prohibit participants from entering or exiting the river, except in designated, developed sites, so no physical disturbance of habitat or species would occur. Noise from event participants could result in disturbance to individuals and behavioral changes; however noise levels associated with human presence would be relatively low and would not substantially affect species or adjacent terrestrial habitat. Furthermore, the area is highly developed and there is a high level of recreational use such that should any species be present in the area, they would likely be acclimated to human and motorized noise.

Ingestion or entanglement is unlikely as the species would not be present to encounter such litter and debris, except where such debris is transported downriver into areas where flycatcher may be found. As described previously for the least tern, the likelihood of waste being missed by collection teams, traveling far enough to areas where flycatcher is found, then being encountered by flycatcher and adversely affecting an individual through ingestion or entanglement, would be extremely low.

Yellow-billed Cuckoo - The yellow-billed cuckoo would not be impacted by the proposed action and, pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action would have no effect on yellow-billed cuckoo.

The yellow-billed cuckoo is not known to occur in the project area. The project action area is largely ruderal or lacks suitable riparian habitat, especially cottonwood and willow trees that provide important foraging for yellow-billed cuckoo. Nesting in the action area is unlikely due to the lack of suitable habitat. In addition, while nesting may continue into September, in the action area nesting is generally completed by late July to avoid rearing chicks in hotter summer temperatures.

Finally, should any yellow-billed cuckoo occur in the area, the event Sponsor will limit participants from entering or exiting the river except in designated, developed sites, and as such participants are not expected to physically disturb habitat or species in any adjacent riparian habitat.

Ingestion or entanglement is unlikely as the species would not be present to encounter such litter and debris, except where such debris is transported downriver into areas where yellow-billed cuckoo may be found. As described previously for the least tern, the likelihood of waste being missed, traveling far enough to areas where yellow-billed cuckoo may be found, then being encountered by and adversely affecting an individual through ingestion or entanglement, would be extremely low.

Yuma Clapper Rail - The Yuma clapper rail would not be impacted by the proposed action and, pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action would have no effect on Yuma clapper rail.

The Yuma clapper rail requires a wet substrate habitat, such as a mudflat, sandbar, or slough bottom that supports cattail and bulrush stands of moderate to high density adjacent to shorelines, which does not substantially exist in the action area. While very small areas or riparian habitat do occur along the event route, the river in the action area has been largely channelized with rip-rap and levees, and adjacent upland areas are generally ruderal lands, or areas of poor quality habitat within the vicinity of urban land uses. Due to the limited habitat available in the area, and the high level of human activity and disturbance, it is unlikely that least terns would be found in the area except as an occasional transient.

Should any clapper rails occur in the area, the event Sponsor will limit participants from exiting the river except in designated, developed sites, and as such participants are not expected to physically disturb habitat or species in any adjacent riparian habitat.

Ingestion or entanglement in waste, while still unlikely, is somewhat more likely for clapper rails than for other listed species since this species relies on mudflat or sandbar habitat that may be adjacent to the River and where litter and debris could be deposited. It remains unlikely as the litter and debris would still have to be missed by trash recovery teams, transported downriver into areas where Yuma clapper rail may occur, then be encountered by and adversely affect an individual through ingestion or entanglement.

Desert Tortoises - Desert tortoises would not be impacted by the proposed action and, pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action would have no effect on desert tortoises.

The action area is generally comprised of ruderal lands, or areas of poor quality habitat within or adjacent to the developed areas of Laughlin and Bullhead City. Due to the limited habitat available in the area, and the high level of human activity and disturbance, it is unlikely that desert tortoise would be found in the area.

Should any tortoises occur in the area, the event Sponsor would limit participants from exiting the river except in designated, developed sites, and as such, participants are not expected to physically disturb habitat or species in any adjacent upland habitat.

Ingestion or entanglement of desert tortoises is unlikely as such debris would generally occur in the River or on the shoreline; areas that are not suitable habitat for tortoises.

Northern Mexican Gartersnake - The northern Mexican gartersnake would not be impacted by the proposed action and, pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action would have no effect on northern Mexican gartersnake.

The action area is generally comprised of ruderal lands, or areas of poor quality habitat adjacent to Laughlin and Bullhead City. Much of the shoreline is composed of rip-rap or levees that would provide poor habitat for gartersnake. Due to the limited habitat available in the area, and the high level of human activity and disturbance, it is unlikely that northern Mexican gartersnake would be found in the area.

Should any gartersnakes occur in the area, the event Sponsor would limit participants from exiting the river except in designated, developed sites, and as such, participants are not expected to physically disturb habitat or species in any adjacent riparian habitat.

Ingestion by or entanglement of gartersnakes is unlikely as such debris would not generally be mistaken for gartersnakes typical diet items, and entanglement of snakes is unlikely.

Bonytail Chub - The Proposed Action has the potential to have minor, short-term impacts on Bonytail chub and, pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action may affect but would not adversely affect Bonytail chub. For all effects it was considered that some Bonytail chub may be present in the project area during the time of event. The following conservation measures are included in the proposed action to reduce or avoid impacts to Bonytail Chub:

- The event would be permitted by the Coast Guard to occur outside the Bonytail chub spawning season;
- All trash will be removed during or immediately after the event and therefore trash would not be present in the River at the commencement of the next Bonytail chub spawning season;

- The Coast Guard has requested that the Sponsor, as a part of a revised Marine Event permit application, include a requirement that all TRT staff are briefed on the Bonytail Chub, including characteristics of the species and preferred habitat, their potential presence in the action area, what to do if Bonytail chub are encountered, and the importance of trash removal to ensuring the species is not adversely affected. This requirement will also include establishing a reporting protocol whereby the Sponsor will gather all information on sightings by TRT or other event staff members during the event, and report this information to the USFWS, including the time, location, and any other pertinent details of the encounter.
- The Coast Guard has requested that the Sponsor's TRT shall pay particular attention to in-water trash clean up in the Rotary Park area where larval chub are known to occur.

While Bonytail chub may occur in the action area, their presence would be very limited as preferred high flow and rocky habitat is not found in the action area. Furthermore, the event would involve slow-moving, non-motorized vessels that would not introduce substantial noise or turbidity into the water column and would have less potential for physical disturbance as compared to motorized vessels that typically use the area. Finally, because the event would last one day, any effects on bonytail would be very of very limited duration.

Ingestion is unlikely to occur since the debris and trash deposited into the River would generally be too large to be ingested, but entanglement in larger waste or debris could occur if it sinks into the water column to a depth where it could entrap bonytail. The potential for entanglement is low given, first that the Sponsor's trash mitigation plans would remove most trash, especially pieces large enough to entrap bonytail, and second, the low probability of bonytail encountering and then being entrapped by any remaining trash.

Refuse and human waste that may be deposited in the river could have a minor, indirect effect on the foraging habitat of bonytail, but this impact would be mitigated through implementation of the Sponsor's trash mitigation. Furthermore, any waste remaining in the water or settling to the bottom would not be expected to significantly affect the ability of bonytail to forage for insects, worms, algae, plankton, and plant debris. Bonytail chub's spawning season is in mid-summer such that any indirect effects on habitat would not affect spawning.

Pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action may affect but is not likely to adversely affect Bonytail chub, and requested concurrence by USFWS with this determination. The USFWS concurred with this determination. (Appendix D)

Razorback Sucker – The Proposed Action has the potential to have minor, short-term impacts on Razorback sucker and, pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action may affect but would not adversely affect Razorback sucker. For all effects it was considered that some Razorback sucker may be present in the project area during the time of event. The following conservation measures are included in the proposed action to reduce or avoid impacts to Razorback sucker:

- The event would be permitted by the Coast Guard to occur outside the Razorback sucker spawning season;
- All trash will be removed during or immediately after the event and therefore trash would not be present in the River at the commencement of the next Razorback sucker spawning season;
- The Coast Guard has requested that the Sponsor, as a part of a revised Marine Event permit application, include a requirement that all TRT staff are briefed on the Razorback sucker, including characteristics of the species and preferred habitat, their potential presence in the action area, what to do if Razorback sucker are encountered, and the importance of trash removal to ensuring the species is not adversely affected. This requirement will also include establishing a reporting protocol whereby the Sponsor will gather all information on sightings by TRT or other event staff members during the event, and report this information to the USFWS, including the time, location, and any other pertinent details of the encounter.
- The Coast Guard has requested that the Sponsor's TRT shall pay particular attention to in-water trash clean up in the Rotary Park area where larval Razorback sucker are known to occur.

While Razorback sucker may occur in the main River channel of the action area, their presence would during the daytime would likely be limited to small areas of preferred, slow water found only occasionally along the route. Such slack water areas are not likely be substantially used by event participants due to the inability of non-motorized vessels to move through such areas. Furthermore, the event would involve slow-moving, non-motorized vessels that would not introduce substantial noise or turbidity into the water column and would have less potential to have physical affect behavior compared to motorized vessels. Finally, because the event would last one day, any effects on razorback sucker would be very of very limited duration. Razorback sucker's spawning season is in late winter or spring such that the Proposed Action would occur entirely outside the spawning season.

Ingestion is unlikely to occur since the debris and trash deposited into the River would generally be too large to be ingested, but entanglement in larger waste or debris could occur if it sinks into the water column to a depth where it could entrap chub. The potential for entanglement is low given, first that the Sponsor's trash mitigation plans would remove most trash, especially pieces large enough to entrap chub, and second, the low probability of chub encountering and then being entrapped by trash.

Refuse and human waste that may be deposited in the river could have a minor, indirect effect on the foraging habitat of chub, but this impact would be mitigated through implementation of the Sponsor's trash mitigation. Furthermore, any waste remaining in the water or settling to the bottom would not be expected to significantly affect the ability of razorback sucker to forage for benthic invertebrates, algae, detritus, and inorganic materials.

Pursuant to Section 7 of the ESA, the Coast Guard has determined that the Proposed Action may affect but is not likely to adversely affect Razorback sucker, and requested concurrence by USFWS with this determination. The USFWS concurred with this determination. (Appendix D)

Other Special Status Species (MBTA)

The proposed action would have only minor potential to impact MBTA species. The event would occur outside the nesting season for any MBTA species in the area and would therefore not result in disturbance or abandonment of nests. Furthermore, most habitat along the event route is developed or of poor quality and not suitable for MBTA species. To the extent that MBTA species could be present in the area, participants would be limited to shore access at designated entry and exit points in developed park sites and would thus not cause any physical disturbance to MBTA species along the Event route.

Trash deposited in the River or along the shoreline, including at locations further downriver such as the Havasu National Wildlife Refuge, could have an indirect, adverse impact on MBTA species as a result of entanglement or ingestion of plastic or other waste material. Upland species in the action area would be at little risk of entanglement or ingestion, but waterfowl, shorebirds or raptors that forage in water or along the shoreline could be at risk. Implementation and enforcement of the Sponsor's ETMP during the Event would limit the potential for release of trash into the River by limiting materials that may be carried by participants, providing participants with a closable bag for trash, and monitoring and enforcing prohibition on depositing trash into the River by Event staff and potentially by local authorities. Removal of trash by Event staff in accordance with the ETMP both during and after the event would further limit the accumulation of trash in the River. These trash mitigations would reduce the potential for ingestion or entanglement by MBTA species. The Sponsor would ultimately be responsible for any incidental take of MBTA species that may occur as a result of the Event. The Proposed Action would have less than significant impacts on MBTA species.

Wetlands and Sensitive Habitats

There is no designated critical habitat for the above ESA-listed species in the action area, and, therefore, there would be no impact to this resource. Any remnant wetland or other

sensitive habitat along the event route would not be expected to be significantly impacted since the event Sponsor will limit participants from exiting the river except in designated, developed sites, and as such participants are not expected to disturb habitat or species in any adjacent riparian habitat.

The Havasu National Wildlife Refuge has had increased deposition of trash on refuge lands following prior versions of the proposed Event. The ETMP would substantially reduce the amount of trash entering the water, and would reduce the amount of trash in the river during the event. Furthermore, following the event, the Sponsor would patrol below the event terminus for any residual trash and, upon request, would respond to any trash deposited downriver following the event. As a result, the proposed event would not have a significant impact on lands or uses of the refuge.

No Action Alternative

Under the No Action Alternative, the Coast Guard would not issue a MEP or establish an SLR. Should the event proceed without Coast Guard authorizations, or an informal event take place, there would be fewer or no controls on participants. Refuse from an informal event would not be addressed and could impact biological resources. And participants would be able to enter or exit the water at any location, which could result in impacts to biological resources or sensitive habitat along the shoreline. Should no event take place, there would no impacts to biological resources.

3.2 Cultural Resources

The term “cultural resources” is used to describe archaeological sites, illustrating evidence of past human use of the landscape; the built environment, represented by structures such as dams, roadways, and buildings; and traditional resources, such as sacred sites and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary federal legislation that outlines the federal government’s responsibility to consider cultural resources. Other applicable cultural resources laws and regulations that could apply include the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act, and the Abandoned Shipwreck Act.

Section 106 of the NHPA requires the federal government to take into consideration the effects of an undertaking on historic properties. Historic properties are those cultural resources listed, or eligible to be listed, on the National Register of Historic Places (NRHP). The criteria used to determine whether a cultural resource is a historic property, and therefore eligible for inclusion on the NRHP, are defined in 36 CFR Part 60.

The Section 106 process is outlined in the federal regulations in 36 CFR Part 800. These regulations describe the criteria that a federal agency uses to evaluate cultural resources.

In summary, the Coast Guard must first determine if the action is the type of action that has the potential to affect historic properties. If so, the Coast Guard must identify the area of potential effects (APE), determine if historic properties are present in that APE, determine the effect that the undertaking would have on historic properties, and consult with the State Historic Preservation Officer (SHPO) and federally recognized tribes with historic ties to the APE.

The Fort Mojave Indian Tribe (FMIT) Reservation is located approximately 3 miles downriver of the proposed event terminus at Rotary Park. The FMIT are the Pipa Aha Macav – “The People By The River.” The Tribe’s spirit mentor, Mutavilya, created the Colorado River, its plants and animals, and instructed the Pipa Aha Macav in the arts of civilization. The Pipa Aha Macav were prosperous farmers with well-established villages and trade networks that stretched as far away as the Pacific Ocean. The FMIT Reservation is located along the Colorado River covers nearly 42,000 acres in Arizona, California, and Nevada. The land is divided into three major segments: 23,669 acres in Mojave County Arizona; 12,633 acres adjacent to Needles, California; and 5,582 acres in Clark County, Nevada. Tribal headquarters are located in Needles, California. (FMIT 2018a)

In response to the Coast Guard’s scoping notification for the proposed event, the FMIT requested government-to-government consultation with the Coast Guard. The Coast Guard met with representatives of the Tribe on April 24, 2018. During the meeting the Tribe expressed concern about the potential effects on cultural properties of the FMIT from waste discarded into the River during the proposed event.

3.2.1 Affected Environment

Area of Potential Effect

An Area of Potential Effect (APE) is defined in 36 CFR 800.16 as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The effects on historic properties resulting from this project would include the following areas, which together constitute the APE. (The state in which this portion of the event would occur is noted.)

1. The Colorado River from the launch location at Davis Camp to the finish location at Rotary Park (Arizona and Nevada);
2. All shore areas where event participants would either launch or land, including
 - Davis Camp (Arizona)
 - Harrah’s Casino parking area and shorefront (Nevada)
 - Pioneer Gambling Hall parking area and shorefront (Nevada),
 - Riverside parking area (only for parking; no event launching) (Arizona),
 - Big Bend of the Colorado State Recreation Area (Nevada), and
 - Rotary Park (Arizona).

3. The Colorado River beyond the event finish point at Rotary Park to Topock/Havasu National Wildlife Refuge (Nevada, Arizona, California).
4. Shoreline areas of the Colorado River from the event start at Davis Camp to Topock/Havasu National Wildlife Refuge that may be visually and audibly linked to the River and the event, exposed to human presence from participants in the event, or involved in clean up after the event (Nevada, Arizona, California).

The APE is depicted in Figures 2 and 3.

Identification of Historic Properties

For purposes of this discussion, historic properties are divided into two categories: (1) those properties with fixed and defined locations, and (2) those properties or resources that are distributed across a wider area or landscape and may be considered properties of traditional religious or cultural importance (also referred to as Traditional Cultural Properties, or TCPs) or contributing elements of a TCP. Properties with defined locations may also be associated with or components of TCPs. Historic properties were identified in consultation with the Fort Mojave Indian Tribe and from review of NRHP listings, online records available from at the Nevada, Arizona, and California SHPO offices, and other publicly available data sources. Other historic properties that have not yet been identified are also likely to occur in the APE.

The following fixed properties that are listed or considered eligible for listing on the NRHP have been identified within the APE.

Inscription Rock - Inscription Rock is located on a rocky promontory northwest of Davis Camp in the Lake Mead National Recreation Area. The site consists of approximately 124 petroglyphs and other cultural features. Inscription Rock is not listed on the NRHP but is considered eligible for listing. In addition, the Mojave have indicated that site has clear associations with lands across the Colorado River and with Spirit Mountain, and could perhaps be considered as an individual a TCP or be included in an expanded Spirit Mountain TCP nomination. This site is immediately adjacent to a gravel parking area at Davis Camp, separated by a sidewalk and short fence.

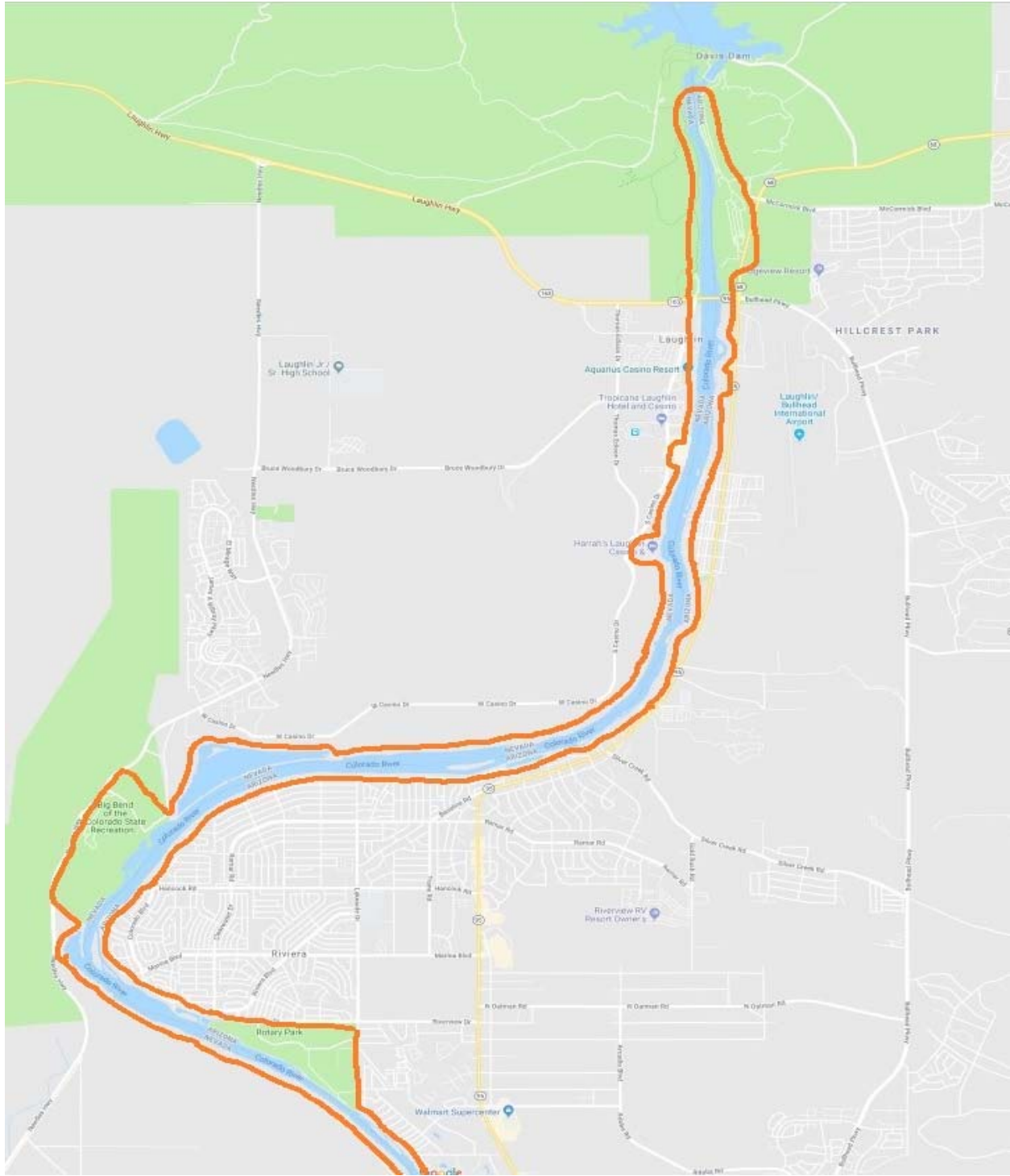


Figure 2. Area of Potential Effect (includes Colorado River, shorelines of the River, and all terrestrial areas that would be used as part of the event)



Figure 3. Area of Potential Effect (includes the Colorado River, and shorelines of the River, from Davis Camp to Topock/Havasas National Wildlife Refuge)

Topock Maze - Topock Maze is a 33-acre geoglyph, or intaglio, located near Topock, Arizona. It was made by scraping off the darker surface gravels in rows to expose the lighter soil underneath. The Maze is significant to the tribes along the Colorado River who believe the spirits of the dead must travel through the pathway of the Topock Maze on their journey to the other world. The Topock Maze is listed on the NRHP.

Colorado River Earth Figures - These geoglyphs, or intaglios, located in several locations along the Colorado River in California and Arizona represent spiritual beings, animals and other designs that are part of the oral histories of the tribes along the Colorado River. The Colorado River Earth Figures are listed on the NRHP.

Fort Mojave - Historic Fort Mojave is located on the western portion of river terrace on the eastern bank of the Colorado River within the Fort Mojave Indian Reservation and just beyond the event finish at Rotary Park. This site has an extensive and complex past, including the following: prehistoric use of the area is highly likely; the site is the terminus of Beales' Wagon Road; battle between Rose-Baley Emigrant train and Mojave occurred on the site in approximately 1858; Fort Mojave established in 1859; the Fort was disestablished and became the Fort Mojave Indian School from 1890 until 1931. This site has not been evaluated for listing on the NRHP, but is likely eligible for listing.

Old Trails Bridge - The Old Trails Bridge is an 800-foot bridge across the Colorado River between Needles, California and Topock, Arizona. The Old Trails Bridge is a brace-ribbed arch bridge built in 1916 to carry automobile traffic over the Colorado River along a now-abandoned portion of U.S. Route 66. The Old Trails Bridge is listed on the NRHP.

The following TCP or landscape properties are either within or adjacent to the APE or, as in the case of Spirit Mountain, may be outside the APE but is discussed below because of associations with other properties or TCPs within the APE.

Colorado River Corridor - The Colorado River is central to the lives of almost all tribes along the corridor and in Clark and Mojave counties. The Mojave, who refer to themselves as Aha Macav or "people from along the river", lived in village communities near the Colorado River from the Lake Mojave area to south of the Bill Williams River, and have done so since long before Euro-American contact. The Mojave Valley, which is the core of the APE, was the demographic and cultural center for the Mojave Tribe. The Mojave recognize three geographical subdivisions - the Matha lyathum in the north, the Huttupah in the Mohave Valley, and the Kavi lyathum in the south. The Mojave maintained large, established villages in the area that relied heavily on agriculture within the floodplain. The Mojave traveled out from this principal agricultural area near the River for trade, social and ceremonial activities, and specialized harvests of desert resources.

Representatives of the Fort Mojave Indian Tribe have indicated, both during prior ethnographic studies of the area and during consultation with the Coast Guard regarding

the proposed Laughlin River Regatta, that they consider the Colorado River corridor (and perhaps even a larger geographically coherent area extending from Spirit Mountain to Topock) to be a Traditional Cultural Property. Prior ethnographic studies have indicated that the portions of the Colorado River above the current APE are a TCP or a component of TCPs.

As demonstrated by the Mojave, the Colorado River is a place of traditional cultural significance. Its significance is derived from the role this landscape plays in the community's historically rooted beliefs, customs, and practices. The landscape around the Colorado River has been the homeland of the Mojave ancestors since time immemorial. They lived here, practiced their cultural traditions here, and were buried here. While some members of the Mojave were forced to leave these lands for reservation lands to the south, other members of the Mojave remained on their traditional lands, and do so to this day. It is possible that some elders today still have memories of growing up on and around the Colorado River prior to the substantial modifications by the US Government, including construction of dams on the River and modifications to the river banks. Therefore, the Mojave retain a cultural identity to this place; it holds many memories and traditions to them, not only from their own experiences, but the cultural traditions that have been passed down from their ancestors through time. The Colorado River Corridor TCP has characteristics relevant to the spiritual, scientific, educational, political, economic, and social activities of the Mojave, such as the following:

- The Colorado River is a pathway from Spirit Mountain, the locus of origin for the Mojave people, and other significant cultural sites to the Mojave and other Yuman tribes.
- The Colorado River valley is the Mojave's ancient homeland and contains culturally significant sites used by the Mojave in the area and the surrounding mountains that are spiritually connected to the Colorado River. Culturally important historic events occurred in the Mojave Valley area, and tribal members have traditionally been cremated on the banks of the river.
- The Colorado River is the source for many physical and spiritual trails that connect the area with other culturally important places in the region.
- The Colorado River is the source of resources for subsistence and ceremonial purposes.
- The Colorado River is used on a daily basis for a number of educational, social, and spiritual uses.
- The Colorado River is the source for traditional foods.
- The Colorado River is the source of clean water for social, spiritual, and economic activities.

An evaluation of the Colorado River Corridor TCP is a very large undertaking because of the large geographic area to be evaluated, the number of tribes that would be involved in developing such a comprehensive understanding of the property(ies), the holistic view

of the landscape by tribal members in which all elements of the environment are interconnected, and because knowledge of the location of some of the most sacred places is not shared with outsiders. The Bureau of Land Management has reportedly partnered with the Fort Mojave tribe to undertake a TCP study centered in Mohave Valley that will include the southernmost end of this river corridor. For this reason, a full evaluation of the Colorado River Corridor as a TCP has not been conducted by other federal agencies in the area, but these agencies have considered the Colorado River to be an unevaluated TCP that is eligible for listing on the NRHP.

The Coast Guard is not in a position at this time to fully assess the eligibility of the Colorado River Corridor TCP, as such an analysis would require specialized expertise over many months and a significant commitment of resources. However, there is ample documentation that the Mojave have been in occupation in the area for many hundreds of years, and their religious and cultural uses of the resources listed above certainly exceed the fifty-year requirement of the NRHP eligibility criteria. Additionally, individual sites which the Mojave consider to be part of the Colorado River TCP have already been determined eligible for the NRHP. Therefore, for purposes of this analysis, and pursuant to 36 CFR Section 800.4, the Coast Guard assumes the eligibility criteria have been met and that the Colorado River TCP, while unevaluated, is eligible for listing on the NRHP.

While the Colorado River is considered a TCP in this analysis, the exact nature of such a TCP and the contributing resources, has not been fully articulated by area tribes during consultation with the Coast Guard, prior ethnographic studies, or otherwise as part of a comprehensive TCP study. There has also been a substantial loss of integrity to cultural sites along the Colorado River from development and alteration to the area which could affect eligibility.

The Mojave may also consider the Colorado River TCP to be a component of a series of TCPs or a larger landscape TCP that encompasses the Tribes historic and culturally identified range, including Spirit Mountain. Individual sites within the area may also be considered individual landmarks associated with other TCPs or a larger TCP (e.g., Inscription Rock).

Spirit Mountain/Avi Kwa Ame - Spirit Mountain/Avi Kwa Ame is considered to be one of the most sacred places for the Yuman-speaking tribes along the lower Colorado River. It is connected with events and beings in the creation stories of Yuman people, and it continues to play an important role in the cultural practices and beliefs of those people. An area of approximately 2,300 acres is designated as a TCP and listed on the NRHP. In addition, 41,600 acres surrounding this area within the boundaries of Lake Mead National Recreation Area are designated as a historic/archeological zone.

While the Spirit Mountain TCP is not within the APE, it is discussed here as it may relate to the other, yet to be evaluated, TCPs in the area as discussed by the Mojave Tribe during consultation or as part of prior ethnographic studies. For example, Mojave creation songs describe travels from their origins at Spirit Mountain, along the Colorado River, and extending out to other significant cultural locations. A reevaluation of the characteristics that define the extent of the Spirit Mountain TCP is not undertaken; however, the analysis of effects on physical sites that lie within the APE, or the Colorado River TCP, could be considered as proxy effects to the Spirit Mountain TCP or a series of TCPs including Spirit Mountain.

3.2.2 Environmental Consequences

Under 36 CFR 800.5,

[a]n adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

Examples of adverse effects include, but are not limited to:

(i) Physical destruction of or damage to all or part of the property; [...] (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance; or (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features [...]

Potential Effects on Individual Archaeological or Historic Sites

The Colorado River and associated parks and beaches within the APE are heavily used for recreational purposes. Large events are typical in the Laughlin/Bullhead City area; however, the proposed event would bring a large increase in the number of visitors to the specific areas within the APE. Visitor effects are often noted at archeological sites, including theft or relocation of artifacts, or defacing of inscriptions or petroglyphs. Event participants could cause direct harm to either known or unknown archaeological sites along the event route as a result of uncontrolled entry and exit of the River. In the case of the Laughlin River Regatta, access to the River would be restricted by the event sponsor, which would reduce the frequency at which archeological sites could be visited by and potentially affected by event participants. The event sponsor would provide staff along the route that would prevent participants from entering or exiting the River except at designated locations. These designated entry and exit locations are all fully developed

parks with a history of uses comparable to that of the proposed event, and with no known archaeological or historic sites. The only exception to this is Davis Camp.

Inscription Rock is located at Davis Camp immediately adjacent to the event parking/staging area. This site could be at risk of direct effects through intentional or unintentional desecration, or indirect effects from litter or other refuse being deposited on the site. To ensure there are no adverse effects to the site from event participants, the Sponsor would station two security officers at the site from 7am to 7pm on Saturday, August 11, 2018.

Event participants could also indirectly affect sites within the APE through refuse deposited in the River or along the shoreline. The event sponsor would implement a trash management plan to remove waste both during and after the event, and from both within the river and along the bank. The shoreline is both an active environment where there is constant disturbance from wave and current action, and is also heavily modified with levee construction and rip-rap placement. There are no known sites located immediately within or along the dynamic portion of the river corridor that could be directly affected by refuse or by post-event cleanup along the shoreline, although USCG cannot confirm that no undiscovered sites exist.

The Coast Guard has concluded that the issuance of a permit and enforcement of an SLR for the proposed Laughlin River Regatta would not significantly impact any archaeological or historic resources.

Potential Effects on Traditional Cultural Properties

As described previously, for purposes of this analysis the Colorado River corridor is considered to be a TCP that is unevaluated but eligible for listing on the NRHP. The characteristics of a Colorado River TCP are not defined but are related to the spiritual, scientific, educational, political, economic, and social activities of the Mojave, and at least conceptually similar to those described previously. Specific elements of the TCP identified by the Mojave, and which could be affected by the proposed event, include:

- Colorado River water, which is used in social and ceremonial events, as well as supporting fishing, swimming, and other traditional uses;
- The viewscape of and from the cultural landscape along the river, which supports the visual setting of the TCP and its spiritual associations;
- Individual historic and archaeological sites within the APE; and
- Physical and spiritual connections to larger/regional sites of traditional importance such as Topock Maze and Spirit Mountain.

Effects of the proposed event on the Colorado River Corridor TCP would primarily be associated with alterations in the environment which lead to diminished integrity of *setting, feeling, or association* [800.5(a)(1)], including the introduction of physical or visual elements that affect the integrity of the TCP's characteristics.

Visual Impacts. Visual changes in a landscape can have an adverse effect on the integrity of a nearby historic property, if the visual setting is consistent with the historic nature of the property or helps to maintain a connection between the present and past for the visitor. Visual changes in the APE resulting from the proposed event could include the presence of 22,000 boaters floating down several miles of the river; large gatherings of participants along the banks of the river in the designated entry and exit locations; trash and other debris floating in the river within the event boundaries; trash and other debris floating downstream out of the event boundaries; trash and other debris washing ashore for several miles downstream; and the presence of event staff on the river and the riverbanks cleaning up trash and other debris.

The presence of many boisterous event participants; trash floating on the river or washed ashore; and event staff patrolling for trash cleanup would, according to the Mojave, have a disruptive effect on the integrity of setting, feeling, and association of the Colorado River Corridor TCP. Peaceful enjoyment of the cultural landscape would be diminished and the spiritual connections that overlay the landscape would be compromised.

However, the Colorado River in this area has been considerably modified through urban development, upstream dam construction and the resulting change in flow patterns and water quality, and from levee construction and rip rap placement along this portion of the Colorado River. The River in the area is also heavily used for recreation, including non-motorized uses such as swimming, fishing, and non-motorized boating, and motorized uses from jet skis to large powerboats. If the TCP is assumed to be eligible, such contemporary uses of the river corridor are not enough to destroy its integrity of setting, feeling, or association. It can reasonably be determined, therefore, that one single day of similar uses, however great the disruption, would not in itself cause so much interference as to adversely affect the integrity of the TCP. Within a few days at the least, the river would be restored to the usual level of activity, resulting in no permanent change to the visual setting of the TCP.

Water Quality. Effects on water quality can have a less direct effect on a historic property, as the changes in water quality would primarily affect *uses* rather than visual or physical properties (as the Colorado River is not a historic site in and of itself). Undertakings which interfere with traditional uses can be considered to have adverse effects on TCPs and other historic properties.

The effects on traditional uses within the Colorado River Corridor TCP would be associated with perceived degradation of water quality resulting from human waste and trash deposited in the river. The Mojave Tribe has reported that previous similar events on the river resulted in such physical and spiritual contamination of the water that they suspended social and ceremonial uses of the river for up to a week following the event. (FMIT 2018b)

An average summer weekend involves many uses of the Colorado River within the APE that are similar to the uses of the proposed event, although the proposed event would be a significant increase in quantity of users. The Mojave Tribe has not as of this writing indicated whether ordinary levels of recreational activity constitute an adverse effect on traditional uses, and if so, what specific activities or uses are implicated.

The event Sponsor would implement a trash management plan to prevent trash from being deposited in the River and to remove any that is released into the River or onto the adjacent shorelines, and supply additional restroom facilities at established locations along the event route. It is assumed for purposes of this analysis that these measures would be reasonably effective at reducing waste deposited into or remaining in the River corridor.

The Coast Guard is aware that ceremonial and ritual practices are often kept secret or are considered confidential; in light of this, the Coast Guard has limited information to support an analysis of the effects of the proposed events on traditional uses of the River. An undertaking that permanently blocks access to a traditional use site would be considered to have an adverse effect on a TCP; however a purely temporary interference with traditional uses may reasonably be determined to result in no adverse effect.

The Coast Guard recognizes that the Mojave imbue the River with a deeper cultural meaning, beyond just the physical characteristics of importance to the Tribe. The Coast Guard is continuing to consult with the Mojave Tribe as to the specific uses of the River that could be impaired by the event, but at this time no specific characteristic of the Colorado River TCP have been identified that could be adversely affected and affect the property's eligibility for the NRHP. While the event may alter conditions on the river, it would not diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association (36 CFR 800.5).

The Coast Guard has concluded that the issuance of a permit and enforcement of an SLR for the proposed Laughlin River Regatta would not significantly impact any traditional cultural properties.

The Coast Guard has determined that the issuance of a permit and enforcement of an SLR would have No Adverse Effect on historic properties under the NHPA. The Coast Guard notified the SHPOs for California, Arizona, and Nevada, and the FMIT of this determination on June 1, 2018.

On June 12, 2018, the California SHPO requested clarification as to how the Coast Guard obtained input from the Fort Mojave Indian Tribe and any other Native American tribes or individuals who might be consulting parties pursuant to 36 CFR 800.2(c)(2)(ii) and 800.2(c)(5), and how that input informed USCG's finding of effect. The California SHPO objected to the Coast Guard's finding of no adverse effect at that time. The Coast Guard responded on June 13, 2018 with additional information how the Coast Guard obtained input from the Fort Mojave Indian Tribe (FMIT) and any other Native American tribes or individuals. On June 21, 2018 the California SHPO requested further clarification as to how the Coast Guard has met its Government-to-Government consultation responsibilities by consulting with the FMIT's designated representative pursuant to 36 CFR 800.2(c)(2)(ii)(C). The Coast Guard provided further clarification on June 28, 2018.

The Coast Guard received a response from the Nevada SHPO on June 15, 2018 requesting that the Coast Guard provide any responses received from the FMIT who have made it known to the Coast Guard that they attach religious and cultural significance to the historic properties and unevaluated resources subject to the USCG finding of No Adverse Effect. The Coast Guard responded on July 2, 2018 noting that the Coast Guard had not received any responses from the FMIT.

The Coast Guard received a response from the Arizona SHPO on June 25, 2018 requesting an opportunity to review and comment on the Inscription Rock protection plan and additional information on consultation between the Coast Guard and the FMIT, as well as those of any other Tribe with whom the Coast Guard has engaged in consultation for this undertaking, and in particular responses to consultation from the FMIT. The Coast Guard responded on July 2, 2018.

To date the Coast Guard has not received a response from the FMIT.

Since the California SHPO disagreed with the Coast Guard's finding in this matter, in accordance with 36 C.F.R. § 800.5(c)(2)(i), on July 2, 2018 the Coast Guard requested that the Advisory Council on Historic Preservation (ACHP) review the findings pursuant to § 800.5(c)(3)(i) and (c)(3)(ii) and provide its opinion to the Coast Guard. Although the NHPA process is not yet complete, the Coast Guard believes, based on all the information received and analyzed to date, that it will complete NHPA compliance actions prior to the event. Further, the Coast Guard will consider any input received under the Section 106 process and will impose additional conditions on the applicant as necessary to ensure compliance with the NHPA.

No Action Alternative

Under the No Action Alternative the Coast Guard would not issue a MEP or establish and SLR. Should an informal event take place, there would be fewer or no controls on participants. Refuse from an informal event would not be addressed and could have adverse effects on resources, and participants would be able to enter or exit the water at any location, which could result in impacts to cultural resources. Should no event take place, there would no impacts to cultural resources.

3.3 Public Health and Safety

3.3.1 Affected Environment

The proposed event involves short-term introduction of a large number of people (approximately 22,000 participants) into the area of the Town of Laughlin and Bullhead City. Past events have resulted in public safety concerns associated with navigational safety, event safety (e.g., injuries, crime), and public health concerns associated with pollution of the waterway and adjacent shorelines with garbage and human waste.

Public Safety

As described in Chapter 1, pursuant to 33 CFR 100.30, activities that could introduce certain safety hazards on navigable waters to first obtain authorization, in the form of a permit, from the appropriate CGDC. The regulations require the CGDC or COTP to notify the applicant of any required changes to the proposed event or permit application, as necessary, to ensure safety of life on the navigable waters.

Similarly, pursuant to 33 CFR 100.35, the CGDC has authority to promulgate certain SLRs deemed necessary to ensure the safety of life on the navigable waters immediately before, during, and immediately after an approved regatta or marine parade. Such regulations may include a restriction on, or control of, the movement of vessels through a specified area immediately prior to, during, and immediately after the marine event.

Laughlin is an unincorporated town in Clark County, Nevada and falls under the jurisdiction of the Las Vegas Metropolitan Police Department. Police protection in Bullhead City is provided by the Bullhead City Police Department. The 2016 Bullhead City River Regatta, which had 30,158 registrants, resulted in 5 arrests: 3 for disorderly conduct, 1 for disorderly conduct per domestic violence and resisting arrest, and 1 for DUI and possession of marijuana. At the same 2016 event, the Bullhead City Fire Department responded to 96 calls for service at four different event locations, with 31 persons transported to the hospital. The majority of patients were treated for alcohol, dehydration, and seizure-related incidents. Other event participants were treated in the first-aid trailer at Rotary Park for injuries including alcohol induced altered mental status,

heat exposure, chest pain, near drowning (1), ankle sprains (2), leg and arm injuries, seizures, and migraine. (Bullhead City Police Department 2016)

Public Health

Past events have resulted in substantial amounts of refuse and human waste being discharged into the River. Arizona Revised Statutes Title 13, Criminal Code Sec. 13-1603. Criminal littering or polluting, establishes that a person commits criminal littering or polluting if the person without lawful authority “throws, places, drops or permits to be dropped on public property or property of another that is not a lawful dump any litter, destructive or injurious material that the person does not immediately remove.” Criminal littering or polluting is a class 6 felony if the act is a knowing violation and the amount of litter or other prohibited material or substance exceeds 300 pounds in weight, a class 1 misdemeanor if the act is a knowing violation in which the amount of litter or prohibited material or substance is more than 100 pounds in weight but less than 300 pounds in weight, or a class 2 misdemeanor if the act is not otherwise punishable under the prior conditions. Criminal littering would be enforced by local law agencies, including the Bullhead City Police Department and Las Vegas Metropolitan Police Department.



Garbage left at end of route following 2016 Bullhead City Regatta

3.3.2 Environmental Consequences

Proposed Action

The MEP issued to Marnell Gaming LLC, would contain all applicable and necessary measures to ensure safety of the waterway. Similarly, the enforcement of the SLR would ensure that unauthorized vessels are excluded from the event area. Issuance of an MEP and enforcement of the SLR would ensure there no significant impacts to public health and safety from navigational concerns.

As described in Section 2.1, the Sponsor would participate in the development of a CMPSP with the Bullhead City Police Department, and other participating agencies, to ensure adequate police and other public services are available during the event.

The Sponsor would also implement an AMP to ensure the Laughlin River Regatta is safe for all participants. The AMP establishes Event rules to minimize risky or harmful behavior, and minimizing the potential for issues associated with excessive alcohol

consumption. The Sponsor’s staff working the event will be tasked with enforcing the event rules, monitoring conduct and communicating information to appropriate parties regarding alcohol related issues. The Sponsor proposes to utilize the AMP to address any issues that may arise with respect to excessive alcohol consumption and intoxication, which may include the removal of a participant violating event rules. Local law enforcement and other public safety partners established through the CMPSP would also be on site to help enforce laws and ensure general public safety.

The event start locations are at Davis Camp, Riverside parking lot, Pioneer parking lot or Harrah’s parking lot. The Sponsor’s staff working in these areas will observe and enforce the rules of the event prior to any launch. Any participant in violation of the safety and conduct rules will not be allowed to float and may be ejected from the event. The event ends at Rotary Park. The Sponsor’s staff working this area will assist participants after landing and will observe/report any participant who seems to be intoxicated. The report of an intoxicated participant will be directed to one of the public safety partner(s) for assessment and action. If a participant is in need of medical attention, the Sponsor will have a triage area with physicians and nurses, or public safety partners established through the CMPSP would be available to transport the individual to an area hospital.

To address the potential for participants defecating in the River, the Sponsor will stage 86 porta potties at designated entry and exit points along the event route, in addition to existing facilities at these locations, as shown below.

Restroom Facilities Available during the Proposed Event

Location	Facilities Available
Davis Camp	31 porta potties plus existing facilities
Riverside Parking	2 porta potties
Big Bend Park	4 porta potties plus existing facilities
Rotary Park	52 porta potties plus existing facilities

Finally, the Sponsor will implement the ETMP to address the public health concern from trash, the Sponsor will employ trash teams on the shoreline and on the water during and after the event to clean up any refuse dumped into the River. In addition, the River cleanup program that the Sponsor will initiate through seed money would have long-term benefits for trash removal in the River, including removal of any trash residue from the proposed event, trash from other River users, or trash entering the River from surrounding urban land uses.

No Action Alternative

Under the No Action Alternative, the Coast Guard would not issue a MEP or establish an SLR. Should an informal event take place, there would be fewer or no controls on participants. Refuse from an informal event would not be cleaned up and could have

adverse impacts on public health. Participants would not be restricted from risky behavior, or public safety services readily available to assist, which could result in adverse impacts to public safety resources. Should no event take place, there would no impacts to public health and safety.

3.4 Water Quality

3.4.1 Affected Environment

In June 1974, Congress enacted the Colorado River Basin Salinity Control Act, Public Law 93-320, which created a program to protect the water quality of the Colorado River. In 1975, the EPA approved water quality standards developed by the seven basin states in response to the Federal Water Pollution Control Act (now known as the CWA). The standards included numeric criteria for three stations on the main stem of the lower Colorado River (below Hoover Dam, below Parker Dam, and at Imperial Dam) and created a plan to control salinity increases. Nevada and Arizona cooperate with the federal agencies in order to reduce salinity and total dissolved solids (TDS).

Pursuant to the CWA, other surface water quality standards exist for the protection and improvement of Colorado River water quality for different types of beneficial use. This means that water destined for agricultural use has different water quality standards than drinking water. Examples of other beneficial uses include recreation involving water contact. Water quality standards include, but are not limited to temperature, pH, total phosphates, dissolved oxygen, and turbidity. The Environmental Protection Agency (EPA) does not have published water quality criteria under the Clean Water Act for trash or approved testing methodologies for trash to be evaluated as a pollutant, but does not prohibit local jurisdictions from establishing criteria and listings for trash. Previous events resulted in the accumulation of waste along the shore lines of the event and at the event end point and further down river. The accumulation of trash was due to event participants not properly managing the trash generated.

The Clean Water Act requires all states to submit a Section 303(d) list to EPA every two years. This list identifies water bodies where current pollution controls are insufficient to attain water quality standards. The 303(d) listing identifies the impaired and threatened water bodies and the pollutant or pollutants of concern for that water body. Each state's 303(d) list helps establish priorities for the development of total maximum daily load (TMDL). The event will occur on an 11-mile stretch of the Colorado River that has not been designated as Section 303(d) Impaired water body, including due to fecal coliform (ADEQ 2018). As such, no TMDL has been established by the State.

The Coast Guard enforces the Clean Water Act, including sections 301 and 311, which prohibit the unpermitted discharge of a pollutant from a point source into the navigable waters of the United States. Under 33 USC 1329, the Clean Water Act requires states to establish and enforce programs regulating nonpoint sources of pollution entering into

navigable waters of the United States. To the extent such nonpoint discharges into the Colorado River are regulated, the responsible regulatory agencies are: Arizona Department of Environmental Quality; Colorado River Regional Water Quality Control Board (California), and; Nevada Division of Environmental Protection, Bureau of Water Quality Planning.

3.4.2 Environmental Consequences

Proposed Action

Trash and human wastes generated during the event could impact the water quality of the River. To limit impacts to water quality, the event sponsor has developed and will implement an ETMP, as described previously in Section 2.1. As proposed by the event sponsor, participants will be forbidden from releasing trash or fecal matter during their recreational use of the river. To achieve that promise, the event sponsor will require participants to wear a 2018 Laughlin Regatta wristband and have a closable bag for trash. Any participant found dumping trash in the river would be subject to a fine, removal from the event, and/or arrest by local authorities. The event Sponsor will employ trash teams on the shore and on the water to address/capture any trash in the river as it comes by that area. The ETMP details methods and personnel that would be employed as a redundant measure to compensate for people that violate state littering laws, including Arizona Law 13-1603 Criminal Littering. Within 5-days of the Event's conclusion, the event sponsor will complete a final river cleanup event, if necessary, to detail all Event route areas. This post-Event process will include efforts to clean the shoreline and river bottom from both the land and water. Upon request, the Sponsor would also send trash mitigation teams to address any trash or refuse issues resulting from the Event.

In addition to the ETMP, the AMP would establish rules for the event, as described previously in Section 2.1, which would reduce potential for trash to be carried onto the river or discarded in the River along the event route. The Sponsor would also seed and support, through future event fees, a long-term River cleanup program. These programs would reduce potential litter in the River and along the shoreline, and further avoid or mitigate for impacts to water quality.

The participants also have the potential to impact the waterway through the addition of human waste (urine or feces). Event rules and Sponsor staff would prohibit event participants from exiting the River other than at these points to prevent participants from defecating on the shorelines. In addition to existing restroom facilities at the parks that would be designated start or take out locations, the Sponsor would provide additional bathroom facilities, as shown previously in Section 3.3.2.

Despite Sponsor controls, it is assumed that with 22,000 participants, some human waste (urine or feces) would be deposited into the River. While this is distasteful and to be avoided from a public health standpoint, the volume of human waste introduced to the

waterway would be negligible compared to the total volume of water flowing. Historical data from the US Geological Survey monitoring station below the Davis Dam indicate the average flow of the water in the month of August ranges from approximately 14,000 to 18,000 cubic feet per second. The expected flow rate would quickly dilute the expected amount of human waste.

Under current judicial interpretations of the Clean Water Act, neither people nor animals are a “point source” under the Clean Water Act when urinating or defecating while wading, swimming, or tubing in a navigable waters of the United States. To the extent such actions are nonpoint source discharges the applicable regulatory agencies are the state agencies managing nonpoint source pollution.

Due to the temporary nature of the event and the mitigation efforts proposed, the proposed event would not have a significant impact on water quality.

No Action Alternative

Under the No Action Alternative, the Coast Guard would not issue a MEP or establish an SLR. Should an informal event take place, there would be little or no control the discharge of trash or human waste into the River. Should an informal event take place, there would likely be less trash and human waste due to smaller numbers of people; however due to a lack of control on existing the River, the effects could potentially be greater on land than under the Proposed Action.

There would also be no safety plan implemented by local law enforcement and the impacts to public health and safety could be greater, depending on the number of people participating in the informal event.

Should no event take place, there would no impacts on water quality.

3.5 Transportation

3.5.1 Affected Environment

Laughlin and Bullhead City are primarily served by Arizona State highways 68 and 95, and Nevada State Highway 163. Highway 95 is the primary route along the River between the start and finish locations for the Event. Other local city streets, such as Riverview Drive and Marina Boulevard, provide connections between the Event finish at Rotary Park and Highway 95. On the Nevada side, the Needles Highway provides access to the Big Bend of the Colorado State Recreation Area. Level of service for roadways and intersections are generally good except at specific sites during peak periods (e.g., bridge between Laughlin and Bullhead City), and on weekends when large events are planned.

Parking is readily available in the Bullhead City and Laughlin area. Parking is associated with the parks (including David Camp, Big Bend, and Rotary parks), at local casinos or hotels, at other parking lots (including the Riverside parking lot proposed to be used by the Sponsor), on streets, and at other locations in the area.

3.5.2 Environmental Consequences

Proposed Action

Traffic. Based on past events, participants are likely to come from out of the area and would arrive and depart at different times in the days before and after the event. Traffic would be distributed over time and across the roadway system, and is not likely to substantially impact roadway or intersection level of service. Traffic would be most concentrated during early morning hours before the event starts and the late afternoon hours after the event ends. Participants would start at different locations and different times, and rely on different parking locations. Similarly, at the conclusion of the event, participants would leave the area at different times and return to different parking areas.

Marnell Gaming will also contract with a transportation management company for 105 commercial, 55-passenger, charter busses to bus participants back to Davis Camp from the event terminus at Rotary Park. This measure would reduce vehicle traffic during the peak event periods.

Lastly, local law enforcement agencies would manage traffic flow in accordance with a transportation plan as part of the CMPSP. Large events on the weekends, with the associated pulse of traffic, are typical in the Laughlin and Bullhead City area.

While the increased number of vehicles could result in short-term, localized traffic congestion, these impacts are expected to be short term and insignificant.

Parking. Most participants are expected to park on the Laughlin, Nevada side of the River in the hotel parking lots and garages. Participants will be bussed to the event start area by a fleet of 105 dedicated event busses (discussed further below). There are over 10,000 parking spaces in the immediate Laughlin area. The Sponsor will also provide parking at the event start area at Davis Camp (2,301 spaces), and at the River exit area at Rotary Park (approximately 1,950 additional spaces) under the Sponsor's Park Rental agreements with Mohave County and Bullhead City. In addition to these over 14,251 parking spaces, Marnell Gaming is licensing the use of approximately 2,000 additional parking spaces at existing parking areas on the Arizona side of the River. It is anticipated that most participants would share vehicles with other participants. In 2016, with over 30,000 participants, parking never exceeded availability at any of the parks or hotels. As such, parking is expected to be adequate for the event.

No Action Alternative

Under the No Action Alternative, the Coast Guard would not issue a MEP or establish an SLR. Should an informal event take place, there would be fewer or no controls on participants. Access to and from the River would be on an adhoc basis, with no transportation management, busing, or other controls. Such uncontrolled traffic, if there were a substantial number of people involved, could have short-term, but less than significant impacts on transportation. Should no event take place, there would no impacts to transportation systems.

3.6 Recreation

3.6.1 Affected Environment

The Lower Colorado River is heavily used for recreation. Recreational boating accounts for a large number of users on the River, with peak concentrations likely to occur on weekends. Recreational boating as described in this section includes small motorized pleasure craft (i.e., power boats), large motorized pleasure craft, and personal water craft. Non-motorized uses also occur, including kayakers, paddleboarders, and swimmers.

The shoreline of the Lower Colorado River is also heavily used by on-shore recreational users, including beach uses, fishing, bird watching, etc. These users would be primarily concentrated in parks along the event route, or beyond, including parks that would be used by the proposed event such as Davis Camp Park operated by Mojave County Parks (event start), Big Bend of the Colorado State Park operated by Nevada State Parks, (event midpoint stop), and Rotary Park operated by the city of Bullhead City (event terminus). Parks or other recreational sites beyond the event terminus include Havasu National Wildlife Refuge.

3.6.2 Environmental Consequences

Proposed Action

Under the Proposed Action, recreational vessels such as powerboats and personal watercraft would be prohibited from entering the regatta course during the event. These types of vessels would have access to other portions of the River and the exclusion would only occur on the day of the event from 6:00 am to 6:00 pm. Non-motorized personal watercraft, such as kayaks, and swimmers may still be able to enter the River at various locations along the Event route. The Event would have minor impacts on the quality of the recreational experience due to the large number of people that would be on the River during the Event, but alternative locations are available for other recreational users that would allow them to avoid the Event.

The proposed Event would directly impact the recreational use of Davis Camp, Big Bend, and Rotary parks by displacing other park users. The Sponsor has received, or will have received, all permits and approvals from park administrators for use of these facilities prior to the Event. While the use of these facilities by event participants would burden them and possibly displace other users, the event would be noticed prior to the event, which would allow other users to seek alternative recreational sites if desired, and the use for the Event would be short-term.

Indirect impacts on recreational users downriver of the proposed event could result from possible accumulation of trash from the event. The Sponsor would implement an ETMP to prevent trash from being discharged into the river and capture any trash that is discharged. In addition, the Sponsor would patrol below the event terminus to retrieve any trash that is not captured, and would respond, upon request, to any reports of trash downriver of the event.

Potential impacts to recreational users along the River would be short-term and minor.

No Action Alternative

Under the No Action Alternative, the Coast Guard would not issue a MEP or establish an SLR. Should an informal event take place, there would be fewer or no controls on participants. There would be no restriction on recreational use and as such, there could potentially be incompatible - and unsafe - recreational users in the area (motorized and non-motorized users). Should no event take place, there would no impacts to recreational uses.

3.7 Cumulative Impacts

A cumulative impact is defined as “the impact on the environment which results 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 such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” (40 CFR Part 1508.7)

3.7.1 Projects Considered

Other Recreational Uses

The section of the Colorado River where the proposed Event would occur is heavily used by other recreational users. Motorized recreational vessels are frequent users along the section of the River where the Event would occur. While motorized vessels would not be permitted on the portion of the River during the Event, motorized vessels would use

stretches of the River above and below this stretch of the River before, during, and after the proposed Event.

The River above, below, and along the Event route, would be accessible to non-motorized users (e.g., kayaks, swimmers) before, during, and after the Proposed Event from private property or other public lands. As such there may be additional recreational users along the proposed event route; these users would not subject to the Event rules or prohibitions.

Coast Guard Permitted Marine Events

Along the stretch of River where the Event would occur, the Coast Guard has only permitted two events in the past: the Bullhead City Regatta – the predecessor of the current Event - and the Epic Dam River Challenge.

The Laughlin Regatta could be an annual event, occurring at approximately the same time and in the same location each year. In future years the event Sponsor could potentially seek to increase the number of participants to no more than 25,000.

The Epic Dam River Challenge is a fundraising event that occurred in October 2016 and 2017 that involved approximately 50 participants in no more than 25 watercraft (inflatable rafts, kayaks, canoes) traveling the Colorado River from Davis Dam in Laughlin, Arizona to Parker Dam over a period of four days. The Coast Guard has not received a permit application for this event in 2018.

The Coast Guard has permitted in the past, and will likely be requested to permit in the future, marine events in sections of the Colorado River above and below the proposed event location. Permitted events are primarily power boat events in Lake Havasu.

Other Events in the Area

Laughlin and the Bullhead City are largely tourist dependent economies that sponsor large events almost every weekend to attract visitors. These events include, as examples, concerts, motorcycle rallies, and sporting events. These types of events would generally present traffic and public safety concerns that would have to be managed by event sponsors and local law enforcement agencies. These events and are not typically centered on use of the River, but recreational use of the River would usually be associated with these events.

Projects in the Area

Clark County is proposing to construct a four-lane bridge between Bullhead City and Laughlin at the terminus of the Bullhead Parkway near Mohave Crossing Shopping Center. Construction is expected to begin in early 2019 and is expected to take 18 to 24 months.

3.7.2 Evaluation of Cumulative Impacts

Biological Resources

The proposed action and other cumulative actions would have no significant cumulative impacts on federally listed or protected species, or sensitive habitat.

Most protected species or sensitive habitat are not found within an action area so would not be directly impacted by the proposed action and would not contribute to any direct cumulative impact. Protected species that do occur in the action area would be minimally affected by the proposed action and the Proposed Action would contribute to only a minor cumulative impact.

The analysis in Section 3.1.1 indicates that species that may occur in or downriver from the action area could be affected by ingestion or entanglement in plastic or other waste. This stressor is unlikely to result in injury or mortality to an individual and certainly would not have any population level impacts. Implementation of trash mitigation plans would reduce this impact. Furthermore, the Sponsors' commitment to implementation of a long-term trash cleanup program would further address cumulative impacts of trash deposition from this and other events or activities that result in trash deposition in the River. The incremental contribution of the Proposed Action to cumulative impacts would be negligible.

For these reasons, cumulative impacts to biological resources are not anticipated to be significant from the implementation of the proposed action and other cumulative projects in the area.

Cultural Resources

The proposed action and other cumulative actions would have no significant cumulative impacts on cultural resources. Past, present, and future development and human uses in the area may have cumulative impacts on cultural resources, including direct impacts to cultural sites from human disturbance and changes to the context of culturally significant sites; however, the proposed event would be very limited in duration and would not contribute to any significant, long-term cumulative impacts. .

Water Quality

The proposed action and other cumulative actions would have no significant cumulative impacts on water quality. The proposed event could result in short-term impacts to water quality from trash and human waste deposited in the River; however, materials would be mostly benign and would not adversely affect water quality, impacts would be very limited in duration, and the Sponsor's trash mitigation programs would reduce water quality impacts. Water flows would dilute any human waste such that long-term water

quality standards would not be violated. Changes in water quality would not be measurable, and therefore the incremental contribution of Proposed Action to cumulative impacts would be insignificant.

Public Health and Safety

The proposed action and other cumulative actions would have no significant cumulative impacts public health and safety. The proposed event could result in short-term impacts to public health and safety due to trash and safety concerns from such a large event. These impacts would be very limited in duration and would be mitigated through Sponsor sponsored programs and therefore the event would not contribute to any long-term, significant cumulative impacts on public health and safety.

The impacts of the Proposed Action on public health and safety would be negligible and is not expected to contribute incrementally to cumulative health and safety impacts.

Transportation

The proposed action and other cumulative actions would have no significant cumulative impacts on transportation. The proposed event could result in short-term traffic impacts; however, the event is sort so impacts would be limited in duration, participants would be expected to arrive over several days so impacts would be limited in intensity, and the Sponsor and local law enforcement would undertake transportation measures to reduce traffic. The proposed action would therefore not contribute to any long-term, significant cumulative traffic impacts.

Recreation

The proposed action and other cumulative actions would have no significant cumulative impacts on recreation. The proposed action is a recreational use of the River and thus, while it would limit some types of recreation, it would also provide for another. The changes in recreational patterns in the area would be very limited in duration and would not have a cumulatively significant impact on recreational use of the River or surrounding areas.

Chapter 4

Comparative Analysis

This section compares the impacts of the Proposed Action and No Action Alternative.

Resource Area	Proposed Action	No Action Alternative
Biological Resources	Less than significant impacts to listed or protected species, or sensitive habitat	No impacts, or potential for less than significant impacts from informal event
Cultural Resources	Less than significant impacts to cultural resources.	No impacts, or potential for less than significant impacts from informal event
Water Quality	Less than significant impacts to water quality	No impacts, or potential for less than significant impacts from informal event
Public Health and Safety	Less than significant impacts to public health and safety	No impacts, or potential for less than significant impacts from informal event
Transportation	Less than significant impacts to transportation	No impacts, or potential for less than significant impacts from informal event
Recreation	Less than significant impacts to recreation	No impacts, or potential for less than significant impacts from informal event

Chapter 5

List of Persons and Agencies Contacted during Preparation of this EA

The following persons or agencies were contacted during preparation of this EA:

Marnell Gaming LLC

- Mr. Padraic McCoy

Fort Mojave Indian Tribe

- Mr. Timothy Williams
- Ms. Nora McDowell
- Ms. Charlotte Knox
- Mr. Chris Harper
- Mr. Steve McDonald (attorney for FMIT)
- Mr. David Wolff (attorney for FMIT)
- Other Tribal members

US Fish and Wildlife Service

- Ms. Jessica Gwinn – Ecological Services
- Mr. Glenn Klingler - Havasu Wildlife Refuge

Arizona State Historic Preservation Office

- Ms. Katheryn Leonard, SHPO
- Ms. Ann Howard
- Mr. James Cogswell

California State Historic Preservation Office

- Ms. Julianne Polanco, SHPO
- Mr. Ed Carroll

Nevada State Historic Preservation Office

- Ms. Rebecca Palmer, SHPO
- Ms. Jessica Axsom

Bullhead City, Arizona

- Mr. Toby Cotter - City Manager

Advisory Council on Historic Preservation

National Park Service, Lake Mead National Recreation Area

Chapter 6

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