NOTICE OF REGULAR COUNCIL MEETING

In accordance with § 38-431.02 of the Arizona Revised Statutes of the State of Arizona, notice is hereby given to the Members of City Council and to the general public that the Mayor and Council of the City of San Luis, Arizona will hold a Regular City Council meeting at 7:00 p.m., Wednesday, February 9, 2022. The meeting will take place at the City Council Chambers, located at 1090 E. Union Street, San Luis, Arizona, 85349.

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment of employment in its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities or services contact: ADA/Section 504 Coordinator, City of San Luis Human Resources Department, 1090 E. Union Street, San Luis, Arizona, 85349; (928) 341-8520.

Notice is hereby given that pursuant to A.R.S. § 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recordings. Parents in order to exercise their rights may either file written consent with the City Clerk to such recordings, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. § 1-602.A.9 have been waived.

THIS NOTICE IS GIVEN BY:

/s/ Sonia Cornelio, City Clerk

AVISO DE JUNTA REGULAR

De acuerdo con los Estatutos del Estado de Arizona A.R.S. § 38-431.02, se le informa a los miembros del Cabildo y al público en general que el Alcalde y el Cabildo, tendrán una Junta Regular a las 7:00 p.m., el día Miercoles, 9 de Febrero del 2022. La junta se llevará a cabo en la Sala del Cabildo, ubicada en el 1090 E. Union Street, San Luis, Arizona, 85349.

De acuerdo con el Acta de Americanos con Discapacidades y la Sección 504 del Acta de Rehabilitación del 1973, la Ciudad de San Luis, Arizona no discrimina por causa de discapacidad la admisión y acceso a sus programas, actividades, servicios o en el trato en cuanto a empleo. Para más información referente a derechos y provisiones del Acta de Americanos con Discapacidades o Sección 504, o para solicitar adaptaciones que sean razonables para la participación en programas, actividades o servicios de la Ciudad, contactar al: Coordinador del Acta de Americanos con Discapacidades/Sección 504, Departamento de Recursos Humanos de la Ciudad de San Luis, Arizona, ubicado en el 1090 E. Union Street, San Luis, Arizona, 85349; (928) 341-8520.

Por medio de este aviso y de acuerdo con los Estatutos del Estado de Arizona A.R.S § 1-602.A.9, sujeto a ciertas excepciones reglamentarias, los padres de familia tienen el derecho de dar el consentimiento ante el Estado o cualquiera de sus subdivisiones políticas para hacer una grabación de audio o video de su hijo menor de edad. Las juntas del Cabildo se graban en audio y/o video y como resultado, el hecho de que haya menores presentes puede ser sujeto a que sean grabados. Para que los padres de familia puedan ejercer sus derechos pueden dar el consentimiento por escrito con la Secretaria de la Ciudad a tal grabación, o tomar acción personal para asegurarse que su hijo menor no esté presente cuando la grabación se lleve a cabo. Si un menor de edad está presente en el momento de la grabación, la Ciudad asumirá que los padres de familia están cediendo los derechos sobre una posible grabación de acuerdo con los Estatutos del Estado de Arizona A.R.S. § 1-602.A.9.

ESTE AVISO ES DADO POR:

/f/ Sonia Cornelio, Actuaria de la Ciudad

AMENDED ON 2/08/2022
AGENDA
Regular Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
February 9, 2022
7:00 p.m.

The February 9, 2022 Regular Council meeting, for the safety of the public during the COVID-19 pandemic, will not have in-person attendance for members of the public. However, members of the public may listen to the meeting's live audio stream on the City of San Luis website https://sanluisaz.gov/listenlive. Recordings of the meetings will be available on the city's website https://sanluisaz.gov/listenlive after the meeting.

Public comment will be limited to the public hearing on **Item #6.C. -** Public Hearing followed by discussion and possible action on any and all matters regarding the recommendation of the Liquor License Application submitted to the Arizona Department of Liquor Licenses and Control by Jesus Alberto Ortiz Franco on behalf of Mariscos El Navegante located at 840 E. D Street, San Luis, Arizona. . The city will receive public comments by email at cityclerksoffice@sanluisaz.gov for City Council's consideration any time before the meeting and during the meeting, which is scheduled to start at 7:00 p.m. on Wednesday, February 9, 2022. Any email comments received will be read aloud into the record.

Open meetings conducted remotely through technological means are permissible under the March 13, 2020, Arizona Attorney General opinion titled, "Re: Concerns Relating to Arizona's Open Meeting Law and COVID-19" and following the Mayor's March 13, 2020, Continued Declaration of Emergency and Amended Order-Coronavirus Disease-19 and City Council's Order 2020-7 which closed all city buildings and facilities (except the Municipal Court) to public access.

PLEASE TAKE NOTICE THAT MEMBERS OF THE CITY COUNCIL WILL ATTEND EITHER IN PERSON, TELEPHONE, OR VIDEO CONFERENCE COMMUNICATION. THE MAYOR OR ACTING MAYOR FOR THIS MEETING MAY CHANGE THE ORDER OF THE ITEMS; IF AUTHORIZED BY LAW AND BY A MAJORITY VOTE OF A QUORUM OF CITY COUNCIL MEMBERS PRESENT, AN EXECUTIVE SESSION WILL BE HELD IMMEDIATELY FOLLOWING THE VOTE IN ACCORDANCE WITH A.R.S. § 38-431.03(A) AND THE MEETING WILL BE TEMPORARILY RECESSED WHILE THE CITY COUNCIL RETIRES TO EXECUTIVE SESSION WHICH WILL NOT BE OPEN TO THE PUBLIC.

Por la seguridad del público durante la pandemia COVID-19, no habrá asistencia en persona para los miembros del público en la Junta Regular del Cabildo del 9 de Febrero del 2022. Sin embargo, los miembros del público pueden escuchar el audio en vivo de la reunión transmitido en el sitio web de la Ciudad de San Luis https://sanluisaz.gov/listenlive. Las grabaciones de las reuniones estarán disponibles en el sitio web de la ciudad https://sanluisaz.gov/listenlive después de la reunión.

Los comentarios publicos se limitaran a la audiencia publica sobre el **Asunto #6. C**. - Audiencia pública seguida de discusión y posible acción sobre todos y cada uno de los asuntos relacionados con la recomendación de la Solicitud de Licencia de Bebidas Alcohólicas presentada al Departamento de Licencias y Control de Bebidas Alcohólicas de Arizona por Jesús Alberto Ortiz Franco en nombre de Mariscos El Navegante ubicado en 840 E. D Street, San Luis, Arizona. La ciudad recibirá comentarios públicos por correo electrónico cityclerksoffice@sanluisaz.gov para consideración del Cabildo Municipal en cualquier momento antes de la reunión y durante la reunión, que está programada para comenzar a las 7:00 p.m. el miércoles 9 de Febrero del 2022. Cualquier comentario por correo electrónico recibido se leerá en voz alta para ser documentado.

Las reuniones abiertas realizadas de forma remota a través de medios tecnológicos están permitidas bajo la opinión del Fiscal General de Arizona del 13 de Marzo del 2020 titulada "Re: Preocupaciones relacionadas con Open Meeting Law de Arizona y COVID-19" y después de la Declaración de Emergencia Continua del 13 de Marzo del 2020 del alcalde y Orden modificada-Enfermedad de Coronavirus-19 y Orden del Ayuntamiento 2020-7 la cual cerró todos los edificios e instalaciones de la ciudad (excepto la Corte Municipal) al acceso público, para proteger la salud y la seguridad pública y reducir la transmisión de la Enfermedad de Coronavirus 2019 (COVID- 19).

TENGA EN CUENTA QUE LOS MIEMBROS DEL CABILDO DE LA CIUDAD ASISTIRÁN EN PERSONA, TELÉFONO O COMUNICACIÓN POR VIDEO CONFERENCIA. EL ALCALDE O VICE-ALCALDE DE ESTA REUNIÓN PUEDE CAMBIAR EL ORDEN DE LOS TEMAS; SI ESTÁ AUTORIZADO POR LA LEY Y POR MAYORÍA DE VOTOS DE UN QUÓRUM DE MIEMBROS DEL CABILDO PRESENTES, SE LLEVARÁ A CABO UNA SESIÓN EJECUTIVA INMEDIATAMENTE DESPUÉS DE LA VOTACIÓN DE ACUERDO CON LOS ESTATUTOS DEL ESTADO DE ARIZONA A.R.S. § 38-431.03 (A) Y LA REUNIÓN SERÁ TEMPORALMENTE RECESADA MIENTRAS EL CABILDO DE LA CIUDAD SE RETIRE A UNA SESIÓN EJECUTIVA QUE NO ESTARÁ ABIERTA AL PÚBLICO.

1. CALL TO ORDER/ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

4. PROCLAMATIONS

4. A. - Career Technical Education Month - February 2022

4. B. - SkillsUSA Week - February 7-11, 2022

5. CONSENT AGENDA
All matters are considered to be routine by the City Council and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

5. A. MINUTES OF
- Regular Council meeting held January 26, 2022

5. B. DISBURSEMENTS FROM JANUARY 18, 2022 THROUGH JANUARY 31, 2022
Total Disbursements $640,134.02
(Six Hundred Forty Thousand, One Hundred Thirty-Four Dollars and Two Cents)

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

6. A. Discussion and possible action on any and all matters regarding re-appointment of three (3) City of San Luis residents to serve on the City of San Luis Planning and Zoning Commission. **(Jose A. Guzman, Director of Planning and Zoning)**

6. B. Discussion and possible action on any and all matters regarding the approval to purchase Executime from Tyler Technologies. **(Derek Duenas, IT Manager)**

6. C. Public Hearing followed by discussion and possible action on any and all matters regarding the recommendation of the Liquor License Application submitted to the Arizona Department of Liquor Licenses and Control by Jesus Alberto Ortiz Franco on behalf of Mariscos El Navegante located at 840 E. D Street, San Luis, Arizona. **(Sonia Cornelio, City Clerk)**

A. Open Public Hearing
   1. Staff and/or applicant presentation
   2. Call to the public on this item
B. Close Public Hearing
C. Action on the recommendation of the Liquor License Application to the Arizona Department of Liquor Licenses and Control for Mariacos El Navegante.

6. D. Discussion and possible action on any and all matters regarding Order No. 2022-02. An order of the Mayor and City Council of the City of San Luis, Arizona authorizing American Rescue Plan Act (" ARPA") funds to respond to eligible employees who performed essential work during the COVID-19 public health emergency with premium pay, as authorized by ARPA and the U.S. Treasury's final rule issued January 27, 2022; repealing any conflicting provisions; providing for severability; and declaring an emergency. **(Lizandro Galaviz, Acting City Manager)**

6. E. Discussion and possible action on any and all matters regarding Order No. 2022-03. An order of the Mayor and City Council of the City of San Luis, Arizona authorizing public safety first responders emergency pay; repealing any conflicting provisions; providing for severability; and declaring an emergency. **(Mayor Gerardo Sanchez and Lizandro Galaviz, Acting City Manager)**

6. F. Discussion and possible action on any and all matters regarding Resolution No. 2208. A resolution of the Mayor and City Council of the City of San Luis, authorizing the submission of an application to the United States Department of Interior, Bureau of Reclamation to acquire federal right of way land and request authorization for construction of County 24 th St. between 10th Avenue and Avenue F-1/2 Roadway Project. **(Eulogio Vera, Director of Public Works)**

6. G. Discussion and possible action on any and all matters regarding Resolution No. 2209. A resolution of the Mayor and City Council of the City of San Luis, authorizing the submission of an application to the United States Department of Interior, Bureau of Land Management to acquire federal right of way land and request authorization for construction of County 24 th Street between 10th Avenue and Avenue F-1/2 Roadway Project. **(Eulogio Vera, Director of Public Works)**

7. SUMMARY OF CURRENT EVENTS
Events by Mayor, Council Members and/or City Manager pursuant to A.R.S. § 38-431.02 (K).

8. ADJOURNMENT

PROCLAMATION

Regular City Council Meeting **4. A.**

Meeting Date: 02/09/2022

Title:

- Career Technical Education Month - February 2022

Attachments

Proclamation

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Proclamation

Career and Technical Education Month
February 2022

WHEREAS, February 1-28, 2022 has been designated as Career and Technical Education Month by the Association for Career and Technical Education; and

WHEREAS, career and technical education offers students the opportunity to gain the academic, technical and employability skills necessary for true career readiness; and

WHEREAS, studens in career and technical education programs participate in authentic, meaningful experiences that improve the quality of their education and increase their engagement and achievement; and

WHEREAS, career and technical education provides students with career exploration opportunities earlier in their educational experience, which enables them to make informed and beneficial decisions about their academic coursework and pursue established programs of study and career pathways; and

WHEREAS, leaders from business and industry nationwide report increasing challenges related to addressing the skills gap and connecting qualified professionals with available careers in critical and growing CTE-related fields, including healthcare, energy, advanced manufacturing, cybersecurity and information technology; and

WHEREAS, career and technical education prepares students for these and other fulfilling careers by offering integrated programs of study that link secondary and postsecondary education and lead to the attainment of industry-recognized credentials; and

WHEREAS, career and technical education programs ensure that employers have access to qualified and thriving workforce, ensuring America is a strong competitive economy;

NOW, THEREFORE, I Gerardo Sanchez, Mayor of the City of San Luis, hereby proclaim February 2022 as Career and Technical Education Month, in the City of San Luis, Arizona and urge all citizens to become familiar with the services and benefits offered by the career and technical education programs in this community and to support and participate in these programs to enhance their individual skills and productivity.

PASSED AND ADOPTED this 9th day of February 2022.

Gerardo Sanchez, Mayor

ATTEST:

Sonia Cornelio, City Clerk

PROCLAMATION

Regular City Council Meeting **4. B.**

Meeting Date: 02/09/2022

Title:

- SkillsUSA Week - February 7-11, 2022

Attachments

Proclamation

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Proclamation

SkillsUSA Week
February 7-11, 2022

WHEREAS, February 7-11, 2022 has been designated by the SkillsUSA national association as SkillsUSA week; and

WHEREAS, profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational system; and

WHEREAS, career and technical education provides students with a school-to-careers connection and is the backhoe of a strong, well-educated workforce, which fosters productivity in business and industry and contributes to our leadership in the national and international marketplace; and

WHEREAS, career and technical education gives high school students experience in practical, meaningful applications of basic skills such as reading, writing, and mathematics, thus improving the quality of their education, motivating at-risk students, and giving all students leadership opportunities in their fields and their communities; and

WHEREAS, career and technical education offers individuals lifelong opportunities to learn new skills, which provide them with career choices and potential satisfaction; and

WHEREAS, the ever-increasing cooperative efforts of career and technical educators' business and industry stimulate the growth and vitality of our economy and that of the entire nation by preparing graduates for career fields forecast to experience the largest and fastest growth in the next decade;

WHEREAS, SkillsUSA – a national organization for students preparing for technical, skilled, and service occupations in high schools and colleges/technical schools – helps its members become world-class workers and responsible Americans; and

WHEREAS, SkillsUSA is preparing more than 365,000 students annually to be high-performance workers;

NOW, THEREFORE, I, Gerardo Sanchez, Mayor of the City of San Luis, do hereby proclaim the week of February 7-11, 2022 as SkillsUSA week in the City of San Luis and urge all its citizens to acquaint themselves with the purposes and activities of SkillsUSA and to give help and encouragement to the members who are working hard to achieve the goals that will make them outstanding skilled workers in our communities.

PASSED AND ADOPTED this 9th day of February 2022.

_____
Gerardo Sanchez, Mayor

ATTEST:

_____
Sonia Cornelio, City Clerk

AGENDA ITEM REVIEW FORM

Regular City Council Meeting **5. A.**

Meeting Date: 02/09/2022

Summary

MINUTES OF

- Regular Council meeting held January 26, 2022

Attachments

1/26/2022 RCM

M I N U T E S
Regular Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
January 26, 2022
7:00 p.m.

1. CALL TO ORDER/ROLL CALL

Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 7:00 p.m. Members of the City Council participated via Zoom for this meeting.

PRESENT: Mayor Gerardo Sanchez
Vice Mayor Africa Luna-Carrasco
Council Member Mario Buchanan Jr.
Council Member Luis Cabrera
Council Member Jose Ponce
Council Member Matias Rosales
Council Member Gloria Torres

OTHERS PRESENT: Lizandro Galaviz, Interim City Manager
Kay Macuil, City Attorney
Sonia Cornelio, City Clerk
Derek Dueñas, I.T. Manager
Eulogio Vera, Director of Public Works
Jorge Perez, Billing & Collections Manager
Jose Luis Cisneros, Executive Assistant
Ralph Velez, Consultant (via Zoom)
Richard Jessup, Chief of Police
Ruben Lopez, I.T. Techinician

2. PLEDGE OF ALLEGIANCE

Vice Mayor Africa Luna-Carrasco led the Pledge of Allegiance.

3. INVOCATION

Mr. Richard Jessup, Chief of Police, led the invocation.

4. CONSENT AGENDA

4. A. MINUTES OF

- Work Session held January 5, 2022
- Regular Council meeting held January 12, 2022

4. B. DISBURSEMENTS FROM JANUARY 4, 2022 THROUGH JANUARY 18, 2022
Total Disbursements $724,353.91
(Seven Hundred Twenty Four Thousand, Three Hundred Fifty - Three Dollars and Ninety - One Cents)

MOTION: Council Member Gloria Torres/Council Member Jose Ponce to approve the Consent Agenda as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

5. A. Discussion and possible action on any and all matters regarding authorization to purchase annual ammunition for the San Luis Police Department using fiscal year 2022 budgeted funds. (Richard Jessup, Chief of Police)

Mr. Richard Jessup, Chief of Police, stated that due to the pandemic the ammunition prices increased and there was no supply. He indicated that during the budget preparation process he will be requesting the same amount for the next fiscal year.

MOTION: Council Member Matias Rosales/Vice Mayor Africa Luna-Carrasco to approve the purchasing of ammuniction for the San Luis Police Department for a total amount not to exceed $57,000.00 as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. B. Discussion and possible action on any and all matters regarding a budget transfer for the Solid Waste Division to fund the depleted account for solid waste truck maintenance. (Eulogio Vera, Director of Public Works)

Mr. Eulogio Vera, Director of Public Works, indicated that as of January 18, 2022, the 70000-Vehicle Maintenance Account had already been over-executed by $4,287.84, and staff anticipates that an additional $40,000.00 will be required to sustain maintenance and repair activities through June 30, 2022. A budget transfer from one-

or-more other Solid Waste accounts would not be possible without crippling the ability to sustain other solid waste activities. The Public Works Department is, therefore, requesting a $40,000.00 budget increase for the 70000-Vehicle Maintenance from the Capital Outlay.

MOTION: Council Member Luis Cabrera/Vice Mayor Africa Luna-Carrasco to approve transferring $40,000.00 from the Capital Outlay – Improvement Roads Account to the Solid Waste 70000 – Vehicle Maintenance Account as presented in the fiscal impact. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. C. Discussion and possible action on any and all matters regarding the purchase of a light structure system with total light control LED technology for the East San Luis Community Park soccer fields. (Maria Angelica Roldan, Acting Director of Parks and Recreation)

Mr. Lizandro Galaviz, Interim City Manager, explained that this item is for the Musco Lighting System that will be established at the new east park for the two (2) soccer fields being developed. This is part of the Capital Improvement Projects (CIP) and staff is contemplating having this project completed by the end of the fiscal year.

MOTION: Council Member Gloria Torres/Council Member Jose Ponce to approve the purchase of lighting for the East San Luis Community Park Soccer Field not to exceed $45,000.00 as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. D. Discussion and possible action on any and all matters regarding awarding the bid to Tumex, Corp., DBA Specialty Electric, Inc. for the electrical installation project at the East San Luis Community Park. (Maria Angelica Roldan, acting Director of Parks and Recreation)

Mr. Lizandro Galaviz, Interim City Manager, stated that on December 17, 2021, the City of San Luis advertised the request for proposals for an electrical installation project for the East San Luis Community Park. Sealed bids were accepted at the City Clerk's Office on Thursday, January 13, 2022, until 3:00 pm. The City Clerk's Office received a total of three (3) proposals which include Tumex, Corp., D.B.A Specialty Electric, Inc., Westmoor Electric, Inc. and DMT Electric, LLC.

Tumex Corp., D.B.A., Specialty Electric, Inc. submitted a bid for $129,988.00, Westmoor Electric, Inc. submitted a quote for $138,853.05 and DMT Electric, LLC submitted a quote for $153,300.00.

Upon reviewing the bids, staff would like to request the City Council to award the contract to Specialty Electric, Inc. for the electrical installation project for the East San Luis Community Park as the lowest responsible bid.

MOTION: Council Member Luis Cabrera/Vice Mayor Africa Luna-Carrasco to award Specialty Electric, Inc. the contract in the amount of $129,988.00 as the lowest responsible bidder as presented. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

6. SUMMARY OF CURRENT EVENTS

Mayor Gerardo Sanchez reported that the City of San Luis held its vaccination clinic today and more people attended this event than previous ones.

Council Member Gloria Torres reported that Comite De Bien Estar began offering COVID-19 tests for members of the community and there has been a good turn-out.

Council Member Matias Rosales reported that on Monday he attended the Arizona State Transportation Board meeting in Yuma. During Call to the Public he represented the City of San Luis and emphasized the city's need to secure funds for the Cesar Chavez Boulevard expansion project.

7. EXECUTIVE SESSION

Vote to hold Executive Session pursuant to A.R.S. § 38-431.03(A) subsections (1), (3), and (4)Discussion and possible action to hold an executive session pursuant to A.R.S. §§ 38-431.03(A)(1), (3) and (4) on any and all matters relating to the

position and contract of the City Manager as delineated in the above-listed statutes and discussion and legal advice with the attorney or attorneys of the city regarding same. (Vice Mayor Africa Luna-Carrasco, Council Member Luis Cabrera and Council Member Gloria Torres)

MOTION: Council Member Gloria Torres/Vice Mayor Africa Luna-Carrasco to go into Executive Session at approximately 7:35 p.m. Motion passed with four (4) aye votes and three (3) nay votes.

The vote was as follows:

Mayor Gerardo Sanchez	Nay
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Nay
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Nay
Council Member Gloria Torres	Aye

8. MOTION TO GO BACK INTO REGULAR SESSION

MOTION: Vice Mayor Africa Luna-Carrasco/Council Member Jose Ponce to go back into Regular Session at approximately 8:12 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

9. DISCUSSION AND POSSIBLE ACTION ITEM:
Discussion and possible action on any and all matters regarding the position and contract of the City Manager. (Vice Mayor Africa Luna-Carrasco, Council Member Luis Cabrera and Council Member Gloria Torres)

MOTION: Council Member Luis Cabrera/Council Member Gloria Torres to increase the Acting City Manager's salary to $122,000.00 per year and also to direct staff to open the City Manager's position and come back to Council in the near future with recruitment companies that support of the recruitment of such position .
Motion passed with four (4) aye votes and three (3) nay votes. Mayor Gerardo Sanchez asked for a roll call vote.

The vote was as follows:

Mayor Gerardo Sanchez	Nay
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Nay
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Nay
Council Member Gloria Torres	Aye

10. ADJOURNMENT

MOTION: Council Member Luis Cabrera/Vice Mayor Africa Luna-Carrasco to adjourn the Regular Council meeting at approximately 8:13 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Africa Luna-Carrasco	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Luis Cabrera	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

APPROVED:

_____
Gerardo Sanchez, Mayor

ATTEST:

_____
Sonia Cornelio, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular City Council meeting of the City Council of the City of San Luis, Arizona, held on January 26, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

_____
Sonia Cornelio, City Clerk

AGENDA ITEM REVIEW FORM

Regular City Council Meeting **5. B.**

Meeting Date: 02/09/2022

Summary

DISBURSEMENTS FROM JANUARY 18, 2022 THROUGH JANUARY 31, 2022
Total Disbursements $640,134.02
(Six Hundred Forty Thousand, One Hundred Thirty-Four Dollars and Two Cents)

Attachments

Disbursements

City of San Luis
Finance Department

COUNCIL MEETING FEB 9, 2022
Disbursement Report from 1/18/2022 TO 1/31/2022

Bank Accounts	Check Date	Amount	Schedule
Payroll Check Account	1/19/2022	$ 380,742.97	Schedule A
Accounts Payable Check Account	1/20/2022	$ 133,617.17	Schedule B
Accounts Payable Check Account	1/27/2022	$ 125,773.88	Schedule C
	Total Disbursements:	**$ 640,134.02**	

Please contact Ms. Monica Castro prior to the meeting if additional information is needed.

Prepared by David A. Espitia: David Espitia

Verified by Director of Finance: _____

For Council approval on: _____

Mayor: _____

Council: _____

_____

_____

_____

_____

_____

RECEIVED
2022 JAN 31 P 12:55
CITY OF SAN LUIS
OFFICE OF THE CITY CLERK

Pay Day Register

Pay Date Range 01/01/22 - 01/14/22
Pay Batch 202202

PSPRS FIRE DB RATE - TIER 1b	1,275.32	10,946.94
PSPRS FIRE DB RATE - TIER 2	660.06	5,665.80
PSPRS FIRE DB RATE - TIER 3	4,846.07	48,753.13
PSPRS FIRE DC RATE - TIER 3	219.66	2,440.65
PSPRS FIRE DISABILITY RATE	21.48	2,440.65
PSPRS POLICE DB RATE - TIER	3,606.99	47,150.02
PSPRS POLICE DB RATE - TIER	2,322.45	19,935.26
PSPRS POLICE DB RATE - TIER 2	1,179.18	10,121.77
PSPRS POLICE DB RATE - TIER 3	3,019.24	30,374.56
STANDARD LIFE ADDTNL	1,094.18	.00
TRANSWESTERN MEXICAN	97.00	.00
U.S. MEX DENTAL - EE &	554.31	.00
U.S. MEX DENTAL - EE &	164.24	.00
UNITED WAY	14.00	.00
US & MEX DENTAL= FAMILY	589.26	.00
US & MEX HEALTH = C	5,551.26	.00
US & MEX HEALTH = FAMILY	6,749.94	.00
US & MEX HEALTH = SP	1,565.74	.00
VSP - VISION CHILDREN	227.15	.00
VSP - VISION FAMILY	356.95	.00
VSP - VISION SPOUSE	97.35	.00
Net	$380,742.97	

Monica Castro

Digitally signed by: Monica Castro
DN: CN = Monica Castro email = mcastro@sanluisaz.gov C = AD
Date: 2022.01.24 12:47:52 -07'00'

BUS COMPANY AND DRIVERS	168.83	3,058.41
CLERICAL OFFICE/ LIBRARY/	282.50	117,734.10
Electrician	60.29	1,920.00
FIREFIGHTERS & DRIVERS	6,614.18	139,245.53
GARBAGE/ ASH/ REFUSE	371.12	5,937.85
Homemaker Service	20.65	901.67
MUNICIPAL/ TOWN/	105.25	6,014.20
PARKS- NOC ALL EMPLOYEES	692.00	22,322.68
POLICE OFFICERS	5,373.12	113,118.82
RECREATION- ALL EMPLOYEES/	234.84	17,141.93
SEWAGE DISPOSAL/ PLANT	657.23	19,105.64
Street or Road Construction	1,872.29	21,203.57
WATERWORKS OPERATIONS	566.93	16,338.00
Total	$18,631.38	

Direct Deposits	Amount
1st Bank Yuma	28,821.89
ACADEMY BANK	2,287.16
Bank of America	200.00
Bankcorp	300.00
Charles Sch	200.00
Chase Bank	174,537.19
chase centro	1,150.18
Federal Credit Union	43,416.41
FF CREDIT UNION	2,714.61
FIREFIGHTER FIRST CREDIT UNION	8,657.40
MIT FEDERAL CREDIT UNION	427.61
National Bank	5,018.36
Navy Federal	24,540.08
NetSpend Corporation DD	120.00
NORTH ISLAND CREDIT UNION	727.96
Sunbank	1,519.83
THE FOOTHILLS BANK	809.62
USAA FEDERAL SAVING	1,230.66
VANTAGE WEST	1,644.27
WASHINGTON FEDERAL	1,849.27
Wells Fargo	79,081.70
WELLS FARGO CALE	1,059.44
Total	$380,313.64

Check $429.33

Schedule A

City of San Luis

Payment Register

From Payment Date: 1/20/2022 - To Payment Date: 1/20/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
1BYPAYABLE - 1st BY Accounts Payable									
Check									
100890	01/20/2022	Open			Accounts Payable	BORQUEZ, JESUS	$130.68		
100891	01/20/2022	Open			Accounts Payable	GAXIOLA, JESUS	$150.00		
100892	01/20/2022	Open			Accounts Payable	GONZALEZ, KAROLINA	$150.00		
100893	01/20/2022	Open			Accounts Payable	NAVARRO DUARTE, IMELDA	$76.00		
100894	01/20/2022	Open			Accounts Payable	O'FALLA, CRISTIAN	$108.00		
100895	01/20/2022	Open			Accounts Payable	RODARTE, RODRIGO	$108.00		
100896	01/20/2022	Open			Accounts Payable	URQUIJO, SALVADOR	$108.40		
100897	01/20/2022	Open			Accounts Payable	VERA, JOSE	$150.00		
100898	01/20/2022	Open			Accounts Payable	BALSINO, PETER, M	$6.85		
100899	01/20/2022	Open			Accounts Payable	CHARGO PA, GURSTEL	$26.95		
100900	01/20/2022	Open			Accounts Payable	FOP/ALC	$375.00		
100901	01/20/2022	Open			Accounts Payable	GARCIA & CORNEJO, SERGIO & OSCAR	$311.10		
100902	01/20/2022	Open			Accounts Payable	SAN LUIS POLICE OFFICERS ASSOC	$345.00		
100903	01/20/2022	Open			Accounts Payable	SUPPORT PAYMENT CLEARINGHOUSE	$3,099.56		
100904	01/20/2022	Open			Accounts Payable	UNITED WAY OF YUMA COUNTY INC.	$14.00		
100905	01/20/2022	Open			Accounts Payable	UNITED YUMA FIRE FIGHTERS ASSOC	$96.50		
100906	01/20/2022	Open			Accounts Payable	UNITED YUMA FIRE FIGHTERS-IAFF	$1,110.00		
100907	01/20/2022	Open			Accounts Payable	STANDARD INSURANCE COMPANY	$9,523.78		
100908	01/20/2022	Open			Accounts Payable	24/7 GET FIT LLC	$1,296.00		
100909	01/20/2022	Open			Accounts Payable	AAED	$100.00		
100910	01/20/2022	Open			Accounts Payable	APS/CLAIM #414-1352-AH	$50.00		
100911	01/20/2022	Open			Accounts Payable	ARVIZU VILLAR, GLORIA	$25.00		
100912	01/20/2022	Open			Accounts Payable	AUTOZONE STORES, INC	$576.93		
100913	01/20/2022	Open			Accounts Payable	BILL ALEXANDER FORD	$672.76		
100914	01/20/2022	Open			Accounts Payable	CANTERBURY DIAMOND LLC	$189.38		
100915	01/20/2022	Open			Accounts Payable	CERTIFIED LABORATORIES DIVISION	$196.51		
100916	01/20/2022	Open			Accounts Payable	CHAPMAN DCJR YUMA LLC	$780.53		
100917	01/20/2022	Open			Accounts Payable	CUEVAS, CHRISTIAN	$166.67		
100918	01/20/2022	Open			Accounts Payable	FBI-LEEDA	$300.00		
100919	01/20/2022	Open			Accounts Payable	GLOBAL EQUIPMENT COMPANY INC.	$2,657.39		
100920	01/20/2022	Open			Accounts Payable	HIGA, TRICIA, K	$153.75		
100921	01/20/2022	Open			Accounts Payable	IMAC ROCK AND LANDSCAPE LLC	$1,177.61		
100922	01/20/2022	Open			Accounts Payable	INTERNATIONAL ASSOC. FOR PROP/EVIDENCE	$395.00		
100923	01/20/2022	Open			Accounts Payable	IPS GROUP INC	$545.73		
100924	01/20/2022	Open			Accounts Payable	LAWSON PRODUCTS INC.	$16.83		
100925	01/20/2022	Open			Accounts Payable	LOWE'S HIW, INC.	$3,696.01		
100926	01/20/2022	Open			Accounts Payable	O'REILLY AUTO PARTS	$198.35		
100927	01/20/2022	Open			Accounts Payable	OFFICE DEPOT	$1,239.58		
100928	01/20/2022	Open			Accounts Payable	PIONEER TITLE AGENCY, INC	$400.00		
100929	01/20/2022	Open			Accounts Payable	PPEP INC.	$7,500.00		

Schedule B

City of San Luis

Payment Register

From Payment Date: 1/20/2022 - To Payment Date: 1/20/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
100930	01/20/2022	Open			Accounts Payable	QUINONEZ, FRANCISCO	$435.00		
100931	01/20/2022	Open			Accounts Payable	RESILITE SPORTS PRODUCTS INC	$4,921.00		
100932	01/20/2022	Open			Accounts Payable	SAFETY-KLEEN SYSTEMS, INC	$272.50		
100933	01/20/2022	Open			Accounts Payable	SAN LUIS AZ NEWS	$719.63		
100934	01/20/2022	Open			Accounts Payable	SAN LUIS AZ ROTARY CLUB	$159.00		
100935	01/20/2022	Open			Accounts Payable	SKAGGS COMPANIES, INC	$1,530.82		
100936	01/20/2022	Open			Accounts Payable	SOCIAL DEMICS LLC	$1,500.00		
100937	01/20/2022	Open			Accounts Payable	SOUTH YUMA COUNTY LANDFILL	$34,397.31		
100938	01/20/2022	Open			Accounts Payable	THOMSON WEST PUBLISHING CO.	$1,313.90		
100939	01/20/2022	Open			Accounts Payable	US POST MASTER	$1,771.89		
100940	01/20/2022	Open			Accounts Payable	ENERGIZED ENTERPRISES INC	$79.55		
Type Check Totals:					51 Transactions		$85,324.45		
EFT									
784	01/20/2022	Open			Accounts Payable	ALSCO, INC	$1,084.71		
785	01/20/2022	Open			Accounts Payable	AMBERLY'S PLACE	$4,180.79		
786	01/20/2022	Open			Accounts Payable	DESERT DOCUMENT SHREDDERS, LLC	$35.00		
787	01/20/2022	Open			Accounts Payable	DESERT VALLEY POWER SYSTEMS	$636.94		
788	01/20/2022	Open			Accounts Payable	DESERT WATER STORE INC	$76.84		
789	01/20/2022	Open			Accounts Payable	FRESH TERRA SERVICES LLC	$315.00		
790	01/20/2022	Open			Accounts Payable	HUMANE SOCIETY OF YUMA	$12,500.01		
791	01/20/2022	Open			Accounts Payable	KIMLEY-HORN AND ASSOCIATES INC	$5,774.64		
792	01/20/2022	Open			Accounts Payable	MAGU ENTERPRISE	$620.00		
793	01/20/2022	Open			Accounts Payable	R&M ELECTRIC SUPPLY LLC	$364.26		
794	01/20/2022	Open			Accounts Payable	RAMIREZ ADVISORS INTER-NATIONAL,LLC	$4,583.33		
795	01/20/2022	Open			Accounts Payable	REAL PURIFIED WATER LLC	$399.49		
796	01/20/2022	Open			Accounts Payable	RM GRAPHICS	$37.50		
797	01/20/2022	Open			Accounts Payable	RON TURLEY ASSOCIATES INC.	$1,233.85		
798	01/20/2022	Open			Accounts Payable	SAN LUIS INDUSTRIAL PARK, LLC	$3,329.70		
799	01/20/2022	Open			Accounts Payable	SAN LUIS WALK IN CLINIC, INC	$95.00		
800	01/20/2022	Open			Accounts Payable	SIMS MACKIN, LTD.	$400.00		
801	01/20/2022	Open			Accounts Payable	SMITH, RALPH E. SR.	$1,595.00		
802	01/20/2022	Open			Accounts Payable	STANDARD PRINTING COMPANY, INC	$816.74		
803	01/20/2022	Open			Accounts Payable	WESTERN SUN SYSTEMS, INC	$318.00		
804	01/20/2022	Open			Accounts Payable	YUMA SUN INC	$1,302.00		
805	01/20/2022	Open			Accounts Payable	YUMA TRUCK PARTS	$8,593.92		
Type EFT Totals:					22 Transactions		$48,292.72		

1BYPAYABLE - 1st BY Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	51	$85,324.45	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	51	$85,324.45	$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount

City of San Luis

Payment Register

From Payment Date: 1/20/2022 - To Payment Date: 1/20/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source		Payee Name	Transaction Amount	Reconciled Amount	Difference
					Open	22		$48,292.72	$0.00	
					Reconciled	0		$0.00	$0.00	
					Voided	0		$0.00	$0.00	
					Total	22		$48,292.72	$0.00	

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	73	$133,617.17	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	73	$133,617.17	$0.00

Grand Totals:

Checks	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**51**	**$85,324.45**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**51**	**$85,324.45**	**$0.00**

EFTs	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**22**	**$48,292.72**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Total	**22**	**$48,292.72**	**$0.00**

All	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**73**	**$133,617.17**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**73**	**$133,617.17**	**$0.00**

Oriana Duarte

Digitally signed by: Oriana Duarte
DN: CN = Oriana Duarte email = oduarte@sanluisaz.gov C = AD O = City of San Luis OU = Finance
Date: 2022.01.20 16:58:19 -07'00'

City of San Luis

Payment Register

From Payment Date: 1/24/2022 - To Payment Date: 1/27/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
1BYPAYABLE - 1st BY Accounts Payable									
Check									
100941	01/24/2022	Open			Utility Management Refund	BERNAL, DALIA E & JUAN	$179.99		
100942	01/24/2022	Open			Utility Management Refund	DHG CONSTRUCTION LLC C/O JAVIER QUIROZ	$2,236.75		
100943	01/24/2022	Open			Utility Management Refund	GARCIA, RICARDO	$122.61		
100944	01/24/2022	Open			Utility Management Refund	HERNANDEZ, HERIBERTO & MARIA F SAUCEDO	$168.79		
100945	01/24/2022	Open			Utility Management Refund	MARTINEZ-ONTIVEROS, LUCIA	$156.19		
100946	01/24/2022	Open			Utility Management Refund	MATA, MISAEL	$46.20		
100947	01/24/2022	Open			Utility Management Refund	RAMIREZ, MARIA S & ACUNA, ANTONIO	$96.17		
100948	01/24/2022	Open			Utility Management Refund	REYES, ALMA, O	$102.88		
100949	01/24/2022	Open			Utility Management Refund	VERA, EDGAR	$169.48		
100950	01/25/2022	Open			Accounts Payable	HERNANDEZ, JERRY	$400.00		
100951	01/27/2022	Open			Accounts Payable	24 KARAT JEWELERS	$4,238.16		
100952	01/27/2022	Open			Accounts Payable	AMERICAN PLANNING ASSOCIATION	$413.00		
100953	01/27/2022	Open			Accounts Payable	AMREP INC.	$1,242.93		
100954	01/27/2022	Open			Accounts Payable	ANGEL'S TOWING SERVICE/AUTO SALES	$450.00		
100955	01/27/2022	Open			Accounts Payable	ANGUIANO, RAYMUNDO	$200.00		
100956	01/27/2022	Open			Accounts Payable	ARIZONA BUSINESS & EDUCATION COALITION	$750.00		
100957	01/27/2022	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	$140.00		
100958	01/27/2022	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	$80.10		
100959	01/27/2022	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	$105.00		
100960	01/27/2022	Open			Accounts Payable	AZ STATE PRISON COMPLEX - YUMA	$89.00		
100961	01/27/2022	Open			Accounts Payable	B&H PHOTO & ELECTRONICS CORP.	$18.48		
100962	01/27/2022	Open			Accounts Payable	BALAR EQUIPMENT CORPORATION	$328.84		
100963	01/27/2022	Open			Accounts Payable	BILL ALEXANDER FORD	$1,536.18		
100964	01/27/2022	Open			Accounts Payable	BINGHAM EQUIPMENT CO	$51.22		
100965	01/27/2022	Open			Accounts Payable	BLT READY MIX CONCRETE LLC	$2,613.63		
100966	01/27/2022	Open			Accounts Payable	BORDER TRADE ALLIANCE	$10,000.00		
100967	01/27/2022	Open			Accounts Payable	BOUND TREE MEDICAL, LLC.	$2,358.15		
100968	01/27/2022	Open			Accounts Payable	CENTURYLINK	$9,690.06		
100969	01/27/2022	Open			Accounts Payable	CHAYRA, AXEL	$401.00		
100970	01/27/2022	Open			Accounts Payable	CITY OF SOMERTON	$346.81		
100971	01/27/2022	Open			Accounts Payable	CORDOVA, ROSALICIA	$25.00		

Schedule C

City of San Luis

Payment Register

From Payment Date: 1/24/2022 - To Payment Date: 1/27/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
100972	01/27/2022	Open			Accounts Payable	DESERT VALLEY SERVICES, INC	$789.75		
100973	01/27/2022	Open			Accounts Payable	DICK'S AUTO SALVAGE	$162.62		
100974	01/27/2022	Open			Accounts Payable	DUENAS, ADRIAN	$65.00		
100975	01/27/2022	Open			Accounts Payable	ELITE K-9, INC.	$179.95		
100976	01/27/2022	Open			Accounts Payable	FREGOSO, JESUS	$226.80		
100977	01/27/2022	Open			Accounts Payable	GUEVARA, ALAN	$160.00		
100978	01/27/2022	Open			Accounts Payable	INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE	$190.00		
100979	01/27/2022	Open			Accounts Payable	JCG TECHNOLOGIES INC.	$625.00		
100980	01/27/2022	Open			Accounts Payable	JESSUP , RICHARD	$150.00		
100981	01/27/2022	Open			Accounts Payable	LAWSON PRODUCTS INC.	$1,710.59		
100982	01/27/2022	Open			Accounts Payable	OFFICE DEPOT	$2,431.20		
100983	01/27/2022	Open			Accounts Payable	PETTY CASH/ ANGELICA CIFUENTES	$923.78		
100984	01/27/2022	Open			Accounts Payable	POLICE K-9 MAGAZINE	$1,180.00		
100985	01/27/2022	Open			Accounts Payable	QUINONES TIRES LLC	$75.00		
100986	01/27/2022	Open			Accounts Payable	QUINONEZ, FRANCISCO	$225.00		
100987	01/27/2022	Open			Accounts Payable	REYNOSO, NIGEL	$150.00		
100988	01/27/2022	Open			Accounts Payable	U.S. SAWS, INC.	$199.19		
100989	01/27/2022	Open			Accounts Payable	VERA, EULOGIO	$150.00		
100990	01/27/2022	Open			Accounts Payable	VERA, JOSE	$200.00		
100991	01/27/2022	Open			Accounts Payable	WAL-MART INC.C/O BANK OF AMERICA LOCK BOX	$7,650.66		
100992	01/27/2022	Open			Accounts Payable	WAL-MART RESTITUTION RECOVERY	$73.06		
100993	01/27/2022	Open			Accounts Payable	WAXIE SANITARY SUPPLY	$738.06		
100994	01/27/2022	Open			Accounts Payable	YUMA COUNTY PUBLIC HEALTH	$56.00		
100995	01/27/2022	Open			Accounts Payable	AB ROOFING EXPERTS INC	$26,144.44		
100996	01/27/2022	Open			Accounts Payable	ENGRAVING & AWARDS OF N.E. INC	$1,166.40		
100997	01/27/2022	Open			Accounts Payable	PASSIONIT GROUP, INC.	$698.00		
Type Check Totals:					57 Transactions		$85,077.12		
EFT									
807	01/27/2022	Open			Accounts Payable	AMAZON.COM SALES, INC.	$3,728.53		
808	01/27/2022	Open			Accounts Payable	ARIZONA WESTERN COLLEGE	$217.78		
809	01/27/2022	Open			Accounts Payable	BLT ASPHALT LLC	$2,715.83		
810	01/27/2022	Open			Accounts Payable	BRAY SALES INC	$4,442.68		
811	01/27/2022	Open			Accounts Payable	DESERT WATER STORE INC	$103.75		
812	01/27/2022	Open			Accounts Payable	FRESH TERRA SERVICES LLC	$315.00		
813	01/27/2022	Open			Accounts Payable	FRUTH GROUP INC	$1,788.53		
814	01/27/2022	Open			Accounts Payable	HEINFELD, MEECH & CO., P.C.	$9,300.00		
815	01/27/2022	Open			Accounts Payable	MASTER AUTO GLASS LLC	$2,226.44		
816	01/27/2022	Open			Accounts Payable	ORDUNO-CROUSE, CANDICE	$1,000.00		
817	01/27/2022	Open			Accounts Payable	PLOTTER DOCTORS, LLC	$333.56		
818	01/27/2022	Open			Accounts Payable	POLAR ICE LLC	$504.29		
819	01/27/2022	Open			Accounts Payable	RDO EQUIPMENT CO.	$1,074.33		
820	01/27/2022	Open			Accounts Payable	SOUTHERN TIRE MART LLC	$2,606.04		
821	01/27/2022	Open			Accounts Payable	SOUTHWEST SANITATION SERVICES, LLC	$330.03		
822	01/27/2022	Open			Accounts Payable	SPECTRUM BUSINESS	$175.23		

City of San Luis

Payment Register

From Payment Date: 1/24/2022 - To Payment Date: 1/27/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
823	01/27/2022	Open			Accounts Payable	ULINE, INC.	$3,895.11		
824	01/27/2022	Open			Accounts Payable	YUMA AUTO REBUILDERS LLC	$5,227.29		
825	01/27/2022	Open			Accounts Payable	YUMA SUN INC	$198.00		
826	01/27/2022	Open			Accounts Payable	YUMA TRUCK PARTS	$514.34		
Type EFT Totals:					20 Transactions		$40,696.76		

1BYPAYABLE - 1st BY Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	57	$85,077.12	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	57	$85,077.12	$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	20	$40,696.76	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Total	20	$40,696.76	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	77	$125,773.88	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	77	$125,773.88	$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	**57**	**$85,077.12**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**57**	**$85,077.12**	**$0.00**

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	**20**	**$40,696.76**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Total	**20**	**$40,696.76**	**$0.00**

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	**77**	**$125,773.88**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**77**	**$125,773.88**	**$0.00**

David Espitia

Digitally signed by: David Espitia
DN: CN = David Espitia email = despitia@sanluisaz.gov C = AD O = City of San Luis OU = Finance
Date: 2022.01.27 15:09:09 -07'00'

AGENDA ITEM REVIEW FORM

Regular City Council Meeting **6. A.**

Meeting Date: 02/09/2022

Department Head: Jose A. Guzman, Director of Planning & Zoning, Planning & Zoning Department

Submitted By: Jose A. Guzman, Director of Planning & Zoning, Planning & Zoning Department

Action Requested: Motion

ITEM:

Discussion and possible action on any and all matters regarding re-appointment of three (3) City of San Luis residents to serve on the City of San Luis Planning and Zoning Commission. **(Jose A. Guzman, Director of Planning and Zoning)**

SUMMARY:

Currently, seven (7) Commission Members are serving on the City of San Luis Planning and Zoning Commission:

Chairman Marco A. Pinzon
Vice-Chairman Veronica Zavala
Commission Member Javier Barraza
Commission Member Hugo Garcia
Commission Member Guillermina Fuentes
Commission Member Case W. Van Veen
Commission Member George Amaya

City Code Section 18.10.020 (E) Term of office. *The term of office of the members of the Commission shall be four years, with the terms of members so staggered that the terms of no more than three members shall expire on January 31 in any one year. The incumbent Commissioner shall continue to serve after their term of office has expired, until a successor has been appointed. In the event of a death, resignation, or removal from the Commission, a resident appointment by the City Council shall fill the vacancy, for the un-expired term.*

The following commission members' terms are expired:

Chairman Marco A. Pinzon
Vice Chairman Veronica Zavala
Commission Hugo Garcia

They would like to continue serving as commission members for another term. The new term expiration date will be January 31, 2026.

RECOMMENDATION / SUGGESTED MOTION:

A. I MOVE TO RE-APPOINT MARCO A. PINZON TO THE CITY OF SAN LUIS PLANNING AND ZONING COMMISSION WITH A TERM EXPIRATION OF JANUARY 31, 2026.

B. I MOVE TO RE-APPOINT VERONICA ZAVALA TO THE CITY OF SAN LUIS PLANNING AND ZONING COMMISSION WITH A TERM EXPIRATION OF JANUARY 31, 2026.

C. I MOVE TO RE-APPOINT HUGO GARCIA TO THE CITY OF SAN LUIS PLANNING AND ZONING COMMISSION WITH A TERM EXPIRATION OF JANUARY 31, 2026.

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:	N/A
CITY/STATE/FEDERAL FUNDS:	N/A
TOTAL:	N/A
BUDGETED AMOUNT:	N/A
AVAILABLE AMOUNT TO TRANSFER:	N/A
ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:	N/A

FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):

N/A

AGENDA ITEM REVIEW FORM

Regular City Council Meeting **6. B.**

Meeting Date: 02/09/2022

Department Head: Derek Duenas, IT Manager, Administration, Information Technology

Submitted By: Derek Duenas, IT Manager, Administration, Information Technology

Action Requested: Motion

ITEM:

Discussion and possible action on any and all matters regarding the approval to purchase Executime from Tyler Technologies. **(Derek Duenas, IT Manager)**

SUMMARY:

The Information Technology department is seeking approval to purchase Executime from Tyler Technologies for the total amount of $75,222 by using procurement code 3.05.020 (Exclusive Services). Executime will replace the City's existing time and attendance software and provide seamless integration with our ERP system. Executime is a web-based platform that is equipped with workflow, automation, and paperless capabilities to help streamline the payroll process. There has been an increase of approximately $11,000.00 to this project which was previously budgeted at $64,350.00, and we would like to use funds from an existing capital project "Cisco Umbrella" that will not be completed this year. The City of San Luis recently received a cybersecurity grant that provides cybersecurity services similar to the budgeted service "Cisco Umbrella".

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO APPROVE THE PURCHASE IN THE AMOUNT OF $75,222 TO PURCHASE EXECUTIME AND REMOVE THE CISCO UMBRELLA PROJECT FROM CAPITAL IMPROVEMENTS FOR THE REASONS PRESENTED.

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:	YES
CITY/STATE/FEDERAL FUNDS:	CITY
TOTAL:	$75,222
BUDGETED AMOUNT:	$64,350
AVAILABLE AMOUNT TO TRANSFER:	$26,820
ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:	Capital Outlay - off/comp othr 100-999-9000/ $142,245

FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):

This is a capital budget item. Previously budgeted at $64,350, but there has been an increase of approximately $11,000. IT currently has a capital project budgeted under the same gl account listed as "CISCO Umbrella" which will not be completed this year. The City of San Luis recently received a cybersecurity grant from the State of Arizona which has offered cybersecurity services similar to that of "CISCO Umbrella".

Attachments

Tyler Technologies Executime
Sole Source letter

Quoted By:	Robb Ann Hurst
Quote Expiration:	07/03/22
Quote Name:	City of San Luis, AZ - Software ExecuTime
Quote Description:	on-Premise (270 EE TA only)

Sales Quotation For:
City of San Luis
1090 E. Union St.
San Luis AZ 85349
Phone: +1 (928) 341-8522

Tyler Software and Related Services

Description	Qty	License	Hours	Module Total	Year One Maintenance
Human Resources Management					
ExecuTime Advanced Scheduling - Up to 150 Employees	1	$ 14,080	64	$ 14,080	$ 2,816
ExecuTime Time & Attendance - Up to 350 Employees	1	$ 22,525	128	$ 22,525	$ 4,505
TOTAL		**$ 36,605**	**192**	**$ 36,605**	**$ 7,321**

Professional Services

Description	Quantity	Unit Price	Extended Price	Maintenance
Remote Implementation	192	$ 163	$ 31,296	$ 0
TOTAL			**$ 31,296**	**$ 0**

Summary	**One Time Fees**	**Recurring Fees**
Total Tyler Software	$ 36,605	$ 7,321

Total Annual	$ 0	$ 0
Total Tyler Services	$ 31,296	$ 0
Total Third-Party Hardware, Software, Services	$ 0	$ 0
Summary Total	**$ 67,901**	**$ 7,321**
Contract Total	**$ 75,222**	

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held For six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval: _____ Date: _____

Print Name: _____ P.O.#: _____

All Primary values quoted in US Dollars

Tyler Software Discount Detail (Excludes Optional Products)

Description	License	Liense Discount	License Net	Maintenance Basis	Year One Maint Discount	Year One Maint Net
Human Resources Management						
ExecuTime Advanced Scheduling - Up to 150 Employees	$ 14,080	$ 0	$ 14,080	$ 2,816	$ 0	$ 2,816
ExecuTime Time & Attendance - Up to 350 Employees	$ 22,525	$ 0	$ 22,525	$ 4,505	$ 0	$ 4,505
TOTAL	**$ 36,605**	**$ 0**	**$ 36,605**	**$ 7,321**	**$ 0**	**$ 7,321**

Comments

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms:

- License fees for Tyler and third party software are invoiced upon the earlier of (i) deliver of the license key or (ii) when Tyler makes such software available for download by the Client;
- Fees for hardware are invoiced upon delivery;
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware;
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software available for download by the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the Agreement, with renewals invoiced annually thereafter in accord with the Agreement.
- Fees for services included in this sales quotation shall be invoiced as indicated below.
    - Implementation and other professional services fees shall be invoiced as delivered.
    - Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
    - Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will invoice Client the actual services delivered on a time and materials basis.
    - Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
    - If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
    - Notwithstanding anything to the contrary stated above, the following payment terms shall apply to services fees specifically for migrations: Tyler will invoice Client 50% of any Migration Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Unless otherwise indicated on this Sales quotation, annual services will be invoiced in advance, for annual terms commencing on the date this sales quotation is signed by the Client. If listed annual service(s) is an addition to the same service presently existing under the Agreement, the first term of the added annual service will be prorated to expire coterminous with the existing annual term for the service, with renewals to occur as indicated in the Agreement.
- Expenses associated with onsite services are invoiced as incurred.

Tyler's quote contains estimates of the amount of services needed, based on our preliminary understanding of the scope, level of engagement, and timeline as defined in the Statement of Work (SOW) for your project. The actual amount of services required may vary, based on these factors.

Tyler's pricing is based on the scope of proposed products and services contracted from Tyler. Should portions of the scope of products or services be altered by the Client, Tyler reserves the right to adjust prices for the remaining scope accordingly.

Unless otherwise noted, prices submitted in the quote do not include travel expenses incurred in accordance with Tyler's then-current Business Travel Policy.

Tyler's prices do not include applicable local, city or federal sales, use excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting. Installations are completed remotely but can be done onsite upon request at an additional cost.

In the event Client cancels services less than two (2) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client's behalf; and (ii) daily fees associated with the cancelled services if Tyler is unable to re-assign its personnel.

Implementation hours are scheduled and delivered in four (4) or eight (8) hour increments.
Tyler provides onsite training for a maximum of 12 people per class. In the event that more than 12 users wish to participate in a training class or more than one occurrence of a class is needed, Tyler will either provide additional days at then-current rates for training or Tyler will utilize a Train-the-Trainer approach whereby the client designated attendees of the initial training can thereafter train the remaining users.

May 17, 2021

Derek Duenas, IT Manager
City of San Luis, AZ
1090 E Union St.
San Luis, AZ 85349

RE: Sole Source Procurement/ Proprietary Clocks ExecuTime

Dear Mr. Duenas:

Please accept this letter as confirmation that Tyler Technologies, Inc. is the sole provider of the ExecuTime and New World ERP software. Additionally, Tyler is the only party authorized to support, and update or modify the software.

Tyler's ExecuTime software has been developed in conjunction with other Tyler products and is highly integrated with New World ERP in ways that other time and attendance systems are unable to provide.

Tyler is the sole developer and implementer of the ExecuTime and New World ERP software.

Please let me know if you have any additional questions.

Regards,

Robert Kennedy-Jensen
Senior Corporate Attorney

AGENDA ITEM REVIEW FORM

Regular City Council Meeting **6. C.**

Meeting Date: 02/09/2022

Department Head: Sonia Cornelio, City Clerk, City Clerk's Office

Submitted By: Sonia Cornelio, City Clerk, City Clerk's Office

Action Requested: Motion

ITEM:

Public Hearing followed by discussion and possible action on any and all matters regarding the recommendation of the Liquor License Application submitted to the Arizona Department of Liquor Licenses and Control by Jesus Alberto Ortiz Franco on behalf of Mariscos El Navegante located at 840 E. D Street, San Luis, Arizona. **(Sonia Cornelio, City Clerk)**

A. Open Public Hearing
   1. Staff and/or applicant presentation
   2. Call to the public on this item

B. Close Public Hearing

C. Action on the recommendation of the Liquor License Application to the Arizona Department of Liquor Licenses and Control for Mariacos El Navegante.

SUMMARY:

Mr. Jesus Alberto Ortiz Franco submitted a Liquor License Application to the Arizona Department of Liquor Licenses and Control. The notice and the application were posted in a conspicuous place at the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days pursuant to A.R.S. § 4-201. The City Clerk's office has not received any comments in favor of or against the application. Staff recommends approval of the recommendation to the Arizona Department of Liquor Licenses and Control for Mariscos El Navegante.

RECOMMENDATION / SUGGESTED MOTION:

A. I MOVE TO OPEN PUBLIC HEARING
   1. Staff presentation
   2. Call to the public on this item

B. I MOVE TO CLOSE THE PUBLIC HEARING

C. I MOVE TO RECOMMEND APPROVAL OF LIQUOR LICENSE APPLICATION TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL FOR MARISCOS EL NAVEGANTE AS PRESENTED

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:	No
CITY/STATE/FEDERAL FUNDS:	N/A
TOTAL:	N/A
BUDGETED AMOUNT:	N/A

AVAILABLE AMOUNT TO TRANSFER: N/A

ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE: N/A

FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):

There is no fiscal impact associated with this item.

Attachments

Notice and Application

NOTICE

APPLICATION TO SELL ALCOHOLIC BEVERAGES

DATE POSTED: January 12, 2022

A HEARING ON A LIQUOR LICENSE APPLICATION SHALL BE HELD BEFORE THE

City Hall

PLACE 1090 E. Union Street San Luis, AZ 85349 **DATE/TIME** February 9, 2022 @ 7:00 pm

HEARING DATES SUBJECT TO CHANGE, TO VERIFY CALL: 928-341-8520

THE LOCAL GOVERNING BODY WILL RECOMMEND TO THE STATE LIQUOR BOARD WHETHER THE BOARD SHOULD GRANT OR DENY THE LICENSE. THE STATE LIQUOR BOARD MAY HOLD A HEARING TO CONSIDER THE RECOMMENDATION OF THE LOCAL GOVERNING BODY. ANY PERSON RESIDING OR OWNING OR LEASING PROPERTY WITHIN A ONE-MILE RADIUS MAY CONTACT THE STATE LIQUOR BOARD IN WRITING TO REGISTER AS A PROTESTER. TO REQUEST INFORMATION REGARDING PROCEDURES BEFORE THE BOARD AND NOTICE OF ANY BOARD HEARINGS REGARDING THIS APPLICATION, CONTACT THE

STATE LIQUOR BOARD: **800 W. WASHINGTON, 5TH FLOOR, PHOENIX, AZ. 85007 (602) 542-9789**

INDIVIDUALS REQUIRING ADA ACCOMMODATIONS CALL - LOCAL GOVERNING BODY: 928-341-8520 City of San Luis STATE LIQUOR DEPT: (602) 542-9789

POST ONE COPY OF THE APPLICATION FORM BELOW THIS NOTICE.

State of Arizona
Department of Liquor Licenses and Control

Created 01/06/2022 @ 11:41:53 AM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	MARISCOS EL NAVEGANTE		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	840 E D STREET SAN LUIS , AZ 85349 USA		
Mailing Address:	PO BOX 5707 SAN LUIS , AZ 85349 USA		
Phone:	(928)627-5816		
Alt. Phone:	(928)336-8015		
Email:	FAOR1968@HOTMAIL.COM		

AGENT

Name:	JESUS ALBERTO ORTIZ FRANCO
Gender:	Male
Correspondence Address:	PO BOX 5707 SAN LUIS , AZ 85349 USA
Phone:	(928)336-8015
Alt. Phone:	
Email:	FAOR1968@HOTMAIL.COM

OWNER

Name:	MARISCOS EL NAVEGANTE LLC		
Contact Name:	JESUS ALBERTO ORTIZ FRANCO		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	L18191995	State of Incorporation:	AZ
Incorporation Date:	02/01/2013		
Correspondence Address:	PO BOX 5707 SAN LUIS , AZ 85349 USA		
Phone:	(928)336-8015		
Alt. Phone:			
Email:	FAOR1968@HOTMAIL.COM		

Officers / Stockholders

Name:	Title:	% Interest:
JESUS ALBERTO ORTIZ FRANCO	Member	100.00
JESUS EMMANUEL ORTIZ PAEZ	JOB # 179540	
SINTYA IVETH VIZCARRA ZAMORA	JOB # 179540	
CRISTIAN ALBERTO ORTIZ PAEZ	JOB # 179540	

MARISCOS EL NAVEGANTE LLC - Member

Name: JESUS ALBERTO ORTIZ FRANCO
Gender: Male
Correspondence Address: PO BOX 5707
SAN LUIS , AZ 85349
USA
Phone: (928)336-8015
Alt. Phone:
Email: FAOR1968@HOTMAIL.COM

MARISCOS EL NAVEGANTE LLC - JOB # 179540

Name: CRISTIAN ALBERTO ORTIZ PAEZ
Gender: Male
Correspondence Address: PO BOX 5707
SAN LUIS , AZ 85349
USA
Phone: (928)655-5193
Alt. Phone:
Email:

MARISCOS EL NAVEGANTE LLC - JOB # 179540

Name: SINTYA IVETH VIZCARRA ZAMORA
Gender: Female
Correspondence Address: PO BOX 5707
SAN LUIS , AZ 85349
USA
Phone: (928)388-2010
Alt. Phone:
Email:

MARISCOS EL NAVEGANTE LLC - JOB # 179540

Name: JESUS EMMANUEL ORTIZ PAEZ
Gender: Male
Correspondence Address: PO BOX 5707
SAN LUIS , AZ 85349
USA
Phone: (928)655-5193
Alt. Phone:
Email:

APPLICATION INFORMATION

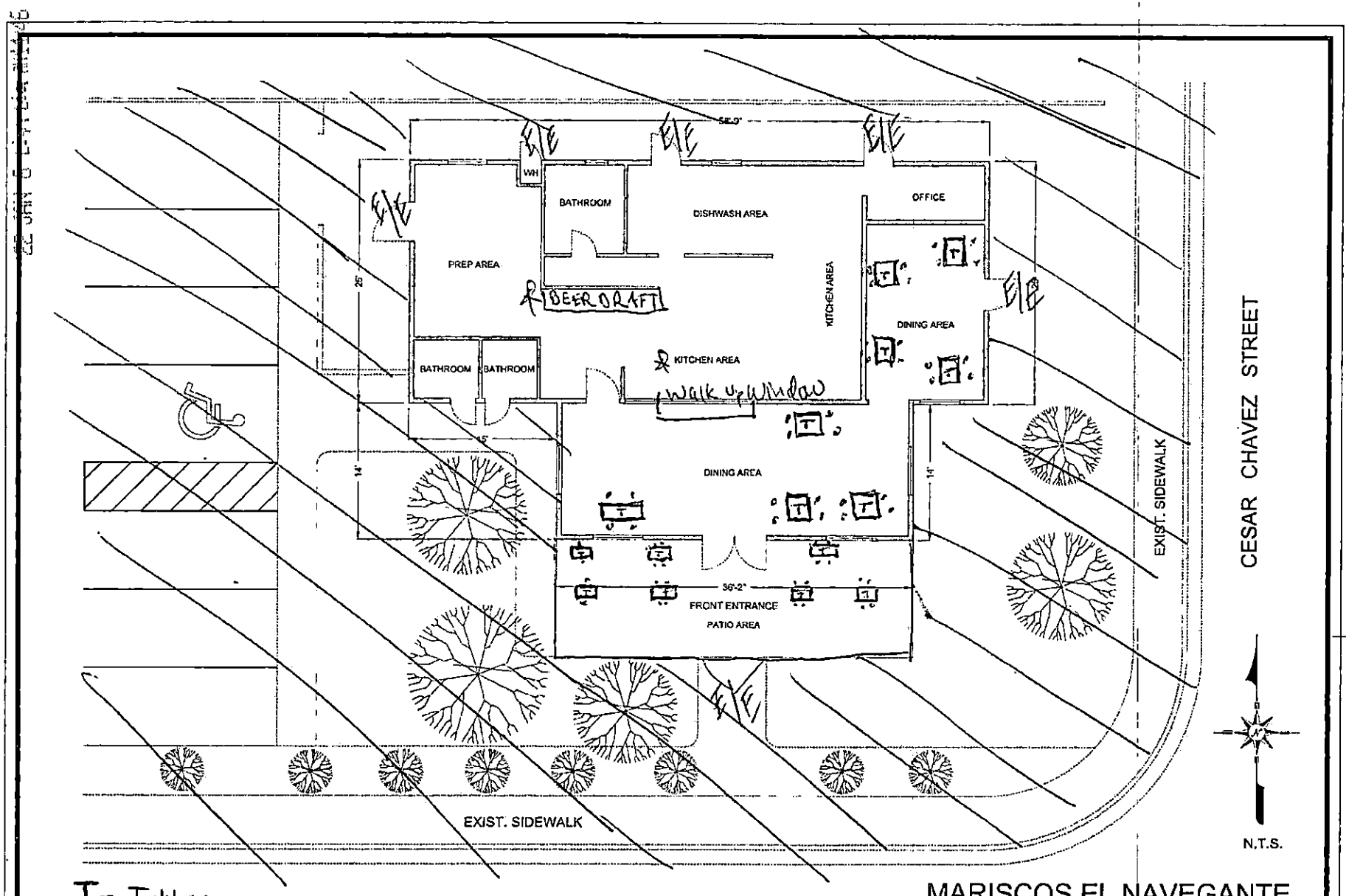
Application Number: 179540
Application Type: New Application
Created Date: 01/06/2022

CA

QUESTIONS & ANSWERS

012 Restaurant

1) Are you applying for an Interim Permit (INP)?
   No
2) Are you one of the following? Please indicate below.
   Property Tenant
   Subtenant
   Property Owner
   Property Purchaser
   Property Management Company
   Property Owner
3) Is there a penalty if lease is not fulfilled?
   No
4) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
5) What is the total money borrowed for the business not including the lease?
   Please list each amount owed to lenders/individuals.
   0
6) Is there a drive through window on the premises?
   Yes
7) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
   CONTIGUOS PATIO
8) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   No



T- Tablas

* Parking lot, Sidewalk & Tree Area not part of licensed premise CA.

MARISCOS EL NAVEGANTE
840 D STREET
SAN LUIS, ARIZONA, 85349

Total Sq Ft 3,074 ~

'21 DEC 2 Liqr. Lic. AM 8:30

November 29, 2021

RE: Mariscos El Navegante LLC Liquor License Application

To whom it may concern:

This letter is to verify that the reflecting name in the AZ Corporation Commission as Alberto Ortiz, is the same person listed in the liquor license application as Jesus Alberto Ortiz Franco.

My legal name is Jesus Alberto Ortiz Franco, but I go by Alberto Ortiz the way that was register in my LLC file in the AZ Corporation Commission.

If any addition clarification is needed you may contact me at 928 336-8015.

Thank you in advance,

Jesus Alberto Ortiz Franco

'21 NOV 12 AM 11:47 AZDLLC

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ, 85007-2934
www.azliquor.gov
(602) 542-5141

DLLC USE ONLY
Job #: 179540

RESTAURANT OPERATION PLAN

1. Name of restaurant (Please print): Mariscos El Navegante

2. List equipment below by Make, Model, and Capacity : **(PROVIDE THE FOLLOWING ITEMS ONLY, NO ATTACHMENTS)**

Grill	(1) Avantco-Unknown Model- Capacity:16"x24"/(1)Pitco SG14-S Gas Fryer-40lb capacity.
Oven	Microwave Panasonic-Unknown Model-5lb Capacity.
Freezer	(1) Advantedge-F49-S-Unknown capacity/ (2) Igloo FRF925-SM-8.86cu.ft
Refrigerator	(2)Avantco 178A49RGHC Unknown capacity ---True/GDM-26-HCTSL01/Unknown capacity.
Sink	(1) Ecolab S2000 Unknown capacity
Dish Washing Facilities	Capacity 8ft x 10ft
Food Preparation Counter (Dimensions)	Counter wide: 32" Long:80"
Other	(1) Cold seafood bar Make:TRUE TSSU-72-3084- 72"-- (1)Avantco Stove with 4 burners model unknown.

3. Attach a copy of your full menu **including prices**
(examples: Breakfast, Lunch, Dinner, and Nonalcoholic beverages).

4. List the **seating capacity** for:

   a. Restaurant dining area of your premises: **(Do not include patio seating)** [28]

   b. Bar area of your premises: [+ 0]

   c. Total dining and bar seating capacity of your premises: [= 28]

5. What Type of dinnerware and utensils are utilized within your restaurant?

   ☐ Reusable ☐ Disposable ☑ Both

6. Does your restaurant have a bar area that is distinct and separate from the dining area? ☐ YES ☑ No

   (If yes, what percentage of the public floor space does this area cover?) _____%

7. What percentage of your public premises is used primarily for restaurant dining?

   (Do not include kitchen, bar, hi-top tables, or game area.) 100 %

Individuals requiring ADA accommodations call (602) 542-9027.

8. Does your restaurant contain any games, televisions, or any other entertainment? ☑ YES ☐ No
(If yes, specify what types and how many (examples: 4-TV's, 2-Pool Tables, 1-Video Game, etc.)

6 TV's

9. Do you have live entertainment or dancing? ☐ YES ☑ No
(If yes, what type and how often 8.5
example: DJ-2 x a week, Karaoke-2 x a month, Live Band-1 x a month, etc.)

10. Use space below to list how many employees for each position to fully staff your business.

Position	How many
Cooks	6
Bartenders	0
Hostesses	0
Managers	2
Servers	0
Other (Waiters/Waitress)	9
Other (Dishwashers)	2
Other ( )	0

I, Jesus Alberto Ortiz Franco, hereby declare that I am the APPLICANT filing this application. I have read this application and the contents and all statements true, correct and complete.

X _____
(Signature of APPLICANT)

NOTARY

State of Arizona County of Yuma

The foregoing instrument was acknowledged before me this 22nd day of October 2021
Day Month Year

My Commission Expires on: 04/01/2025
Date

Evelyn Silva
Signature of Notary Public

Notary Public State of Arizona
Yuma County
Evelyn Silva
My Commission Expires 04/01/2025
Commission Number 600417

Individuals requiring ADA accommodations call (602) 5[illegible]

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

RECORDS REQUIRED FOR AUDIT
Applies to Series 11 (Hotel/Motel W/Restaurant) & Series 12 (Restaurant) Only

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH YOUR DLLC RECORDS

In the event of an audit, you will be asked to provide to the Department any documents necessary to determine compliance with A.R.S. §4-205.02(G). Such documents requested may include however, are not limited to:

1. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.
2. A list of ***all*** food and liquor vendors
3. The restaurant menu used during the audit period
4. A price list for alcoholic beverages during the audit period
5. Mark-up figures on food and alcoholic products during the audit period
6. A recent, ***accurate*** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
7. Monthly Inventory Figures - beginning and ending figures for food and liquor
8. Chart of accounts (copy)
9. Financial Statements-Income Statements-Balance Sheets
10. General Ledger
    - A. Sales Journals/Monthly Sales Schedules
        1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
        2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
        3) Dated Guest Checks
        4) Coupons/Specials/Discounts
        5) Any other evidence to support income from food and liquor sales
    - B. Cash Receipts/Disbursement Journals
        1) Daily Bank Deposit Slips
        2) Bank Statements and canceled checks
11. Tax Records
    - A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
    - B. Income Tax Return - city, state and federal (copies)
    - C. Any supporting books, records, schedules or documents used in preparation of tax returns
12. Payroll Records
    - A. Copies of all reports required by the State and Federal Government
    - B. Employee Log (A.R.S. §4-119)
    - C. Employee time cards (actual document used to sign in and out each work day)
    - D. Payroll records for all employees showing hours worked each week and hourly wages

Individuals requiring ADA accommodations please call (602)542-9027

13. Off-site Catering Records (must be complete and separate from restaurant records)

A. All documents which support the income derived from the sale of food off the license premises.

B. All documents which support purchases made for food to be sold off the licensed premises.

C. All coupons/specials/discounts

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH A.R.S. §4-210(A)7 AND A.R.S. §4-205.02(G).

A.R.S. §4-210(A)7

The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

A.R.S. §4-205.02(G)

For the purpose of this section:

1."Restaurant" means an establishment which derives **at least forty percent (40%)** of its gross revenue from the sale of food
2."Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises, regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

NOTARY

I, (Print Full Name) Jesus A Ortiz Franco, have read and understand all aspects of this statement

X (Signature) _____
Controlling Person / Agent

State of Arizona County of Yuma
the foregoing instrument was acknowledged before me this

22nd (Day) of October (Month) 2021 (Year)

My commission expires on: 04/01/2021

Evelyn Sil
Signature of NOTARY PUBLIC

Notary Public State of Arizona
Yuma County
Evelyn Silva
My Commission Expires 04/01/2025
Commission Number 600417

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE

DEC 2 Liqr. Lic. AM 8:30

Tacos

Tacos de camaron $2.50
Camaron empanizado preparado con repollo y tomate

Tacos de pescado $2.25
Pescado empanizado preparado con repollo y tomate

Tacos de marlin $2.50
Atun ahumado estilo marlin preparado con repollo

Tacos navegante $2.99
combinacion de marlin con camaron o pescado empanizado, preparado con repollo y un toque de crema chipotle

Tacos gobernador $3.25
camaron o pescado empanizado sobre un chile california con queso, sobre la tortilla banado en salsa ranchera

Tacos ala plancha $3.50
Camaron o pescado cocinado directamente en la plancha preparado con repollo y tomate

Tacos mixto $2.99
Incluye una pieza de camaron y una de pescado empanizado preparado con repollo y tomate


Taco de camaron


Taco gobernador


Quesadilla navegante

Quesadillas

Quesataco $3.50
camaron o pescado empanizado sobre una tortilla con queso monterrey preparado con repollo y tomate

Quesadilla Marlin $3.25
quesadilla doble de atun ahumado estilo marlin

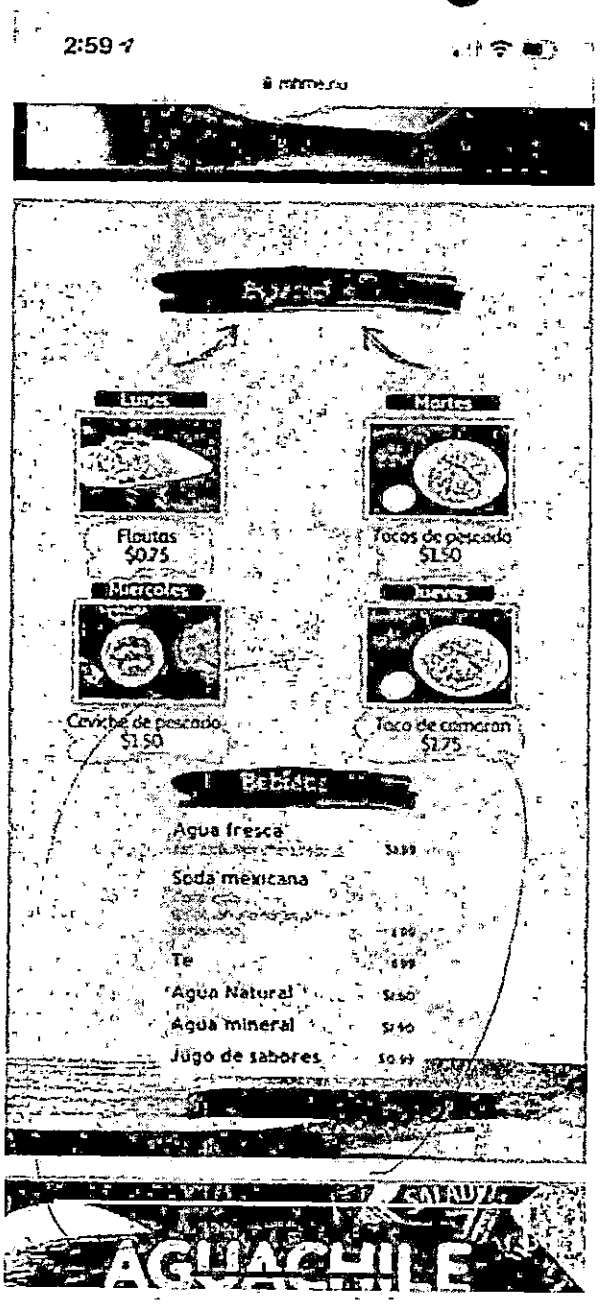
Quesadilla navegante $3.99
quesadilla doble de atun ahumado estilo marlin Con camaron y pulpo

Quesadilla de camaron $3.99
quesadilla doble de camaron cocido

Quesadilla sencilla $0.99



'21 DEC 2 Liq. Lic. AM 8:30



'21 NOV 12 AM 11:47 AZDLLC

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

QUESTIONNAIRE

A.R.S.§4-202, 4-210
Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks. 805.111

ATTENTION APPLICANT: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL $13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 179546

1. **Check the Appropriate Box** →

☑ Controlling Person	☑ Agent	☐ Premises Manager (complete all questions except #12)

2. Name: Ortiz Franco Jesus Alberto (Last / First / Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Driver License#: [redacted] State: Arizona

4. Place of birth: Ciudad Morelos, Baja California, Mexico (City / State / COUNTRY (not county)) Height: 5'11" Weight: 230 Eyes: Blue Hair: Brown

5. Name of current/most recent spouse: Ortiz Felisitas P (Last / First / Middle) Birth Date: [redacted] (NOT a public record)

6. Are you a bona fide resident of Arizona? ☑ Yes ☐ No If yes, what is your date of residency: 2008

7. Daytime telephone number: 928-336-8015 E-mail address: faor1968@hotmail.com

8. Business Name: Mariscos El Navegante Business Phone: 928/627/5816

9. Business Location Address: 840 D St, San Luis, Az, Yuma, 85349 (Street (do not use PO Box) / City / State / County / Zip)
East C St

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
02/2013	CURRENT	Owner	Mariscos El Navegante. 840 D St, San Lus, Az, 85349

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: *A.R.S. §4-202(D)*

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
2009	CURRENT	[redacted]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14.** ☑ Yes ☐ No

13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☑ Yes ☐ No

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐ Yes ☑ No

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) *A.R.S.§4-202,4-210* ☐ Yes ☑ No

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐ Yes ☑ No

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☑ No

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☑ No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.
CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

I (Print Full Name) Jesus A Ortiz Franco hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: _____ State of Arizona County of Yuma

The foregoing instrument was acknowledged before me this

My Commission Expires on: 04/01/2025 (Date)

22nd (Day) Day of October (Month) 2021 (Year)

Notary Public State of Arizona
Yuma County
Evelyn Silva
My Commission Expires 04/01/2025
Commission Number 600417

Evelyn Silva
Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: Jesus Alberto Ortiz Franco **SIGNATURE:** _____

Individuals requiring ADA accommodations please call (602)542-2999

State of Arizona
Department of Liquor Licenses and Control
800 W. Washington 5th Floor
Phoenix, AZ 85007
(602) 542-5141

'22 JAN 6 Liq. Lic. AM11:47

ARIZONA STATEMENT OF CITIZENSHIP OR ALIEN STATUS FOR STATE PUBLIC BENEFITS

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.

Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

SECTION I – APPLICANT INFORMATION

INDIVIDUAL OWNER/AGENT NAME (Print or type) Jesus Alberto Ortiz Franco

SECTION II – CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States? ☑ Yes ☐ No

If **Yes,** indicate place of birth:

City Ciudad Morelos State (or equivalent) Baja California Country or Territory Mexico

If you answered **Yes,** 1) Attach a legible copy of a document from the attached list.

2) Name of document: Certificate of Naturalization
Go to Section IV.

If you answered **No,** you must complete Section III and IV.

SECTION III – ALIEN STATUS DECLARATION

'22 JAN 6 L9:L0C.M1147

To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

_____

Name of document provided

Qualified Alien Status (8 U.S.C.§§ 1621(a)(1),-1641(b) and (c))

☐ 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)

☐ 2. An alien who is granted asylum under Section 208 of the INA.

☐ 3. A refugee admitted to the United States under Section 207 of the INA.

☐ 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.

☐ 5. An alien whose deportation is being withheld under Section 243(h) of the INA.

☐ 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.

☐ 7. An alien who is a Cuban/Haitian entrant.

☐ 8. An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States.

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

☐ 9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

Alien Paroled into the United States for Less Than One Year (8 U.S.C. § 1621(a)(3))

☐ 10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C § 1621(c)(2)(A) and (C)

☐ 11. A nonimmigrant whose visa for entry is related to employment in the United States, or

☐ 12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 *et seq.*];

☐ 13. A foreign national not physically present in the United States.

Otherwise Lawfully Present

☐ 14. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. § 1621(a).

SECTION IV - DECLARATION

'22 JAN 6 DIV. LIC. #11147

All applicants must complete this section.
I declare under penalty of perjury under the laws of the state of Arizona that the answers and evidence I have given are true and correct to the best of my knowledge.

Jesus Alberto Ortiz Franco
Individual Owner/Agent Printed Name

Individual Owner/Agent Signature

11-9-21
Today's Date

EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

Evidence showing authorized presence in the United State includes the following:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification card.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)
4. A United States certificate of birth abroad.
5. A United States passport. ***Passport must be signed***
6. A foreign passport with a United States visa.
7. An I-94 form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood.
12. A tribal or bureau of Indian affairs affidavit of birth.
13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

Certificate # AHP1012021

'21 NOV 12 AM 11:47 AZDLLC

Certificate of Completion
For
Title 4 **BASIC** Liquor Law Training

- ☐ On-sale
- ☐ Off-sale
- ☒ On- and off-sale

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

The State requires BASIC Title 4 training only as a prerequisite for MANAGEMENT Title 4 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed at the base of this Certificate. Licensees sometimes require BASIC Title 4 Training a condition of employment.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Jesus Alberto Ortiz Franco
Full Name (please print)

Signature

October 1, 2021
Training Completion Date

October 1, 2024
Certificate Expiration Date
(three years from completion date)

Training Provider Information

AATF – All-Star Alcohol Awareness
Company Name

P.O. Box 6252, Chandler, Arizona 85246
Mailing Address

(480) 664-0389
Daytime Contact Phone Number

I, Antonia Hurley Perry, certify that the above named individual did successfully complete
Instructor Name (please print)
Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Antonia Hurley Perry
Instructor Signature

1 / 10 / 2021
Day / Mo / Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

In-state Microbrewery (series 3)	Government (series 5)	Bar (series 6)	Beer & Wine Bar (series 7)
Conveyance (series 8)	Liquor Store (series 9)	Private Club (series 14)	Hotel/Motel w/restaurant (series 11)
Restaurant (series 12)	In-state Farm Winery (series 13)		Beer & Wine Store (series 10)

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

Certificate # AHP1012021

'21 NOV 12 AM 11:47 AZDLLC

Certificate of Completion
For
Title 4 **MANAGEMENT** Liquor Law Training

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Basic Title 4 training is a prerequisite for MANAGEMENT Title 4 training. A valid Certificate of Completion for BASIC Title 4 training must be on file at the Department of Liquor and satisfactory completion of a State-approved BASIC Title 4 course must be verified by the training provider prior to issuing a Certificate of Completion for MANAGEMENT Title 4 training.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Jesus Alberto Ortiz Franco

Full Name (please print)

Signature

October 1, 2021	October 1, 2024
Training Completion Date	Certificate Expiration Date (three years from completion date)

Training Provider Information

AATF – All-Star Alcohol Awareness

Company Name

P.O. Box 6252, Chandler, Arizona 85246

Mailing Address

(480) 664-0389

Daytime Contact Phone Number

I, Antonia Hurley Perry, certify that the above named individual did successfully complete

Instructor Name (please print)

Title 4 MANAGEMENT Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Antonia Hurley Perry

Instructor Signature

1 / 10 / 2021

Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

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Conveyance (series 8)	Liquor Store (series 9)	Private Club (series 14)	Hotel/Motel w/restaurant (series 11)
Restaurant (series 12)	In-state Farm Winery (series 13)		Beer & Wine Store (series 10)

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'21 NOV 12 AM 11:47 AZDLLC

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

QUESTIONNAIRE

A.R.S.§4-202, 4-210
Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks. 805.111

ATTENTION APPLICANT: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

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QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL $13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 179540

1. **Check the Appropriate Box** →

☐ Controlling Person ☐ Agent ☑ Premises Manager (complete all questions except #12)

2. Name: Ortiz Paez Cristian Alberto (Last / First / Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Driver License#: [redacted] State: Arizona

4. Place of birth: San Luis Rio Colorado, Mexico (City / State / COUNTRY (not county)) Height: 5'08" Weight: 230 Eyes: Black Hair: Black

5. Name of current/most recent spouse: (Last / First / Middle) Birth Date: ___/___/___ (NOT a public record)

6. Are you a bona fide resident of Arizona? ☑ Yes ☐ No If yes, what is your date of residency: 2001

7. Daytime telephone number: 928-655-5193 E-mail address: NONE

8. Business Name: Mariscos El Navegante Business Phone: 928/627/5816

9. Business Location Address: 840 D St, San Luis, Az, Yuma, 85349 (Street (do not use PO Box) / City / State / County / Zip)
East CA. Yuma

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
02/2013	CURRENT	Manager	Mariscos El Navegante. 840 D St, San Luis, Az 85349

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: *A.R.S. §4-202(D)*

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
01/2009	CURRENT	[redacted]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14.** ☐ Yes ☐ No

13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☑ Yes ☑ No

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐ Yes ☑ No

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) *A.R.S.§4-202,4-210* ☐ Yes ☑ No

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐ Yes ☑ No

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☑ No

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☑ No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

I (Print Full Name) Gristian A. Ortiz Paez hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: _____ State of Arizona County of Yuma

The foregoing instrument was acknowledged before me this

My Commission Expires on: 04/01/2025 (Date) 4th (Day) Day of November (Month), 2021 (Year)

Notary Public State of Arizona
Yuma County
Evelyn Silva
My Commission Expires 04/01/2025
Commission Number 600417

Signature of Notary

The licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: Jesus A Ortiz Franco **SIGNATURE:** _____

Certificate # AHP1012021

'21 NOV 12 AM 11:47 AZDLLC

Certificate of Completion
For
Title 4 **MANAGEMENT** Liquor Law Training

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

Basic Title 4 training is a prerequisite for MANAGEMENT Title 4 training. A valid Certificate of Completion for BASIC Title 4 training must be on file at the Department of Liquor and satisfactory completion of a State-approved BASIC Title 4 course must be verified by the training provider prior to issuing a Certificate of Completion for MANAGEMENT Title 4 training.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Cristian Alberto Ortiz Paez
Full Name (please print)

Signature

October 1, 2021
Training Completion Date

October 1, 2024
Certificate Expiration Date
(three years from completion date)

Training Provider Information

AATF – All-Star Alcohol Awareness
Company Name

P.O. Box 6252, Chandler, Arizona 85246
Mailing Address

(480) 664-0389
Daytime Contact Phone Number

I, Antonia Hurley Perry, certify that the above named individual did successfully complete
Instructor Name (please print)
Title 4 MANAGEMENT Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Instructor Signature

1 / 10 / 2021
Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

In-state Microbrewery (series 3) | Government (series 5) | Bar (series 6) | Beer & Wine Bar (series 7)
Conveyance (series 8) | Liquor Store (series 9) | Private Club (series 14) | Hotel/Motel w/restaurant (series 11)
Restaurant (series 12) | In-state Farm Winery (series 13) | | Beer & Wine Store (series 10)

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

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July 11, 2013

Certificate # AHP1012021

'21 NOV 12 AM 11:47 AZDLLC

Certificate of Completion
For
Title 4 **BASIC** Liquor Law Training

- ☐ On-sale
- ☐ Off-sale
- ☒ On- and off-sale

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A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Cristian Alberto Ortiz Paez
Full Name (please print)

Signature

October 1, 2021
Training Completion Date

October 1, 2024
Certificate Expiration Date
(three years from completion date)

Training Provider Information

AATF – All-Star Alcohol Awareness
Company Name

P.O. Box 6252, Chandler, Arizona 85246
Mailing Address

(480) 664-0389
Daytime Contact Phone Number

I, Antonia Hurley Perry, certify that the above named individual did successfully complete
Instructor Name (please print)
Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Antonia Hurley Perry
Instructor Signature

1 / 10 / 2021
Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

In-state Microbrewery (series 3)	Government (series 5)	Bar (series 6)	Beer & Wine Bar (series 7)
Conveyance (series 8)	Liquor Store (series 9)	Private Club (series 14)	Hotel/Motel w/restaurant (series 11)
Restaurant (series 12)	In-state Farm Winery (series 13)		Beer & Wine Store (series 10)

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The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

'22 JAN 6 Liq. Lic. AM11:47

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

QUESTIONNAIRE

A.R.S.§4-202, 4-210
Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks. $25.111

ATTENTION APPLICANT: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL $13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 179540

1. Check the Appropriate Box → ☐ Controlling Person ☐ Agent ☑ Premises Manager (complete all questions except #12)

2. Name: Vizcarra Zamora Sintya Ivett (Last / First / Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Driver License#: [redacted] State: Arizona

4. Place of birth: San Luis Rio Colorado, Sonora, Mexico (City / State / COUNTRY (not county)) Height: 5'03" Weight: 116 Eyes: Brown Hair: Brown

5. Name of current/most recent spouse: Aranda David (Last / First / Middle) Birth Date: [redacted] (NOT a public record)

6. Are you a bona fide resident of Arizona? ☑ Yes ☐ No If yes, what is your date of residency: 1990

7. Daytime telephone number: 928-388-2010 E-mail address: NA

8. Business Name: Mariscos El Navegante Business Phone: 928 627 5816

9. Business Location Address: 840 D St, San Luis, Az, Yuma, 85349 (Street (do not use PO Box) / City / State / County / Zip)
East CA Yuma

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
05/2018	CURRENT	Manager	Mariscos El Navegante. 840 D St, San Lus, Az, 85349
/2016	5/2018	Housewife	~~NA~~
			1578 E Kennedy Ln San Luis AZ 85349 CA

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: *A.R.S. §4-202(D)*

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address: 22 JAN 6 Liq. Lic. AM1147
06/2021	CURRENT	[redacted]
01/2016	05/2021	[redacted]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☐Yes ☐No
If you answered YES, then answer **#13 below. If NO, skip to #14.**

13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☑Yes ☑No

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐Yes ☑No

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) *A.R.S.§4-202,4-210* ☐Yes ☑No

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐Yes ☑No

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐Yes ☑No

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐Yes ☑No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement.
Give complete details including dates, agencies involved and dispositions.
CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

I (Print Full Name) Sintya Vizcarra hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: SINTYA

State of Arizona County of Yuma

The foregoing instrument was acknowledged before me this

My Commission Expires on: 04/01/2025 (Date)

25th (Day) Day of October (Month), 2021 (Year)

Notary Public State of Arizona
Yuma County
Evelyn Silva
My Commission Expires 04/01/2025
Commission Number 600417

Evelyn Silva
Signature of Notary

The licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: Jesus A Ortiz Franco SIGNATURE:

Certificate # AHP1012021

'21 NOV 12 AM 11:47 AZDLLC

Certificate of Completion
For
Title 4 **BASIC** Liquor Law Training

- ☐ On-sale
- ☐ Off-sale
- ☒ On- and off-sale

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The State requires BASIC Title 4 training only as a prerequisite for MANAGEMENT Title 4 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed at the base of this Certificate. Licensees sometimes require BASIC Title 4 Training a condition of employment.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Sintya I. Vizcarra
Full Name (please print)

Signature

October 1, 2021
Training Completion Date

October 1, 2024
Certificate Expiration Date
(three years from completion date)

Training Provider Information

AATF – All-Star Alcohol Awareness
Company Name

P.O. Box 6252, Chandler, Arizona 85246
Mailing Address

(480) 664-0389
Daytime Contact Phone Number

I, Antonia Hurley Perry, certify that the above named individual did successfully complete
Instructor Name (please print)
Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Antonia Hurley Perry
Instructor Signature

1 / 10 / 2021
Day / Mo / Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
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Certificate # AHP1012021

'21 NOV 12 AM 11:47 AZDLLC

Certificate of Completion
For
Title 4 **MANAGEMENT** Liquor Law Training

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Student Information

Sintya I. Vizcarra

Full Name (please print)

Sintya V.

Signature

October 1, 2021	October 1, 2024
Training Completion Date	Certificate Expiration Date (three years from completion date)

Training Provider Information

AATF – All-Star Alcohol Awareness

Company Name

P.O. Box 6252, Chandler, Arizona 85246

Mailing Address

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Daytime Contact Phone Number

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Instructor Name (please print)

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Antonia Hurley Perry — 1 / 10 / 2021

Instructor Signature — Day / Mo / Year

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709

'21 DEC 10 PM 2:00 AZDLLC

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

QUESTIONNAIRE

A.R.S.§4-202, 4-210
Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks.

805.111

ATTENTION APPLICANT: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

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Liquor License#: 179540

1. **Check the Appropriate Box** →

☐ Controlling Person	☐ Agent	☑ Premises Manager (complete all questions except #12)

2. Name: Ortiz Paez Jesus Emmanuel — Birth Date: [redacted] (NOT a public record)
   (Last / First / Middle)

3. Social Security #: [redacted] Driver License#: [redacted] State: Arizona

4. Place of birth: San Luis Rio Colorado, Sonora, Mexico (City / State / COUNTRY (not county)) Height: 5'11" Weight: 170 Eyes: Brown Hair: Black

5. Name of current/most recent spouse: De Haro Angelica (Last / First / Middle) Birth Date: [redacted] (NOT a public record)

6. Are you a bona fide resident of Arizona? ☑ Yes ☐ No If yes, what is your date of residency: 2001

7. Daytime telephone number: 928-655-5193 E-mail address: NONE

8. Business Name: Mariscos El Navegante F. OK Business Phone: 928 / 627 / 5816

9. Business Location Address: 840 D St, San Luis, AZ, Yuma, 85349
   (Street (do not use PO Box) / City / State / County / Zip)

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
02/2013	CURRENT	Manager	Mariscos El Navegante. 840 D St, San Luis, AZ 85349

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: *A.R.S. §4-202(D)*

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address (Liq. Lic. AM1147)
03/2009	CURRENT	[redacted]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14.** ☐ Yes ☐ No

13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☐ Yes ☑ No

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐ Yes ☑ No

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) *A.R.S.§4-202,4-210* ☐ Yes ☑ No

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐ Yes ☑ No

AMENDMENT

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☑ No

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☑ No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

I (Print Full Name) Jesus E Ortiz Paez hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: _____ State of Arizona County of Yuma

The foregoing instrument was acknowledged before me this

My Commission Expires on: 04/01/2021 (Date) 15th (Day) Day of December (Month), 2021 (Year)

Notary Public State of Arizona
Yuma County
Evelyn Silva
My Commission Expires 04/01/2025
Commission Number 620413

Evelyn Silva
Signature of Notary

The licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: Jesus A Ortiz Franco **SIGNATURE:** _____

11. Provide your residence address information for the last five (5) years: *A.R.S. §4-202(D)* 21 DEC 10 PM 2:00 AZDLLC

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
2009	CURRENT	[redacted]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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If you answered YES, then answer **#13 below. If NO, skip to #14.**

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Signature: _____ State of Arizona County of Yuma

The foregoing instrument was acknowledged before me this

My Commission Expires on: 04/01/2025 (Date) 7th (Day) Day of December (Month), 21 (Year)

Notary Public State of Arizona
Yuma County
Evelyn Silva
My Commission Expires 04/01/2025
Commission Number 600417

Evelyn Silva
Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: Jesus A Ortiz Franco SIGNATURE: _____

Individuals requiring ADA accommodations please call (602)542-2999

Certificate # AHP1012021

'21 NOV 12 AM 11:47 AZDLLC '21 DEC 10 PM 2:00 AZDLLC

Certificate of Completion

For

Title 4 **MANAGEMENT** Liquor Law Training

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Student Information

Jesus E Diaz Paez

Full Name (please print)

Signature

October 1, 2021	October 1, 2024
Training Completion Date	Certificate Expiration Date (three years from completion date)

Training Provider Information

AATF – All-Star Alcohol Awareness

Company Name

P.O. Box 6252, Chandler, Arizona 85246

Mailing Address

(480) 664-0389

Daytime Contact Phone Number

I, Antonia Hurley Perry, certify that the above named individual did successfully complete

Instructor Name (please print)

Title 4 MANAGEMENT Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Antonia Hurley Perry

Instructor Signature

1 / 10 / 2021

Day Mo Year

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July 11, 2013

Certificate # AHP1012021

'21 NOV 12 AM 11:47 AZDLLC

'21 DEC 10 PM 2:01 AZDLLC

Certificate of Completion
For
Title 4 **BASIC** Liquor Law Training

- ☐ On-sale
- ☐ Off-sale
- ☒ On- and off-sale

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A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Jesus E Ortiz Paez
Full Name (please print)

Signature

October 1, 2021	October 1, 2024
Training Completion Date	Certificate Expiration Date (three years from completion date)

Training Provider Information

AATF – All-Star Alcohol Awareness
Company Name

P.O. Box 6252, Chandler, Arizona 85246
Mailing Address

(480) 664-0389
Daytime Contact Phone Number

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Instructor Name (please print)

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Antonia Hurley Perry
Instructor Signature

1 / 10 / 2021
Day / Mo / Year

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AGENDA ITEM REVIEW FORM

Regular City Council Meeting **6. D.**

Meeting Date: 02/09/2022

Department Head: Kay Macuil, City Attorney, Attorney's Office

Submitted By: Kay Macuil, City Attorney, Attorney's Office

Action Requested: Motion
Order

ITEM:

Discussion and possible action on any and all matters regarding Order No. 2022-02. An order of the Mayor and City Council of the City of San Luis, Arizona authorizing American Rescue Plan Act (" ARPA") funds to respond to eligible employees who performed essential work during the COVID-19 public health emergency with premium pay, as authorized by ARPA and the U.S. Treasury's final rule issued January 27, 2022; repealing any conflicting provisions; providing for severability; and declaring an emergency. **(Lizandro Galaviz, Acting City Manager)**

SUMMARY:

Background

Under the federal ARPA program and the Treasury's final rule, the U.S. government allows the city to implement the ARPA program by paying additional compensation, or "premium pay."

On January 12, 2022, City Council passed Order No. 2022-01 authorizing the federal American Rescue Plan Act (ARPA) fund allocation to the City of San Luis to be used for a list of projects, including $645,000 for premium pay ("Premium Pay") under the ARPA program.

On January 27, 2022, the U.S. Department of Treasury issued the final rule published on the Federal Register.
(Citation: 87 Fed. Reg. 4338 through 4454 for the Coronavirus Local Fiscal Recovery Funds portion of ARPA, which included the final regulations to implement the Premium Pay program. The final rule took into account public comments since the interim government was published on May 17, 2021, and changes were made to the regulations for Premium Pay. The final rule is part of the U.S. Code of Federal Register at 31 C.F.R. Part 35 Pandemic Relief Programs, Subpart A-Coronavirus State and Local Fiscal Recovery Funds Sections 35.1 through 35.12).

The final rule sets up three (3) categories of eligibility for Premium Pay (31 CFR 35.6(c)). An employee is eligible if they fall into any one of the three:

1. the eligible worker's total wages and remuneration, including the Premium Pay, is less than or equal to $80,100.00,
2. the eligible worker is an hourly wage-earner (non-exempt from the Fair Labor Standards Act overtime provisions (29 U.S.C. 207),
3. the eligible worker does not fit into the above categories written justification must be provided to the

U.S. Treasury Department:

a. performed "Essential Work" (defined below and at 31 CFR 35.5 as described below),
b. during the pandemic. (Staff used the period March 13, 2020 - the date of the Mayor's Emergency

Declaration and City Council's Emergency Order through February 11, 2022, which is allowed under 31 CFR 35.6(C)(3), and

c. why the city determined that the premium pay was responsive despite the worker's higher income and exempt status.

The attached Order 2022-02, Section 4 provides the justifications required for category (3). Under 31-35.3, "Essential Work" means work that:

1. Is not performed while teleworking from a residence; and
2. Involves:

i. Regular in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or
ii. Regular physical handling of items that were handled by, or are to be handled by patients, the public, or coworkers of the individual that is performing the work.

Lump Sum Premium Pay Tiers

The table below shows the tiers for lump sum premium pay, which roughly correlate with the level of in-person workplace attendance. To qualify for premium pay, the employee must continue with the city through February 11, 2022, with the following adjustments:

- For employees doing work that puts them at most risk from the hazards of the virus that causes COVID-19 (public safety, facilities, wastewater, and solid waste), an additional $500 premium pay for the hazards born is added. Please see the description and explanation at the bottom of the table for more information on eligibility for this additional premium pay.
- For employees who were hired after March 13, 2020, premium pay is prorated.
- For employees who were hired after April 30, 2021, in addition to proration, 100% premium pay was set at $2,000 for front line workers, and for $1,500 for employees in the other categories. This maximum premium pay at $2,000 and $1,500 reflects the reduced risk since by April 30, 2021, employees had an opportunity to be fully vaccinated against the odds of suffering severe illness and hospitalization from COVID-19, as well as a better understanding on how to protect against the contagion.
- For the reasons stated in Section 4 above, those falling into category (3), maximum premium pay is set at $1,500.
- For part-time employees, the maximum premium pay is $500.
- For all other employees, the maximum premium pay for 100% in-person attendance from March 13, 2020 through February 11, 2022 is $2,000.

% In-Person Work	$ Amount	Additional Pay for those Bearing the Most Risk Due to the Nature of Their Work	Description for Additional $500 Payment
95 thru 100%	$2,000	$500.00	*See below explanatory description.
75 thru 94%	$1,500	$500.00	
50 thru 74%	$1,250		Not applicable
25 thru 49%	$1,000		Not applicable
24% and below	$ 500		Not applicable
Part-Time	$ 500		Not applicable

*The additional $500 premium pay is reserved for those employees who bear and endure the most risk of hazard from COVID-19 due to the nature of their work. This means that employees who do administrative support work are not eligible for this additional $500 if the hazard of exposure to the virus that causes COVID-19 is mainly ordinary, in-person office work.

In addition, to be eligible for $500 additional premium pay employees must meet all of the following criteria:

(1) the employee works in Departments of Public Safety, or the Divisions of Facilities, Wastewater, or Solid Waste; and
(2) the employee worked during the months from March 13, 2020 through April 30 2021, when the ability to be fully vaccinated to protect against the odds of severe illness and hospitalization was not available. Even though the vaccine was out in December of 2020, in Arizona, it took until the end of April 2021, for vaccine to be available for all working-age people and to obtain the second doses required for Pfizer and Moderna. The City of San Luis facilitated on-site vaccination events so employees all had the opportunity to be fully vaccinated by the end of April 2021.

In order for this Order to take effect for payment in February, it must be passed as an emergency requiring 6 favorable votes. If it passes as a simple majority of those present it will be effective March 11, 2022.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO APPROVE THE PREMIUM PAY TO BE PAID OUT NO LATER THAN FEBRUARY 28, 2022 AS PRESENTED AND ADOPT ORDER NO. 2022-02, AND DECLARE AN EMERGENCY.

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:	Yes
CITY/STATE/FEDERAL FUNDS:	Federal
TOTAL:	$645,000.00 per City Council Order No. 2022-01
BUDGETED AMOUNT:	Yes
AVAILABLE AMOUNT TO TRANSFER:	N/A
ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:	ARPA Salaries 255-021-50000 $645,000.00

FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):

ARPA Funds

Attachments

Order No. 2022-02

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Order

No. 2022-02

AN ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AUTHORIZING AMERICAN RESCUE PLAN ACT ("ARPA") FUNDS TO RESPOND TO ELIGIBLE EMPLOYEES WHO PERFORMED ESSENTIAL WORK DURING THE COVID-19 PUBLIC HEALTH EMERGENCY WITH PREMIUM PAY, AS AUTHORIZED BY ARPA AND THE U.S. TREASURY'S FINAL RULE ISSUED JANUARY 27, 2022; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

The following recitals are incorporated and made part of this Order No. 2022-02.

RECITALS

A. WHEREAS, on September 4, 1979, the City of San Luis, Arizona was duly incorporated and is a validly existing political subdivision under the laws of Arizona and governed by the San Luis City Council, and

B. WHEREAS, the San Luis City Council is charged with approving expenditures for employee compensation under A.R.S. § 9-274; and

C. WHEREAS, on March 13, 2020, the Mayor declared and City Council ordered a public health emergency in the City of San Luis due to the COVID-19 public health emergency, which remains in effect to date; and

D. WHEREAS, on March 11, 2021, the federal lawmakers amended the American Rescue Plan Act ("ARPA") Public Law 117-2, establishing the Coronavirus Local Fiscal Recovery Fund at Section 603 (Codified at 42 U.S.C. 803) and allowing (under Section 603(c)(1)(B)) nonentitlement cities such as San Luis to use the funds to respond to *eligible workers* performing *essential work* during the *COVID-19 public health emergency* by providing premium pay to such essential workers as the underlined terms are defined at Section 602(g) and in the U.S. Treasury's final rule at 31 C.F.R. § 35.3; and

E. WHEREAS, the meaning of "*eligible workers*" includes any work performed by an employee of local government; and

F. WHEREAS, "*essential work*" means work that:

(1) Is not performed while teleworking from a residence; and

(2) Involves:

(i) regular in-person interactions with patients, the public, or coworkers of the individual that is performing the work;
or
(ii) regular physical handling of items that were handled by or are to be handled by patients, the public, or coworkers of the individual that is performing the work.

G.. WHEREAS, *COVID-19 public health emergency* means the period beginning on January 27, 2020, and lasting until the termination of the national emergency concerning the COVID-19 outbreak declared pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.)*

H. WHEREAS, on January 12, 2022, San Luis City Council duly passed Order No. 2022-01 authorizing $645,000 of ARPA funding to provide premium pay to compensate its employees for the essential work they performed during the COVID-19 public health emergency; and

I. WHEREAS, on January 27, 2022, the U.S. Treasury issued its final rule to implement providing premium pay to eligible workers at 87 F.R. 4450 codified at 31 C.F.R. § 35.6; and

J. WHEREAS, under the U.S. Treasury's final rule, recipients of the ARPA funding may retroactively provide premium pay; and

K. WHEREAS, federal lawmakers intended premium pay to address the fact that many essential workers are not yet compensated for the heightened risks they have faced and continue to face (87 Fed. Reg. 4397, and footnote 259 (January 27, 2022)); and

L. WHEREAS, federal lawmakers also intended premium pay respond to the fact that many sectors that were most exposed to the hazards of COVID-19 tend to receive low income (87 Fed. Reg. 4397, and footnote 259 (January 27, 2022)); and

M. WHEREAS, San Luis City Council wishes to provide premium pay to eligible city employees adhering to the above-recited laws and spirit of the laws; and

N. WHEREAS, San Luis City Council ties the various amounts of premium pay to specific criteria designed to address the various levels of hazard based on in-person services provided to compensate employees that, by virtue of their employment, took on additional burdens and made personal sacrifices as a result of the COVID-19 pandemic; and

O. WHEREAS, San Luis City Council also prioritizes those essential employees with lower compensation, which under the formula provided by 31 C.F.R. § 35.6(c) is those with paid under $80,100 per year;

NOW, THEREFORE, BE IT ORDERED by the Mayor and City Council of the City of San Luis, Arizona:

Section 1: **Conflict of Interest Policy**: As required by The City of San Luis, maintains and abides by a conflict of interest policy provided by state law under Arizona Revised Statutes Title 38, Chapter 3, Article 8, which is consistent with 2 C.F.R. § 200.3189(c). Decisions concerning the use of ARPA funding for premium pay shall be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance.

Section 2: **Ineligible for Premium Pay**:
(1) Because ARPA and Treasury's final rule limit premium pay to "*employees*" of local government, and the prohibition on City Council to use ARPA funding for private gain[1], all persons serving as elected officials, appointed members (including city boards, district boards, commissions and trustees of the San Luis Employee Benefits Trust), and volunteers are ineligible for premium pay. Any employee who is no longer on staff as of February 24, 2022 is ineligible for premium pay.

(2) Seasonal employees and former employees are ineligible for premium pay.

Section 3: **Period of the COVID-19 Public Health Emergency**: For the purposes of calculating the lump-sum premium payments and eligibility to receive it under this Order No. 2022-02, the period of the COVID-19 Public Health Emergency started with the city's declaration and order of emergency on March 13, 2020, and continues through February 24, 2022.

Section 4: **Included Categories for Premium Pay**: All employees receiving premium pay shall be eligible if they are current employees who were on the city's staff on or after March 13, 2020 (date of the city's emergency declaration and order) and continue through February 24, 2022, and do not fall into the ineligible category under Section 2 above, but do fall into any one of these three categories defined by 31 C.F.R. § 35.6(c):

(1) the eligible worker's total wages and remuneration, including the Premium Pay, is less than or equal to $80,100 per year; or

(2) the eligible worker is an hourly wage-earner (non-exempt from the Fair Labor Standards Act ("FLSA") overtime provisions (29 U.S.C. 207); or

(3) if the eligible worker does not fit into categories above categories (1) or (2), then the following serves as the written justification that must be provided to the U.S. Treasury Department under 31 C.F.R. § 35.6(c)(3):

(a) This category (3) encompasses employees of the city ("*eligible workers*" as defined by 31 C.F.R. § 35.3 includes workers needed to maintain continuity of operations of essential critical infrastructure sectors such is local government work.) Category (3) employees are:
- exempt from FLSA overtime provisions of 29 U.S.C. 207 and
- report directly to the City Manager or City Council and supervise employees.

Note: Employees in category (3) are generally relatively high-earners, but as long as they are both exempt, and report directly to the City Manager or City Council, then they may earn above or below $80,100 per year.

(b) Premium pay is responsive to category (3) *eligible workers* performing *essential work*. *Essential work* is defined under 31 C.F.R. § 35.3 as work that:

(i) Is not performed while teleworking from a residence; and

(ii) Involves:
(A) regular in-person interactions with patients, the public, or coworkers of the

[1] 87 F.R. 4400 under the heading "*Treasury Response.*"

individual that is performing the work; or
(B) regular physical handling of items that were handled by or are to be handled by patients, the public, or coworkers of the individual that is performing the work.

Justification for Premium Pay In-Person Work. Teleworking was possible for many but not all in category (3). Time teleworking was not counted in the determination of premium pay for category (3) employees. Everyone in this group worked at least one day per week in-person at the workplace and others their entire work-week was in-person at the workplace. In addition to regular business hours, this group is responsible for attending in person, after business hours, to provide their expertise in governmental decision-making and emergency planning to maintain continuity of government at official meetings of City Council, the Planning Commission, the San Luis Employee Benefits Trust, and other city Boards. Despite the risk of infection, this group continued their in person duties to maintain, governmental operations. For instance, in-person supervision of staff and projects, covering shifts for those out due to COVID-19 illness, reaching out to businesses to explain COVID-19 laws and relief, insuring that payments to vendors and staff were on time, inspecting COVID-19 protocols were being observed, in-person assistance to adjust staff for changing technology to handle remote meetings, assisting with vaccination outreach. All in this group were directed to cease remote work on April 1, 2021.

Justification for Premium Pay Prioritizes the Lower Earners and Most Hazard. The premium pay for category (3) is capped at $1,250 which is below what those *not* in category (3) can potentially receive. Both lower earners and those who were most exposed to the COVID-19 hazards potentially can receive a maximum $2,500 premium pay depending upon their percent of in-person work and the nature of their work. In this way, the cap on category (3) premium pay honors the federal lawmakers' intent that the ARPA funds address the inequities of those being more exposed to the COVID-19 hazard at work and having less compensation. (See Treasury's final rule at 87 F.R. 4397). Because this group is a small percentage of those eligible for premium pay, the great majority of those receiving premium pay are lower earners or were most exposed to the hazards of COVID-19.

Section 5: **Lump Sum Premium Pay Tiers**: The table below shows the tiers for lump-sum premium pay, which roughly correlate with the level of in-person workplace attendance. To qualify for premium pay, the employee must continue with the city through February 24, 2022.

% In-Person Work	$ Amount	Additional Pay for those Bearing the Most Risk Due to the Nature of Their Work	Description for Additional $500 Premium Payment
95 thru 100%	$2,000	$500.00	*See below the explanatory description.
75 thru 94%	$1,500	$500.00	
50 thru 74%	$1,250		Not applicable
25 thru 49%	$1,000		Not applicable
24% and below	$ 500		Not applicable
Part-Time	$ 500		Not applicable

*Explanatory description:

Order No. 2022-02 reserves the additional $500 premium pay for those employees who bear and endure the most risk of hazard from COVID-19 due to the nature of their work. Employees who do administrative support work are not eligible for this additional $500 if the hazard of exposure to the virus that causes COVID-19 is mainly ordinary, in-person office work.

In addition, to be eligible for $500 additional premium pay, employees must meet all of the following criteria:

(1) the employee works in Departments of Public Safety, or the Divisions of Facilities, Wastewater, or Solid Waste; and

(2) the employee worked during the months from March 13, 2020, through April 30, 2021, when the ability to be fully vaccinated to protect against the odds of severe illness and hospitalization was not available. A demarcation on April 30, 2021 is warranted because the vaccines against COVID-19 were out in December 2020. The Arizona Department of Health services set priorities for the first vaccines. Those most at risk of severe illness and death had a preference. By the end of April 2021, three things were true: (1) the vaccines were available for all working-age people, (2) there had been sufficient time to get both doses required for the Pfizer and Moderna vaccines, and (3) the City of San Luis facilitated on-site vaccination events, so all employees had plenty of opportunities to be fully vaccinated.

Section 6. Calculations for Premium Pay

Proration Period means March 13, 2020 through February 24, 2022, for the purposes of premium pay under this Order No. 2022-02.

(1) High-Risk Work Public Safety, Facilities, Waste Water and Solid Waste

For a description and explanation of eligibility for additional $500 premium pay refer to the bottom of the table in above Section 5.

Part-time employees are not eligible for the additional $500 premium payment.

For full-time eligible employees doing work that puts them at most risk from the hazards of the virus that causes COVID-19 (public safety, facilities, wastewater, and solid waste) their premium pay is calculated as follows:

(a) If they were employed with the city for the entire Proration Period, they are eligible for a maximum premium pay capped at $2,500 ($2,000 for 100% in-person work plus the $500 high-risk premium pay).

(b) If they were hired after March 13, 2020, but before April 30, 2021 and continued to the end of the Proration Period, their premium pay is based on the percent they were on staff during the Proration Period and on a maximum premium pay capped at $2,500 ($2,000 for 100% in-person work plus the $500 high-risk premium pay).

(c) If they were hired after April 30, 2021, and continued on staff to the end of the Proration Period their premium pay is prorated based on a maximum premium pay capped at $2,000. This cap reflects the fact that by April 30, 2021, precautions against the virus were known and vaccines were available. The beginning of the pandemic was a particularly difficult time for those most exposed to the virus. Because as a new virus (also called "novel" virus) little was known how to protect against contracting the disease. The technology to test for the virus was known, but tests were mostly unavailable.

(2) Full-Time & Part-Time, Lower-Risk Work excludes category (3) under Section 4

For the eligible full-time and part-time employees who do the remaining lower-risk work and do *not* fall into category (3) under Section 4 above:

(a) If they were employed with the city for the entire Proration Period, they are eligible for a maximum premium pay capped at $2,000 based on their percentage of in-person attendance in the workplace from March 13, 2020, through April 30, 2021.

(b) If they were hired after March 13, 2020, but before April 30, 202,1 and continued to the end of the Proration Period, their premium pay is based both on their percentage of in-person attendance in the workplace from their hire date through April 30, 2021, and on the percent, they were on staff during the Proration Period and on a maximum premium pay capped at $2,000.

(c) If they were hired after April 30, 2021, and continued on staff to the end of the Proration Period their premium pay is prorated based on a maximum premium pay capped at $1,500. (Note: Percentage of in-person attendance is the same for all employees after April 30, 2021, because City Council directed all employees to cease remote work on May 1, 2021. This maximum premium pay cap at $1,500 reflects the reduced risk since, by then, employees had an opportunity to be fully vaccinated against the odds of suffering severe illness and hospitalization from COVID-19. This cap also resolves the anomaly that a would occur if this cap were not imposed that employees working the entire pandemic for the city could receive less than a person hired after April 30, 2021 due to the percentages of in-person work.)

(3) Full-Time, who do fall into category (3) under Section 4

For the eligible full-time employees who *do* fall into category (3) under Section 4 above are eligible for a maximum premium pay capped at $1,250. All in this category have been with the city since before March 13, 2020 to the present. For the reasons stated in Section 4 above, category (3) employees have this reduced maximum allowable premium pay ($1,250).

Section 7. It is ordered that staff shall disburse premium pay no later than Monday, February 28, 2022.

Section 8. City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Order No. 2022-02.

Headings: The descriptive headings of the paragraphs of this order are inserted for convenience only. They shall not control or affect the meaning or construction of this order.

Reservation of Rights. Nothing in this order alters the city's rights to implement any and all legal COVID-19 mitigation measures or lift mitigation measures. The city reserves all its rights to do so.

Severability: If any provision of this order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity affects no other provision or application of this order. Those provisions that remain valid shall be given effect without the invalid provision or application. To achieve this purpose, the provisions of this order are declared to be severable.

Emergency: Whereas it is necessary to preserve the peace, health, and safety of the City of San Luis, Arizona, an emergency is declared to exist, and this order shall become immediately operative and in force after posting this order.

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this ____day of February 2022.

_____
Gerardo Sanchez, Mayor

ATTEST:

_____
Sonia Cornelio, City Clerk

APPROVED AS TO FORM:

Kay Marion Macuil

_____
Kay Marion Macuil, City Attorney

AGENDA ITEM REVIEW FORM

Regular City Council Meeting **6. E.**

Meeting Date: 02/09/2022

Department Head: Kay Macuil, City Attorney, Attorney's Office

Submitted By: Kay Macuil, City Attorney, Attorney's Office

Action Requested: Motion
Order

ITEM:

Discussion and possible action on any and all matters regarding Order No. 2022-03. An order of the Mayor and City Council of the City of San Luis, Arizona authorizing public safety first responders emergency pay; repealing any conflicting provisions; providing for severability; and declaring an emergency. **(Mayor Gerardo Sanchez and Lizandro Galaviz, Acting City Manager)**

SUMMARY:

This item follows up on an item discussed at the informal work session on February 2, 2022. The COVID-19 pandemic has caused severe staffing shortages for first responders in the Police and Fire Departments. As the COVID-19 pandemic grinds on, first responders must fill shifts on their regular rest days. Some Police Department shifts are 13 hours long. In the Fire Department, their work period is 212 hours over 28 days. They are filling a shift on a regular rest day for first responders results in many days and hours without a break. However, it is often the case that despite taking on more shifts, the end of the work period falls so that they often do not receive overtime pay.

The Fair Labor Standards Act regulations allow employers to ameliorate this situation by allowing extra pay for working a regular rest day. Order No. 2022-03 does just that, allowing for time and a half for first responders for the hours worked on their rest day.

Order No. 2022-03 is a stop-gap, an emergency measure to compensate for the necessity of first responders to work on their regular rest days due to staffing shortages caused by the COVID-19 contagion. It ends at the end of the fiscal year, this June 30, 2022. The next few months will give staff experience implementing this First Responders Emergency Pay. Staff will learn from the experience and present long-term solutions for the City Council to consider as part of the fiscal budget process and the associated planning for the need to staff for first responders to contend with the continuing COVID-19 pandemic.

So that the order may take effect immediately, it requires 6 votes. If it is passed by a simple majority of those present, it will be effective in 30 days.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO APPROVE ORDER NO. 2022-03 AS PRESENTED, AND DECLARE AN EMERGENCY.

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:	Yes
CITY/STATE/FEDERAL FUNDS:	City

TOTAL: See fiscal impact stment

BUDGETED AMOUNT: See fiscal impact stmt

AVAILABLE AMOUNT TO TRANSFER: See fiscal impact statement

ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE: See fiscal impact

FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):

We did not budget for this item. We estimate the Public Safety first respondents' emergency pay will be $40,000 for Public Safety in a month. We have five months left in this fiscal year projecting a fiscal impact through 06/30/2022 of $200,000.

It is difficult to estimate the emergency pay accurately since we do not have a precedent. Henceforth, we are requesting the council to approve the transfer of budget capacity up to $200,000 from account 255-210-90010 Special Revenue –Capital Outlay Roads as necessary to the Police, Ambulance, and Fire accounts 100-181-50010, 340-341-50010, and 100-182-50010 to pay the first responder emergency pay through June 30 th, 2022.

We have available budget capacity in the Capital Outlay Roads account due to a budgeted grant that we did not receive as planned.

Attachments

Order No. 2022-03

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Order

No. 2022-03

February 9, 2022
COVID-19
Public Safety First Responders Emergency Pay

AN ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AUTHORIZING PUBLIC SAFETY FIRST RESPONDERS EMERGENCY PAY; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on March 13, 2020, by the Mayor's emergency proclamation and City Council Order No. 2020-6, a state of emergency was declared and ordered due to the COVID-19 pandemic with this year bringing the most severe consequences to the city's Public Safety departments; and

WHEREAS, on February 6, 2022, nearly two years into the COVID-19 public health emergency, Firefighter Robert Fernandez tragically lost his life as a consequence of contracting the highly contagious COVID-19; and

WHEREAS, two of the city's esteemed Peace Officers have suffered severe illness from the consequences of COVID-19 infections, each one continuing their battles against the disease now for at least two months; and

Background

WHEREAS, during the pandemic, the City of San Luis's first responders in the Police and Fire Departments have suffered from periods of severe staff shortages due to COVID-19 illness, more than any other departments in the city; and

WHEREAS, throughout the pandemic, public safety services and operations continued without compromise because the first responders took on additional shifts on their regular rest days; and

WHEREAS, in a few weeks, it will be two years since Public Health confirmed the first case in Yuma County; and

WHEREAS, during the last two years, Police Department suffered several COVID-19 outbreaks; and

WHEREAS, the Fire Department suffered severe staffing shortages during the unprecedented COVID-19 cases surge this December and January; and

WHEREAS, peace officers can regularly work up to 13-hour shifts, so taking on more shifts and deferring the rest day can make for particularly long workweeks; and

WHEREAS, the Fire Department has been uniquely affected with the latest surge in COVID-19 cases because under the Fair Labor Standards Act ("FLSA"), firefighters have 28-day work-periods, which causes them to work more than four weeks without a break if they are needed to cover a shift on their regular rest days; and

WHEREAS, to compound the difficulty, many Fire Department staff who did eventually catch COVID-19 and after working more than four weeks without a break, fell ill from COVID-19 on their deferred days off; and

Intent

WHEREAS, the City of San Luis desires to respond to the first responders' continued personal sacrifices away from family because of the COVID-19 pandemic;

WHEREAS, besides the required overtime under the FLSA, the City of San Luis desires to voluntarily compensate the first responders for taking on shifts on their regular rest day and provide more than regular pay that day for the hours worked during the respective pay-periods when working the rest day will not result in overtime under the FLSA; and

Legal Authority

WHEREAS, the City of San Luis exercises its discretion under the FLSA regulation 29 CFR § 778.200(a)(5) to provide additional compensation above their regular pay for first responders who work on regular rest days and that does not result in overtime pay, which the city calls "First Responders Emergency Pay;" and

WHEREAS, the First Responders Emergency Pay is not retroactive; and

WHEREAS, retroactive pay may violate the Anti-Gift Clause (Arizona Constitution Article IX Section 7) as an additional payment for duties the employees were already obligated to perform and received compensation under the employment policies in place at the

time;[1] and

Pandemic Conditions in Yuma County Continue

WHEREAS, the COVID-19 pandemic conditions continue to put the city's first responders at high risk of COVID-19 infection; and

WHEREAS, although many indicators are trending into safer conditions, as of February 5, 2022, due to the height of the surge this December and January, there persists an extremely high risk of the inability to absorb another wave; and

WHEREAS, as of February 6, 2022, all of Yuma County, all of Arizona, and most of the United States are at extremely high risk; and

WHEREAS, although vaccinations continue to trend up in Yuma County with over 66% of the population fully vaccinated against COVID-19 (which the city has supported by facilitating 16 vaccination events), as of February 5, 2022, the County still must reach 70% to 90% to move closer to the aspiration of community immunity from COVID-19; and

WHEREAS, as of February 5, 2022, although plummeting down rapidly, the average number of daily new cases per week of COVID-19 per 100,000 people in Yuma County is still extremely high at 129.5 cases; and

WHEREAS, the average number of deaths per week in Yuma County is trending down at 2.6 on February 2, 2022; and

WHEREAS, as of January 27, 2022, 84% of the Intensive Care Unit ("ICU") capacity was in use in the one solitary hospital in Yuma County, and the usage is trending up.

NOW, THEREFORE, IT IS ORDERED by the Mayor and City Council of the City of San Luis, Arizona, under the laws, facts, and intentions recited above:

Section 1: **Purpose**: This order does not alter overtime pay under the San Luis Personnel Policies HR-3-05. This order recognizes the unique COVID-19 exposure risks public safety first responders' work duties entail and their unique continuity of operations challenges. This order addresses the public safety first responders' hardships due to staffing shortages caused by the COVID-19 pandemic and working on their regular rest days.

///

[1] § 39:31. Public purpose required—Donations, 15 McQuillin Mun. Corp. § 39:31 (3d ed.). The courts might interpret retroactive pay as requiring the city to pay twice (Scottsdale v. Deem, 446 P.2d 238 (Ariz. App. 1976).

Section 2: **First Responders Emergency Pay Eligibility:** Only a nonexempt, public safety first responder ("first responder") is eligible for First Responders Emergency Pay if the first responder's command orders or approves the first responder to work on the first responder's regular rest day, and payment complies with this Order No. 2022-03.

Nonexempt means an employee entitled to the overtime rate of pay under the FLSA, Title 29 U.S.C. § 207 for the hours worked beyond 40 hours in a workweek or for the Fire Department, beyond 212 in a 28-day work period.

Section 3: **First Responders Emergency Pay Rate**: First Responders Emergency Pay rate is the eligible first responder's pay at time-and-one-half for all hours worked on the first responder's regular rest day to the extent that such hours do not already result in overtime pay under the FLSA. (By illustration, if a police officer works eight hours on the police officer's regular rest day and receives four hours of FLSA overtime for the workweek, such police officer will be eligible to receive four hours of First Responders Emergency Pay for the remaining 4 hours worked on the police officer's rest day.)

Section 4: **First Responders Emergency Pay Calculation for Overtime Purposes**: First Responders Emergency Pay is outside the employee's normal or regular working schedule under FLSA regulation 29 C.F.R. § 778.200. The extra compensation (the 0.5 times the regular pay) in the First Responders Emergency Pay rate in Section 3 above shall not be included in the first responders' regular pay rate for computing overtime compensation as allowed under FLSA regulation 29 C.F.R. §§ 778.201, 778.202.

Section 5: **Harmonize A.R.S. § 23-392(A)(1)**: A.R.S. § 23-392(A)(1) applied to law enforcement and not the Fire Department and states:

> One and one-half times the regular rate at which the person is employed or one and one-half hours of compensatory time off for each hour worked if by the person's job classification overtime compensation is mandated by federal law.

This Order No. 2022-03 clarifies that First Responders Emergency Pay is discretionary, not mandated by federal law. Further, compensatory time off is not available in place of First Responders Emergency Pay, neither for the Police Department nor the Fire Department. In other words, compensation with both First Responders Emergency Pay and compensatory time off for working on a rest day is prohibited.

Section 6: **Ends with the Fiscal Year June 30, 2022**: To both find a solution to compensate the first responders for sacrificing their rest days to serve the vital needs of the city's residents and to protect the treasury, the First Responders Emergency Pay shall end on June 30, 2022.

///

Section 6: Reassess Long-Term Solution with 2022-2023 Fiscal Year: The next few months will give staff experience implementing this First Responders Emergency Pay. Staff will learn from the experience and present long-term solutions for the City Council to consider as part of the fiscal budget process and the associated planning for the need to staff for first responders to contend with the continuing COVID-19 pandemic.

Headings: The descriptive headings of the paragraphs of this order are inserted for convenience only. They shall not control or affect the meaning or construction of this order.

Reservation of Rights. Nothing in this order alters the city's rights to implement any and all legal COVID-19 mitigation measures or lift mitigation measures. The city reserves all its rights to do so.

Severability: If any provision of this order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity affects no other provision or application of this order. Those provisions that remain valid shall be given effect without the invalid provision or application. To achieve this purpose, the provisions of this order are declared to be severable.

Emergency: Whereas it is necessary to preserve the peace, health and safety of the City of San Luis, Arizona, an emergency is declared to exist, and this order shall become immediately operative and in force after posting this order.

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this ____day of February 2022.

_____
Gerardo Sanchez, Mayor

ATTEST:

_____
Sonia Cornelio, City Clerk

APPROVED AS TO FORM

_____
Kay Marion Macuil, City Attorney

AGENDA ITEM REVIEW FORM

Regular City Council Meeting **6. F.**

Meeting Date: 02/09/2022

Department Head: Jorge Perez, Assistant Director of Public Works, Public Works Department

Submitted By: Jorge Perez, Assistant Director of Public Works, Public Works Department

Action Requested: Motion
Resolution

ITEM:

Discussion and possible action on any and all matters regarding Resolution No. 2208. A resolution of the Mayor and City Council of the City of San Luis, authorizing the submission of an application to the United States Department of Interior, Bureau of Reclamation to acquire federal right of way land and request authorization for construction of County 24 th St. between 10th Avenue and Avenue F-1/2 Roadway Project. **(Eulogio Vera, Director of Public Works)**

SUMMARY:

The City of San Luis is working on acquiring federal right of way land required for construction of County 24 th Street between 10th Avenue and Avenue F-1/2 Roadway Project. BOR requires a formal authorization to submit an application for transportation and utility systems and facilities on federal lands.

Staff is requesting approval of Resolution No. 2208 and provide the City Manager authority to sign any pertinent documents.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO APPROVE AND ADOPT RESOLUTION NO. 2208 AS PRESENTED.

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:	YES
CITY/STATE/FEDERAL FUNDS:	LOCAL
TOTAL:	See fiscal impact stment
BUDGETED AMOUNT:	YES
AVAILABLE AMOUNT TO TRANSFER:	N/A
ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:	See fiscal impact statement

FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):

This project will be funded utilizing grants from ARPA and YMPO. We did budget for the ARPA grant, hence costs associated with the submittal of this application will be funded in the appropiate grant account.

Attachments

Resolution No. 2208
BLM Application - Ave F0.5
BLM Application - Co. 24th
Project Location Map

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Resolution

No. 2208

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION TO ACQUIRE FEDERAL RIGHT OF WAY LAND AND REQUEST AUTHORIZATION FOR THE CONSTRUCTION OF COUNTY 24TH STREET.

WHEREAS, the Bureau of Reclamation requires state or local governments to provide authorization to submit an application to the Bureau of Reclamation; and

WHEREAS, the City of San Luis requires federal right of way lands and authorization to construct County 24th street; and

WHEREAS, the City of San Luis wishes to submit a transportation and utility systems and facilities on federal land application; and

WHEREAS, said lands owned by the Bureau of Reclamation are a part of:

Co. 24th Street
The east 33' of Lots 1 and 6 of Section 7, T. 11 S., R. 24 W., G.&S.R.B.&M.
The west 33' and south 33' of Lot 4, south 33' of the SE1/4 of the SW1/4, and the south 33' SE1/4 of Section 8, T. 11 S., R. 24 W., G.&S.R.B.&M.
The south 33' of the SW of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.
The north 33' of NW of Section 16, T. 11 S., R. 24 W., G.&S.R.B.&M.
The north 33' of the NE1/4, north 33' of the NE1/4 of the NW1/4, north 33' and west 33' of Lot 1 of Section 17, T. 11 S., R. 24 W., G.&S.R.B.&M.
The north 33' of the NE of Section 16, T. 11 S., R. 24 W., G.&S.R.B.&M

and

Avenue F1/2
The east 33' of the SE of the SE of the SW of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of San Luis, Arizona, that they hereby authorize the submission of an application for right of way land and authorization to construct County 24th Street and authorize the City Manager to sign the resulting documents.

PASSED, ADOPTED and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this ____day of _____ 2022.

_____
Gerardo Sanchez, Mayor

ATTEST:

_____
Sonia Cornelio, City Clerk

APPROVED AS TO FORM:

_____
Kay Marion Macuil, City Attorney

STANDARD FORM 299 (REV. 3/2020)

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES ON FEDERAL LANDS AND PROPERTY

FORM APPROVED
OMB Control Number: 0596-0249
Expiration Date: 2/28/2023

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application for an authorization (easement, right-of-way, lease, license or permit), the applicant should completely review this package, including instructions, and schedule a pre-application meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the pre-application meeting.

Application Number

Date Filed

1. Name and address of applicant

City of San Luis
Attn: Eulogio Vera, P.E.
Director of Public Works
1090 East Union Avenue
P.O. Box 1170
San Luis, Arizona 85349

2. Name and address of authorized agent if different from item 1

James V. Davey, P.E.
James Davey and Associates, Inc.
1025 W. 24th Street, Ste. #2
Yuma, Arizona 85364

3. Applicant telephone number and email:
(928) 341-8577, (928) 941-6505
evera@sanluizaz.gov

Authorized agent telephone number and email:
(928) 782-7926
jdavey@jdacivil.com

4. As applicant are you? *(check one)*

- a. ☐ Individual
- b. ☐ Corporation*
- c. ☐ Partnership/Association*
- d. ☐ State Government/State Agency
- e. ☑ Local Government
- f. ☐ Federal Agency

** If checked, complete supplemental page*

5. Specify what application is for: *(check one)*

- a. ☑ New authorization
- b. ☐ Renewing existing authorization number
- c. ☐ Amend existing authorization number
- d. ☐ Assign existing authorization number
- e. ☐ Existing use for which no authorization has been received *
- f. ☐ Other*

** If checked, provide details under item 7*

6. If an individual, or partnership, are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description *(describe in detail)*: (a) Type of use or occupancy, *(e.g., canal, pipeline, road, telecommunications);* (b) related structures and facilities; (c) physical specifications *(Length, width, grading, etc.*); (d) term of days/years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for activity/construction *(Attach additional sheets, if additional space is needed.)*

The project consists of construction of a paved roadway along Avenue F-1/2 from County 24th Street to the City 10th Avenue existing pavement. This roadway is a critical part of the City of San Luis roadway infrastructure system in that it will connect to County 24th Street to the south, with County 24th Street being a future direct roadway corridor connecting the separate portions of the City of San Luis (the east side of San Luis at Avenue F-1/2 to the west side of San Luis at Avenue H.) See attached sheet.

8. Attach a map covering area and show location of project proposal.

9. State or Local government approval: ☐ Attached ☐ Applied for ☑ Not Required

10. Nonrefundable application fee: ☐ Attached ☐ Not required ☑ To be determined by agency

11. Does project cross international boundary or affect international waterways? ☐ Yes ☑ No *(if "yes," indicate on map)*

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

The City of San Luis will fund the construction, operation, and perform any future roadway maintenance.

13a. Describe other alternative locations considered.

An alternative considered was to reduce the roadway width and construct all the road within the exiting City of San Luis 33' wide roadway right-of-way in the SE1/4 of the Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M. Therefore, not requiring additional new right-of-way on the west side of Ave F1/2 (33' E, SE1/4SE1/4SW1/4 of the Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.).

b. Why were these alternatives not selected?

Reducing the Ave F-1/2 roadway width was not considered practical due to the Ave F-1/2 roadway alignment being a mid-section roadway needing at least 1 travel lane in each direction with suitable paved/ABC roadway shoulders/pavement edge.

c. Give explanation as to why it is necessary to use or occupy Federal assets (lands or buildings).

The alternative selected crossing BLM lands along the west side of Ave F-1/2 is needed to constructed a portion of the Ave F-1/2 south bound paved lane, 8' wide ABC roadway shoulder, and pavement complete street signing.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. *(Specify number, date, code, or name)*

This Ave F-1/2 road will connect to Co. 24th St to the south (Co. 24th St has an ex. 66' road right-of-way per BLM's “Public Land Order A6389 – Modification of Reclamation Withdrawals to Permit Grant of R/W”. This document is recorded as docket 908, page 591 in the Yuma Co. Recorders Office and also published in the Federal Register (Vol. 41., No. 6, March 22, 1976).

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

See attached sheet.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

This project is in an area of growing population of the City of San Luis. An assured roadway system is needed for the increasing number of residential and commercial developments in the east part of the project area and this paved roadway will collect and flow traffic to the Co. 24th St direct roadway route connecting the now separate portions of the City of San Luis.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability; and, (g) historic or archaeological resources or properties.

See attached sheet.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

See attached sheet.

19. State whether any hazardous material, as defined in this paragraph, would be used, produced, transported or stored on or in a federal building or federal lands or would be used in connection with the proposed use or occupancy. “Hazardous material” shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include (or in the case of approval provided after this permit is issued, shall be amended to include) specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

No hazardous material will be used, transported or stored on or within the right-of-way, or used in the construction, operation, and maintenance of this roadway.

20. Name all the Federal Department(s)/Agency(ies) where this application is being filed.

Not Applicable.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant | Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation utility systems telecommunication installations facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.

2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.

3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.

4. Systems for the transmission and distribution of electric energy.

5. Wired and wireless systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.

6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.

7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847
(or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

National Park Service (NPS)
Alaska Regional Office
240 West 5th Avenue
Anchorage, Alaska 99501
Telephone: (907) 644-3510

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Officer, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation, utility systems, telecommunication installations and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.

8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.

9, 10, and 12 The responsible agency will provide additional instructions.

13 Providing information on alternate locations in as much detail as possible, discussing why certain locations were rejected and why it is necessary to use Federal assets will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate locations as related to current technology and economics.

14 The responsible agency will provide instructions.

15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.

16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION

Disclosure of the information is voluntary. If all the information is not provided, the proposal or application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from proponents and applicants requesting a right-of-way, permit, license, lease, or certification for use of Federal assets. The Federal agencies use this information to evaluate a proponent's or applicant's proposal to use Federal assets.

BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0249. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The authority to collect this information is derived from 47 U.S.C. 1455(c)(3) and 16 U.S.C. 3210.

USDA NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
I - PRIVATE CORPORATIONS	ATTACHED	FILED *
a. Articles of Incorporation	☐	☐
b. Corporation Bylaws	☐	☐
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	☐	☐
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	☐	☐
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	☐	☐
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	☐	☐
b. Proof of organization	☐	☐
c. Copy of Bylaws	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	☐	☐
b. If one partner is authorized to sign, resolution authorizing action is	☐	☐
c. Name and address of each participant, partner, association, or other	☐	☐
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐

***** If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information *(e.g., number, date, code, name)*. If not on file or current, attach the requested information.

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS,
TELECOMMUNICATIONS AND FACILITIES
ON FEDERAL LANDS AND PROPERTY

Additional Sheet

7. Construction duration will be 3 months and need to commence in the spring of 2022. The roadway project will be constructed per the project plans and contract documents/specifications, City of San Luis Supplemental to the Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, the City of Yuma Construction Standard Details Drawings, and the MAG Uniform Standard Specifications and Details for Public Works Construction (Specifications). The new road will consist of a 0.095 miles of 2-lane paved road (3" AC over 12" ABC), 8' wide ABC roadway shoulders, and with street lighting. This roadway will be used year-round and the term of years is perpetual. The majority of the paved roadway and all street lighting to be constructed within the existing City of San Luis road right-of-way located on the west 33' of the SW of the SW of the SE of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.

The City of San Luis hereby request a new roadway right-of-way and permit to construct the Avenue F-1/2 west roadway portion situated at:

The east 33' of the SE of the SE of the SW of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.

The project area within the existing City of San Luis roadway right-of-way, currently has a gravel roadway constructed on it used to maintain and operate an existing City of San Luis 12-inch watermain.

The City of San Luis has submitted to the Bureau of Land Management a separate right-of-way and permit application to construct a paved roadway on the County 24th Street – Avenue F-1/2 to Avenue H roadway within the existing City of San Luis road right-of-way located on reclamation withdrawn lands in Sections 7, 8, 9,16, and 17, T.11 S., R.24 W., G.&S.R.B&.M. per Bureau of Land Management Public Land Order No. A-6389. This separate County 24th Street construction project will provide a secondary and more direct route between the east and west portions of San Luis along the southernmost Section line (County 24th Street alignment).

15. The purpose of the proposed project is to construct a 2-lane paved roadway across federal property for the benefit of the City of San Luis, Arizona community along Avenue F-1/2 from County 24th Street to the City 16th Avenue existing pavement. This roadway is a critical part of the City of San Luis roadway infrastructure system in that it will connect to County 24th Street to the south, with County 24th Street being a direct roadway corridor connecting the separate portions of the City of San Luis (the east side of San Luis at Avenue F-1/2 to the west side of San Luis at Avenue H.), have all-weather access to the City's existing 12-inch watermain for operation and maintenance purposes, thus providing improved efficiency of the City's entire roadway and water infrastructure systems.

The City of San Luis will construct, operate, and maintain the roadway.

The engineer's construction cost estimate for the proposed roadway within the requested right-of-way (on the east 33' of the SE of the SE of the SW of said Section 9) is about $15,000.

17. There are no known environmental effects due to the construction of this roadway. The roadway will be constructed over the City's existing 12-inch watermain operation and maintenance ABC roadway along Avenue F-1/2 from County 24th Street to the existing pavement at about City's 16th Avenue. See attached Cultural Resources Survey done for the nearby 24th Street to the south. The proposed paved roadway will consist of relatively flat roadway longitudinal grades matching the existing surrounding grades, have lineal onsite drainage, and street lighting with underground conduit along the east side of Avenue F-1/2. Currently, there is no natural vegetation along this roadway corridor, therefore construction would not affect the current area conditions. This project construction duration will be about 3 months and Storm Water Pollution Prevention and dust control measures will be applied.

18. There will be no probable effects to populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species due to the construction of project. The project area is within the boundary limits of the USBR environment study called "5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/Environmental Assessment" (attached are this environmental study's Finding of No Significant Impact (FONSI) and Executive Summary. This Avenue F-1/2 roadway project area is outside of the flat-tailed horned lizard (FTHL) management area (see attached Flat-tailed Horned Lizard Management Area Map V – 6).

ORIGINAL

Contract No. 09-07-34-L1632

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
LOWER COLORADO REGION
YUMA AREA OFFICE
YUMA, ARIZONA

COLORADO RIVER BASIN SALINITY CONTROL PROJECT
PROTECTIVE AND REGULATORY
PUMPING UNIT, TITLE 1 DIVISION

CONSENT AGREEMENT

THIS CONSENT AGREEMENT (Consent), is made this 4th day of April, 20 11, pursuant to provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388); the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), as amended August 18, 1950 (64 Stat. 463); and acts amendatory thereof or supplementary thereto; and provisions of 43 C.F.R § 429, between the United States of America, acting through the Bureau of Reclamation, hereinafter referred to as "Reclamation," represented by the officer executing this Consent, hereinafter referred to as the "Area Manager," and the City of San Luis, hereinafter referred to as the "Consentee,"

WITNESSETH:

WHEREAS, the Consentee seeks use authorization from Reclamation to construct, reconstruct, install, operate and maintain a 16-inch waterline, within, on and/or across certain rights-of-way which Reclamation acquired for the Project; and

WHEREAS, the granting of such use authorization by Reclamation and the exercise of such use authorization by the Consentee under the terms and conditions herein provided will be compatible with the purposes for which the rights-of-way are administered on behalf of the United States by Reclamation.

NOW, THEREFORE, Subject to the conditions hereinafter set forth, Reclamation does hereby grant to the Consentee use authorization to construct, install, operate and maintain said Waterline within, on and/or across, the rights-of-way hereinafter described. The parties hereto agree as follows:

1. DESCRIPTION OF IMPROVEMENTS AND ASSOCIATED USE AREAS:

Said waterline, to be located, within portions of sections 8, 16 and 17, Township 11 South, Range 24 West, Gila and Salt River Meridian, Yuma County, Arizona.

The Consentee's 16-inch waterline herein described shall hereinafter be referred to, collectively, as the "Waterline." The Reclamation rights-of-way herein described and defined shall hereinafter be referred to, collectively, as the "Use Areas."

2. ASSIGNMENT: This Consent is personal, revocable and nontransferable and shall not be construed as granting to the Consentee any right, title or interest in the Use Areas or any other property, facilities or works of the United States and/or Reclamation.

3. TERM: This Consent, unless terminated sooner as provided by Article 6 hereof, shall terminate twenty five (25) years from the date hereof. This Consent may, upon agreement of the parties, be extended for an additional twenty five (25) year period. Any application for extension shall be filed by the Consentee, in writing, with the Area Manager. Any application for extension must be filed not less than one hundred and eighty (180) days prior to termination of this Consent.

4. EXCEPTIONS AND RESERVATIONS:

(a) The United States and/or Reclamation reserves the right of its/their officers, agents and employees to at all times have unrestricted access and ingress to, passage over and egress from all of the Use Areas to make investigations of all kinds, dig test pits and drill test holes, to survey for and construct reclamation and irrigation works and other structures incident to federal reclamation projects.

(b) The rights granted hereunder shall not be exclusive in character and the United States and/or Reclamation reserves to itself, its successors and assigns, the right against the Consentee to use any or all of the Use Areas, which are or may be crossed, or upon which irrigation and drainage facilities and works of Reclamation have been constructed, and to construct, reconstruct, operate and maintain therein and thereon dams, dikes, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant irrigation and drainage structures which may be needed or useful in connection with

or as a part of canals, laterals and other irrigation and drainage facilities without any payment by Reclamation, its successors or assigns for the exercise of such right. The Consentee agrees that if the construction, reconstruction, installation, operation or maintenance of any or all of such works of the United States and/or Reclamation, on or across the Use Areas described above, should be made more expensive by reason of the existence of the Waterline, such additional expense may be estimated by Reclamation whose estimate shall be final and binding upon the parties hereto, and within thirty (30) days after demand is made upon the Consentee for payment of any such sums, the Consentee shall make payment thereof to the United States and/or Reclamation or its successors or assigns constructing such works across, over, under or upon the Use Areas.

(c) Reclamation reserves the right to inspect the Consentee's, or its assigns under the terms of this Consent, Waterline, both during the progress of construction and upon completion thereof.

(d) Jurisdiction of and supervision by Reclamation over the Use Areas is not surrendered or subordinated by issuance of this Consent and the United States and/or Reclamation reserves the right to issue additional Consent or other agreements for compatible uses of the Use Areas.

5. INDEMNITY: The Consentee hereby agrees to hold harmless and indemnify the United States and/or Reclamation, its/their employees, agents, successors or assigns from and against any claims, demands, costs, losses, causes of action, damages or liability of whatsoever kind or nature arising out of or resulting from acts of negligence of the Consentee, its officers, agents, employees or contractors in the utilization by the Consentee of the rights granted to it pursuant to this Consent. Additionally, except for acts of negligence, the Consentee releases the United States and/or Reclamation, its/their officers, employees, successors and assigns from any and all liability for damage arising from injury to persons or damage to structures, equipment, improvements or works of the Consentee resulting from the construction, operation or maintenance of any of the works of the United States and/or Reclamation. Provided, however, that nothing contained in this clause shall be deemed to modify or limit any liability which may be imposed by the Federal Tort Claims Act, 28 U.S.C, § 2617 et seq. (1970).

6. TERMINATION: This Consent shall terminate and all rights of the Consentee hereunder shall cease upon the following:

(a) At the expiration of the term as provided by Article 3; or

(b) Upon mutual, written agreement by the parties hereto; or

(c) At any time by Reclamation upon six (6) months written notice to the Consentee; or

(d) After failure of the Consentee to observe any of the conditions of this Consent, and on the tenth day following service of written notice on the Consentee of termination because of failure to observe such conditions; or

(e) Upon a determination by Reclamation that any activity by the Consentee in or upon the Use Areas is or was illegal.

7. MISCELLANEOUS CONDITIONS:

(a) The Consentee, at its sole expense, shall construct, install, use and maintain the Waterline in conformity with all applicable regulations of Federal, State and local regulatory agencies, including but not limited to, those relating to pollution and environmental control.

(b) All construction, use and maintenance activities undertaken pursuant to this Consent shall be in conformity with the specifications approved in advance by the Area Manager and shall be conducted by the Consentee at all times in a manner satisfactory to the Area Manager.

(c) The Consentee shall at all times keep the Use Areas, including construction areas used by the Consentee, free from accumulations of waste materials or rubbish.

(d) During construction and use of the Use Areas, the Consentee shall carry out proper and efficient measures wherever and as often as necessary to reduce nuisance by dust, and to prevent dust which has originated from its operations from damaging any other properties or causing a nuisance to persons.

(e) The Consentee shall reimburse the United States and/or Reclamation for any and all costs and expenses incurred in the defense of any action which challenges the Consentee's use of the Use Areas.

(f) The Consentee shall not use the Use Areas or permit the use thereof for any purpose except as set forth herein.

(g) Upon termination of this Consent for any reason, the Consentee may be required, at the option of the United States and/or Reclamation, to remove the Waterline placed in or upon the Use Areas and shall restore the Use Areas to a condition satisfactory to the Area Manager. If the Consentee fails to remove the Waterline within sixty (60) days after termination of this Consent, the Area Manager may, on behalf of the United States and/or Reclamation, deny and

prohibit any or all public access to the Use Areas and/or the Waterline or remove the Waterline at the expense of the Consentee, and the Consentee shall promptly pay the United States and/or Reclamation for removal of the Waterline and restoration of the Use Areas upon receipt of billing.

(h) The Consentee shall provide a construction schedule and 72-hours notice to Reclamation prior to start of construction. Said 72-hours notice shall be provided to Reclamation's Technical Services Group Manager at telephone No. 928-343-8100 so that an inspector can be on-site during construction activities.

(i) Upon completion of installation of Waterline, Consentee shall furnish Reclamation with as-built drawings depicting the location of said Waterline, as installed.

8. OFFICIALS NOT TO BENEFIT: No Member of or Delegate to Congress or Resident Commissioner, and no officer, agent or employee of the Department of the Interior, shall be admitted to any share or part of this Consent or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this Consent if made with a corporation or contractor for its general benefit.

9. COVENANT AGAINST CONTINGENT FEES: The Consentee warrants that no person or agency has been employed or retained to solicit or secure this Consent upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established agencies maintained by the Consentee for the purpose of securing business. For breach or violation of this warranty, the United States and/or Reclamation shall have the right to annul this Consent without liability or in its discretion to require the Consentee to pay, in addition to the right-of-use consideration, if any, the full amount of such commission, percentage, brokerage or contingent fee.

10. DISCOVERY OF CULTURAL RESOURCES: The Consentee shall immediately provide an oral notification to Reclamation of the discovery of any and all antiquities or other objects of archaeological, cultural, historic or scientific interest on Reclamation lands. The Consentee shall follow up with a written report of their finding(s) to Reclamation within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects and artifacts discovered as a result of activities authorized under this Consent. The Consentee shall immediately cease the activity in the area of the discovery, make a reasonable effort to protect such discovery and wait for written approval from Reclamation before resuming the activity. Protective and mitigative measures specified by Reclamation shall be the responsibility of the Consentee.

11. HAZARDOUS MATERIALS:

(a) The Consentee may not allow contamination or pollution of lands, waters or project works of the United States and/or Reclamation for which the Consentee has the responsibility for care, operation and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties.

(b) The Consentee shall comply with all applicable Federal, State and local law and regulations and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or project works of the United States and/or Reclamation.

(c) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act. In addition it shall include thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers or any other pollutants.

(d) Upon discovery of any event which may or does result in contamination or pollution of lands, water or project works of the United States and/or Reclamation, the Consentee shall initiate emergency measures to protect health and safety and the environment if necessary and shall provide notice of such discovery with full details of the actions to Reclamation's Environmental Planning and Compliance Group Manager at telephone No. 928-343-8100. Additionally, all spills regardless of size, shall be reported to Reclamation's Environmental Planning and Compliance Group Manager. Such notice shall be within a reasonable time period but not to exceed 24 hours from the time of discovery if it is an emergency and the first working day if it is a non-emergency.

(e) Violation of any of the provisions of this Article, upon which the Consentee does not take immediate corrective action, may, as determined by Reclamation, constitute grounds for termination of this Consent and shall make the Consentee liable for the cost of full and complete remediation and/or restoration of any resources or facilities of the United States and/or Reclamation that are adversely affected as a result of the violation.

(f) The Consentee agrees to include the provisions contained in paragraphs (a) through (e) of this Article in any subcontract or third party contract it may enter into pursuant to this Consent.

(g) Reclamation agrees to provide information necessary for the Consentee using reasonable diligence, to comply with the provisions of this Article.

12. CLEAN AIR AND WATER: The Consentee agrees as follows:

(a) To comply with all Federal, state, and local requirements of the Clean Air Act (CAA) and the Clean Water Act (CWA); and

(b) To obtain written permission from Reclamation prior to conducting any activities that require permits, plans, or certificates under the CAA or the CWA; and

(c) To provide Reclamation with a copy of any correspondence between the Consentee and any regulatory agency concerning CAA or CWA compliance, including, but not limited to, copies of permit applications, permits, reports, notices of violation or enforcement actions; and

(d) To take immediate and effective action to correct any violation related to the CAA or the CWA. Provide Reclamation with a narrative description of the violation, the actions taken by the Consentee, the date the violation began, the date that the Consentee became aware of the violation and the date that the Consentee returned to compliance; and

(e) To take action to comply with any changes to the CAA and the CWA within the schedule required by the regulation, rule or guidance.

13. NOTICES:

(a) Any notices required by this Article shall be served by certified mail addressed to the respective addresses given herein and the mailing of any such notice properly enclosed, addressed, stamped and certified, shall be considered service.

(b) Any notice, demand or request required or authorized by this Consent to be given or made to or upon the United States and/or Reclamation shall be deemed properly given or made if delivered or mailed postage-prepaid, to the Area Manager, Yuma Area Office, Bureau of Reclamation, 7301 Calle Agua Salada, Yuma, Arizona 85364.

(c) Any notice, demand or request required or authorized by this Consent to be given or made to or upon the Consentee shall be deemed properly given or made if delivered or mailed postage-prepaid, to the City of San Luis, P.O. Box 1170, San Luis, Arizona, 85340-1170.

(d) The designation of the person to or upon whom any notice, demand or request is to be given or made, or the address of such person may be changed at any time by notice given in the same manner as provided in this Article for other notices.

14. NO WARRANTY: Reclamation makes no warranty, express or implied, as to the extent or validity of the grant contained herein.

IN WITNESS WHEREOF, the parties hereto have signed their names to this CONSENT AGREEMENT to become effective the day and year first above written.

THE UNITED STATES OF AMERICA

By: _____
Christopher M. Wallis, Director
Resource Management Office
Yuma Area Office
Lower Colorado Region
Bureau of Reclamation

Date: 4/4/2011

CITY OF SAN LUIS

By: _____

Title: Director of Public Works

Date: Sept 15, 2010

ACKNOWLEDGMENT

State of Arizona)
) ss.
County of Yuma)

On this 15th day of September, 2010, before me,

Melissa Lopez, a Notary Public in and for said County and State

personally appeared John Starkey, Public Works Director
Name Title

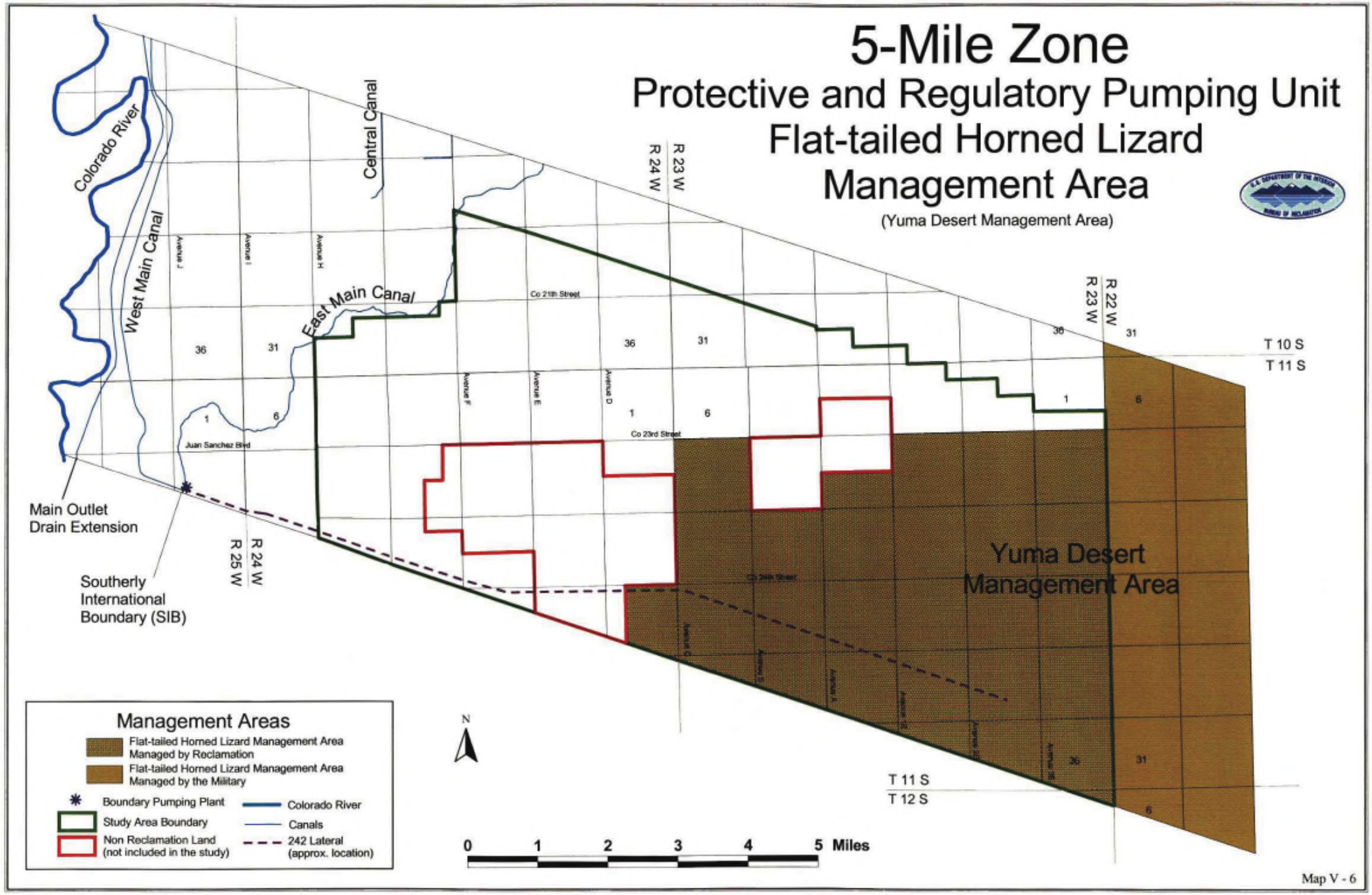
known to me to be the person described in the foregoing instrument, and acknowledged to me that he executed the same on behalf of the City of San Luis, Arizona, in the capacity therein stated and for the purpose therein contained.

Melissa Lopez
Notary Public in and for the
County of Yuma, State of Arizona

OFFICIAL SEAL
Melissa Lopez
Notary Public - Arizona
Yuma County
My Commission Expires 5/10/2014

My Commission Expires: 5/10/2014

5-Mile Zone
Protective and Regulatory Pumping Unit
Flat-tailed Horned Lizard Management Area
(Yuma Desert Management Area)

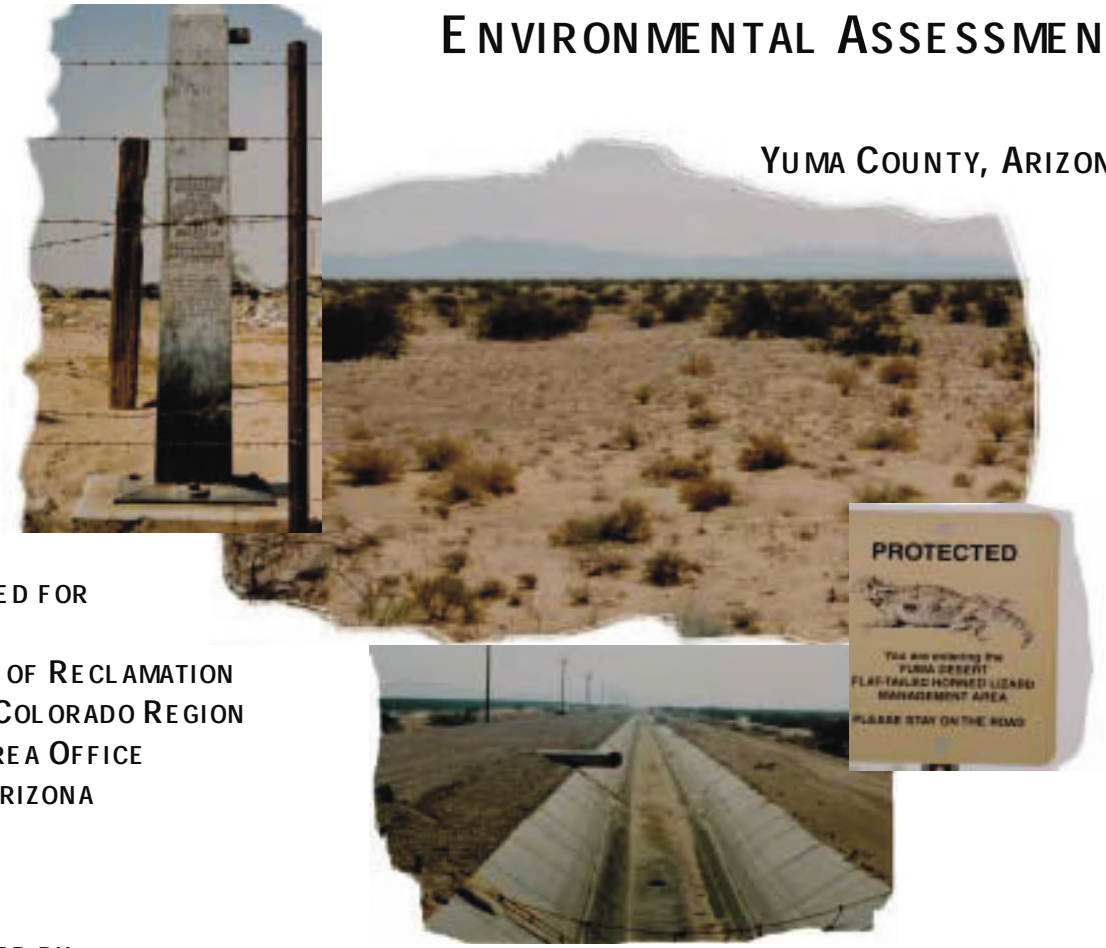


Management Areas
- Flat-tailed Horned Lizard Management Area Managed by Reclamation
- Flat-tailed Horned Lizard Management Area Managed by the Military
- Boundary Pumping Plant
- Study Area Boundary
- Non Reclamation Land (not included in the study)
- Colorado River
- Canals
- 242 Lateral (approx. location)

Map V - 6

5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/ Environmental Assessment

Yuma County, Arizona



Prepared for

Bureau of Reclamation
Lower Colorado Region
Yuma Area Office
Yuma, Arizona

Prepared by

Bureau of Reclamation
Technical Service Center
Denver, Colorado

April 2004

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/ Environmental Assessment

Yuma County, Arizona

April 2004

For further information contact:
Bureau of Reclamation
Yuma Area Office
7301 Calle Aqua Salada
Yuma AZ 85364-9763

Finding of No Significant Impact

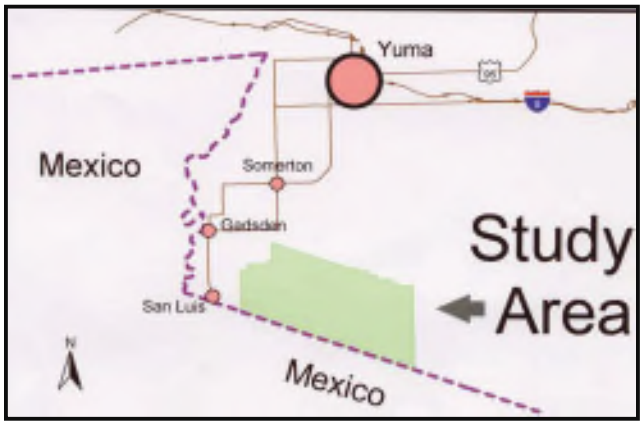
5-Mile Zone Protective and Regulatory
Pumping Unit Resource Management Plan
Yuma, Arizona

INTRODUCTION

This finding of no significant impact (FONSI) describes the Bureau of Reclamation's (Reclamation) environmental conclusions regarding a proposal to implement a resource management plan (RMP) in the 5-mile-zone. Reclamation prepared the *5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/Environmental Assessment* (RMP/EA) to evaluate the potential environmental effects of four alternatives, including a no action alternative in accordance with the provisions of the National Environmental Policy Act (NEPA). This FONSI is a separate companion document to the final RMP/EA.

Because the alternatives developed for the RMP portion of the document are general in nature, the environmental assessment (EA) portion of the document (NEPA portion) is programmatic in nature. Thus, Reclamation will complete site-specific NEPA compliance that is tiered to the final RMP/EA and this FONSI before implementation of any ground-disturbing actions covered under the RMP.

The 5-mile zone is a 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State. In 1944, the United States and Mexico signed a treaty (Treaty) requiring the United States to annually deliver 1.5 million acre-feet of Colorado River water to Mexico. In August 1973, to resolve salinity problems, the two countries reached a permanent solution in the form of Minute No. 242 of the International Boundary and Water Commission (IBWC Minute 242). IBWC Minute 242 includes the provision that the United States shall deliver approximately 140,000 acre-feet of water to Mexico annually at the southern international boundary to partially satisfy its Treaty obligations and that each country shall limit groundwater pumping within 5 miles of the international boundary near San Luis, Arizona, to 160,000 acre-feet annually. In June 1974, the Congress passed the Colorado River Basin Salinity Control Act, Public Law (P.L.) 93-320, to enable the United States to comply with its obligations under IBWC Minute 242. Section 103(a) of this act authorized the United States to construct, operate, and maintain well fields within the 5-mile zone that are capable of providing sufficient water to Mexico. These well fields are located on Reclamation lands commonly called Reclamation's 5-mile zone Protective and Regulatory Pumping Unit (PRPU).



Location and Boundary of the Study Area.

The study area includes those lands within the 5-mile zone that are east of Avenue H and are under the jurisdiction of Reclamation. Other lands within the 5-mile zone are owned or managed by the Bureau of Land Management, State of Arizona, city of San Luis, or private landowners and are not considered in this RMP/EA.

PURPOSE AND NEED

The purpose of the RMP is to establish a 10-year plan detailing the management framework to conserve, protect, enhance, develop, and use the natural and cultural resources within the study area.

The RMP is needed to provide decisionmakers with consistent direction and guidance ensuring that management of the natural and cultural resources within the study area is compatible with the authorized purposes of Title I of the Colorado River Basin Salinity Control Act of 1974, P.L. 93-320, as amended by P.L. 96-336 and IBWC Minute 242. Further, the RMP is needed to provide decisionmakers and planners with consistent direction and guidance in resolving land and water use issues and concerns within the study area related to conflicts between the need to accommodate development in San Luis, Arizona, address increasing public demand, and the management of cultural and natural resources.

ALTERNATIVES CONSIDERED

Reclamation developed three action alternatives (i.e., alternatives that prescribe a change in resource management in the study area). In addition to the action alternatives, Reclamation also formulated a No Action Alternative, as required by the Council on Environmental Quality regulations implementing NEPA. The No Action Alternative describes the management of the study area if Reclamation does not implement an RMP for the 5-mile zone.

Four alternatives were considered in detail: the No Action Alternative (Alternative A), Natural Resources Conservation/Protection Alternative (Alternative B), Recreation, Community, and Commercial Development Alternative (Alternative C), and Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D).

Preferred Alternative

The Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D) was selected as the preferred alternative. Under the preferred alternative, Reclamation resource management policies and practices within the study area would change. Reclamation will authorize limited use and consider limited land exchanges/transfers within the study area to accommodate limited recreation, community, and commercial activities. These uses will be limited to maintain Reclamation's capability to meet water deliveries to Mexico, in accordance with Treaty obligations, and conserve flat-tailed horned lizard habitat, pursuant to the *2003 Flat-Tailed Horned Lizard Rangewide Management Strategy*. Chapter IV of the RMP/EA provides a detailed description of Alternative D.

ENVIRONMENTAL COMMITMENTS

Because the EA portion of the RMP is programmatic in nature, Reclamation recognized the difficulty of establishing site- or project-specific environmental commitments to avoid and mitigate, as appropriate, potential impacts to cultural and natural resources in the study area that may be associated with implementation of the RMP under Alternative D. Therefore, Reclamation developed and included comprehensive guidance and principles for establishing environmental commitments for inclusion in site- or project-specific NEPA documents that will be tiered to the final RMP/EA. Details pertaining to environmental commitments are included as a separate section in the RMP/EA and includes guidance specific to the following resource areas.

- Implement control measures to minimize impacts on **Air Quality**.
- Prevent **Soil** erosion related to proposed projects.
- Implement controls, limit **Land Use** conflicts, and avoid adverse impacts to cultural and natural resources.
- Monitor **Groundwater** levels and quality and establish best management practices, as needed, to avoid over withdrawals and degradation.
- Implement measures to support protection and recovery of the **Flat-Tailed Horned Lizard** and other **Special Status Species**, including consultation under the provisions of the **Fish and Wildlife Coordination Act** and the **Endangered Species Act**.
- Consider carrying capacity, strict design criteria, potential user conflicts, and bilingual concerns prior to development of **Recreation** facilities.
- Consult with the State Historic Preservation Officer and Indian tribes, and conduct **Cultural Resources** surveys prior to implementation of project specific activities.
- Based on consultation, determine measures to avoid impacts to **Indian Sacred Sites** and avoid, mitigate, or compensate for any adverse impacts to **Indian Trust Assets**.

SCOPING AND PUBLIC REVIEW

Throughout the development of this RMP/EA, Reclamation made a concerted effort to involve interested parties, including agencies, Indian tribes, special interest groups, and individuals, in the planning for the environmental, land, recreation, and wildlife resources within the study area.

The public scoping process for this RMP/EA included individual agency meetings and several open house forums. Press releases announcing the open houses were sent to local media. Bilingual assistance was available at the open houses, and Spanish documentation was provided during the public scoping process, when requested.

At each open house, Reclamation provided pertinent information to the public and solicited public issues and concerns about the existing and future management of the study area. Reclamation used the input garnered from public and interested agencies to formulate the four alternatives considered. Once the alternatives were developed, Reclamation sent descriptions to those on the mailing list and held an open house to seek further input. Reclamation considered all comments received during initial scoping and development of the alternatives.

On August 25, 2003, the draft RMP/EA was sent to those on the mailing list for review and comment. A detailed description of the public scoping process and proceedings are described in chapter 1, and copies of comment letters are included as an appendix to the RMP/EA. Comments received on the draft RMP/EA were considered in preparing the final RMP/EA. The final RMP/EA will be available on the internet and mailed to those on the distribution list. A news release announcing its availability will be sent to local media.

Reclamation will provide for future public involvement opportunities associated with implementing some of the management actions in the RMP through the PRPU study area working group and public involvement activities associated with future RMP-related NEPA compliance requirements.

COORDINATION

In the course of preparing the RMP/EA, Reclamation conducted consultation and coordination in accordance with the following laws and requirements. Chapter I of the RMP/EA provides detailed information pertaining to specific coordination efforts.

- National Historic Preservation Act of 1966, as amended
- Fish and Wildlife Coordination Act of 1958, as amended, and Endangered Species Act of 1973, as amended
- Indian Trust Assets
- Adjacent Landowners

FINDING

Reclamation analyzed, and the EA portion of the RMP/EA documented, the potential environmental and social impacts of the proposed action on the following: air quality, noise, soils, land use and transportation, groundwater, vegetation and wildlife, special status species, recreation, visual resources, economics, cultural resources, Indian sacred sites, Indian trust assets, and environmental justice. The results of the analysis determined that implementation of the 5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan, as described under the Natural Resources Conservation/Protection Alternative (Alternative D), would not have significant impacts on the human and natural environment.

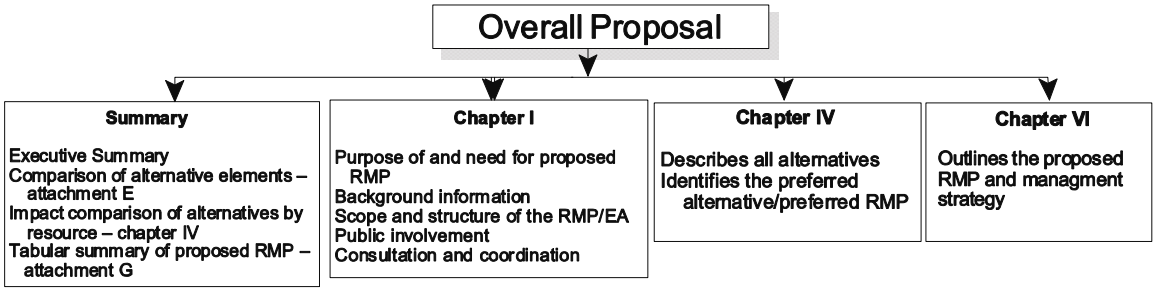
Approved: Jim Cherry 3-18-04

Jim Cherry, Area Manager
Yuma Area Office

Date

How to Read This Resource Management Plan/ Environmental Assessment

This resource management plan (RMP)/ environmental assessment (EA) is an integrated planning and National Environmental Policy Act compliance document. The schematic below will help you locate the information you are most interested in.



Affected Environment or Existing Conditions

Chapter V describes the existing physical and biological resources and environmental factors within the study area:

- Climate
- Air Quality
- Noise
- Topography
- Geology
- Soils
- Land Use and Transportation
- Groundwater
- Vegetation and Wildlife
- Special Status Species
- Recreation
- Visual Resources
- Economics
- Cultural Resources
- Indian Sacred Sites
- Indian Trust Assets
- Environmental Justice

Impacts

Chapter V also describes the potential effects of the No Action Alternative as well as the three proposed action alternatives on the resources and factors.

Cumulative impacts, mitigation measures, and residual impacts have been identified in chapter V, if appropriate.

Supporting Information

Chapter II

Management responsibilities of involved agencies

Chapter III

Planning process, issues, opportunities, and constraints

Other Sections

Abbreviations/Acronyms
Environmental Commitments
List of Preparers
Bibliography
Glossary of Terms
Distribution List
Attachments

Frequently Asked Questions

Who do I contact for more information? See the transmittal letter sent with this document.

What does an acronym (like NEPA) mean? See the list of abbreviations and acronyms before the "Contents."

Where can I find a certain topic? Use the "Contents" at the beginning of the document.

Why doesn't this look like a typical environmental compliance document? Because it is an integrated document that has both planning chapters and environmental compliance chapters contained under the same cover.

Executive Summary

The Bureau of Reclamation (Reclamation) prepared this resource management plan and environmental assessment (RMP/EA) for certain Reclamation lands within the 5-mile zone, a 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State. The Southerly International Boundary (SIB) between the United States and Mexico forms the 5-mile zone's southern boundary. The 5-mile zone's northern boundary parallels its southern boundary. From its western boundary, formed by the limitrophe section of the international boundary,[1] the 5-mile zone extends 13 miles southeast to the boundary of the Barry M. Goldwater Range.

Specifically, this planning effort addresses those lands within the 5-mile zone that are east of Avenue H and are under the jurisdiction of Reclamation (study area). The study area is commonly called Reclamation's Protective and Regulatory Pumping Unit (PRPU) and encompasses approximately 30,200 acres. Other lands within the 5-mile zone are owned or managed by the Bureau of Land Management (BLM), State of Arizona, city of San Luis, or private landowners. The city of San Luis is located in the southwestern portion of the 5-mile zone.

BLM will address, in a separate resource management plan, the Reclamation lands that it manages along the Colorado River.

PROPOSED FEDERAL ACTION

Preparation and implementation of an RMP is a Federal action that is intended to direct the management of resources within the study area to maximize overall public and resource benefits for the next 10 years. The National Environmental Policy Act (NEPA) requires Federal agencies to consider the potential effect(s) of a Federal action on the environment before implementing the proposed action. Therefore, Reclamation used a planning process and an appropriate level of environmental analysis to develop this RMP/EA. Once Reclamation adopts the RMP/EA, it will be used as the framework to manage lands within the study area.

PURPOSE OF AND NEED FOR ACTION

The purpose of this RMP is to establish a 10-year plan detailing the management framework to conserve, protect, enhance, develop, and use the natural and cultural resources within the study area.

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[1] "Limitrophe" refers to the international boundary between the United States and Mexico formed by the Colorado River.

The RMP is needed to do the following:

- Provide decisionmakers with consistent direction and guidance to successfully manage the natural and cultural resources within the study area.
- Ensure management of the natural and cultural resources are compatible with the authorized purposes of Title I of the Colorado River Basin Salinity Control Act of 1974, Public Law 93-320, as amended by Public Law 96-336.
- Resolve land and water use issues and concerns within the study area related to the growth of the city of San Luis, Arizona, and surrounding area.
- Address the increasing demand for public use of the resources within the study area while protecting and enhancing the natural and cultural resources.

AUTHORITY

Title 28 of Public Law 102-575, Section 2805 (106 Statute 4690, Reclamation Recreation Management Act of October 30, 1992) provides Reclamation with authority to prepare resource management plans.

PUBLIC INVOLVEMENT

Throughout the development of this RMP/EA, Reclamation made a concerted effort to involve interested parties, including agencies, special interest groups, and individuals, in planning for the environmental, land, recreation, and wildlife resources within the study area.

CONSULTATION AND COORDINATION

Reclamation also conducted agency consultation and coordination in the course of developing this document, including consultations required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations; the Fish and Wildlife Coordination Act of 1958, as amended; and the Endangered Species Act of 1973, as amended. Reclamation also consulted with the Bureau of Indian Affairs and area tribes about Indian trust assets within the study area. In addition, Reclamation contacted several adjacent landowners and gathered information about existing and future uses of those lands.

RESPONSIBILITIES OF DIFFERENT MANAGEMENT ENTITIES IN THE STUDY AREA

Reclamation maintains primary jurisdiction of the lands and associated resources within the study area; however, other entities may have some limited involvement in managing the study area. Some of these entities include the following.

International Boundary and Water Commission

The International Boundary and Water Commission (IBWC) is responsible for the demarcation of all international boundaries and any water or boundary issues. The IBWC is responsible for annual reports that address the amount of water pumped from Reclamation wells within the study area, as well as the amount of water pumped from wells by other entities and individuals within the study area.

United States Border Patrol

The primary mission of the United States Border Patrol is the detection and apprehension of illegal aliens and smugglers of aliens at or near the international land boundary.

Arizona Game and Fish Department

The Arizona Game and Fish Department (AGFD) has management authority of the State's wildlife, which is held in trust for the citizens of the State of Arizona.

Yuma Area Water Resources Management Group

The Yuma Area Water Resources Management Group (YAWRMG) includes representatives from major water entitlement holders, suppliers, and managers in the greater Yuma area. The group includes irrigation districts, municipalities, and governmental agencies, such as Reclamation. YAWRMG's objective is to more effectively manage and use the water resources available to the greater Yuma area while meeting treaty water quality and salinity requirements with Mexico.

Flat-Tailed Horned Lizard Interagency Coordinating Committee

This committee developed a Flat-Tailed Horned Lizard Management Strategy (Rangewide Management Strategy) (last revised in May 2003) for the flat-tailed horned lizard in the United States. Reclamation manages the approximately 16,000 acres of flat-tailed horned lizard critical habitat (Yuma Desert Management Area) within the study area pursuant to this Rangewide Management Strategy.

ADJACENT LAND USES

Federal, State, and local government entities manage lands adjacent to and near the study area. BLM, the U.S. Air Force, and the U.S. Navy administer Federal lands adjacent to and near the study area. BLM manages the lands for multiple use and is responsible for managing a wide variety of renewable and nonrenewable resources. As an agency, some of the resources it manages are soils, water, grazing, minerals, wildlife species and habitat, recreation, off-highway vehicles, and heritage resources. The Air Force and the Navy administer lands that primarily support national defense purposes. They administer other lands to manage and protect natural and cultural resources.

The State of Arizona administers several sections of lands adjacent to or within the study area. These lands are used primarily for open space, recreation activities such as hunting, and for agriculture through leases with private parties.

Local government entities, such as the city of San Luis, city or county of Yuma, or private nonprofit organizations, such as the Greater Yuma Port Authority, manage other lands adjacent to the study area. These lands are used primarily for residential and industrial uses while maintaining adequate open space for public recreation.

LAND USE PLANNING PROCESS

Reclamation followed an established land use planning process to prepare this RMP/EA. This process focuses on resolving issues that arise over the use and management of public lands and resources. A planning issue can be defined as an unrealized opportunity, an unresolved conflict or problem, an effort to implement a new management program as a result of new initiatives or laws and regulations, or a resource or public use value being lost. Not all issues are related to resource management; therefore, an RMP/EA cannot resolve all issues; some must be resolved administratively.

For this RMP/EA, Reclamation identified issues concerning the conflicting demands for consumptive and non-consumptive uses of the land. The primary challenge is to protect natural and cultural resources while allowing uses that have a minimum effect on these resources. Reclamation used three areas of investigation to identify planning issues, opportunities, and constraints:

- Public involvement
- Collection and evaluation of existing resource data
- Review of its internal programs and policies

Similar issues were grouped into issue categories. This RMP/EA addresses the following seven issue categories:

- Land use

- Water use
- Partnerships
- Natural and cultural resources management
- Public information and education
- Recreation management
- Health and safety

MANAGEMENT OPPORTUNITIES

Management opportunities exist within the study area to protect, enhance, and interpret the natural resources; to provide a range of recreation opportunities and facilities, while not adversely affecting existing natural resources; and to evaluate, protect, and interpret cultural resources for public education and enjoyment. Partnership, interpretation, and cost-share funding opportunities are also available.

MANAGEMENT CONSTRAINTS

When agencies address management changes and other actions, they are constrained by their respective legislative authorities, budgets, personnel, current policies, and environmental limitations. The ability of land management agencies to manage environmental and recreational resources will always depend on maintaining sufficient personnel and on the ability of the agencies to obtain adequate funding to operate and maintain facilities and programs, as well as to protect and enhance existing opportunities and resources.

ALTERNATIVES

Reclamation developed three action alternatives (i.e., alternatives that prescribe a change in resource management in the study area). In addition to the action alternatives, Reclamation also formulated a No Action Alternative, as required by the Council on Environmental Quality regulations implementing NEPA. The No Action Alternative describes the management of the study area if an RMP were not implemented.

Under Alternative A (No Action Alternative), Reclamation resource management policies and practices within the study area would not change. Management actions to implement programs and policies would occur on a case-by-case basis to meet Federal, State, and local laws and regulations. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Land use authorizations, such as licenses, leases, and permits, would be issued, as currently, on a case-by-case basis.

Under Alternative B (Natural Resources Conservation/ Protection Alternative), Reclamation resource management policies and practices within the study area would change. Management actions would be implemented that would protect and enhance natural and cultural resources within the study area. In particular, flat-tailed horned lizard habitat protection would be maximized, pursuant to the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Existing second-party land uses would be scrutinized and eliminated when possible. Public access and recreational use within the study area would be limited to benefit natural and cultural resources. Recreational off-highway vehicle (OHV) use would be eliminated.

Under Alternative C (Recreation, Community, and Commercial Development Alternative), Reclamation resource management policies and practices within the study area would change. Public access and recreational use within the study area would be maximized. Opportunities for nature study, hiking, wildlife observation, camping and day use, and OHV use would be provided to the greatest extent possible, while adhering to the guidance and direction contained in the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Licenses, leases, permits, and other land use authorizations would be issued when compatible with public use of Reclamation lands. Areas deemed appropriate for community expansion, such as utility corridors, transportation routes, community open space, airport, landfills, sewage disposal sites, and recreation and leisure facilities, would be accommodated, as appropriate. Land exchanges or transfers within the study area would be encouraged.

Under Alternative D (Natural Resources Conservation/ Protection with Limited Recreation, Community, and Commercial Development), Reclamation resource management policies and practices within the study area would change. Land use authorizations would be issued on a limited basis for recreation, community, and commercial developments while maintaining Reclamation's capability to meet its water delivery obligations to Mexico, protecting the natural and cultural resources, and conserving flat-tailed horned lizard habitat, pursuant to the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Land exchanges or transfers within the study area would be considered on a limited basis either to protect or enhance the natural or cultural resources in the eastern portion of the study area or to accommodate recreation, community, or commercial developments in the western portion of the study area.

EFFECTS OF THE ALTERNATIVES

No Action Alternative (Alternative A)

Under Alternative A (No Action Alternative), existing air quality conditions would continue. Continued unrestricted OHV use and new developments (roads and facilities) could lead to increased noise and increased wind erosion of soils.

Land use authorizations would continue to be issued on a case-by-case basis, which could lead to conflicting land uses; allow social, physical, environmental, or facility carrying capacities to be exceeded; adversely affect natural or cultural resources, or adversely affect Reclamation's ability to protect PRPU project purposes. Unrestricted OHV use would result in continued adverse effects. Construction of primary roads would be limited to those already under consideration and would meet the public's need and demand for access.

Under Alternative A, if groundwater were used to meet the water needs of new developments, the aquifer could be lowered. However, the quantities needed should not adversely affect Reclamation's ability to meet its water delivery obligations to Mexico, unless total pumpage for the 5-mile zone approaches 160,000 acre-feet per year, the limit stipulated by Minute No. 242 of the International Boundary and Water Commission. Moreover, if the water supply is obtained from outside the study area, groundwater within the study area should not be affected.

Wildlife and vegetation would continue to experience habitat loss and degradation, and special status species would continue to experience direct injuries, habitat loss, and degradation.

Public demand for developed and urban recreation facilities and opportunities would go unmet. Additionally, the quality of the recreational experience for those visitors seeking solitude and nature study most likely would decline, and opportunities to interpret the desert environment to further the appreciation and protection would go unrealized. Visual quality could be expected to gradually degrade. New development would continue to foster economic growth.

Adverse effects on cultural resources that might be occurring under existing, largely unregulated land uses would continue. Under normal circumstances, Indian sacred sites would not be affected. However, unauthorized public use would still have the potential to adversely affect these sites. Indian trust assets would not be affected.

Existing environmental justice conditions in the area would continue.

Natural Resources Conservation/Protection (Alternative B)

Alternative B would provide the maximum benefits for air quality among all the alternatives because of increased vegetative cover, fewer roads, and less development, leading to fewer airborne particulates. Noise levels would decrease because recreational OHV use would be eliminated and less development would be allowed.

The effects on soils would be the same as under Alternative A, except that eliminating recreational OHV use would decrease wind erosion of soil in denuded areas.

Fewer overall land uses would be allowed, and the community need for land uses and recreation would be less accommodated than under the other alternatives. Authorized land uses would be compatible with natural and cultural resources and should not adversely affect them.

Alternative B would provide for no secondary road construction and maintenance, and public demand for access would be minimally met.

Effects on groundwater availability would be similar to Alternative A. If the Hillander "C" tract were to be exchanged or transferred and removed from agricultural production, groundwater quality in the area would improve.

Alternative B would provide maximum benefits for vegetation and wildlife because of improved habitat protection and restoration, and the factors that cause mortalities and injuries of special status species would be reduced because of habitat protection and enhancement measures.

Public demand for developed, dispersed, and urban recreation facilities and opportunities, including OHV use, would go unmet. Many recreation users could be displaced to other areas. Interpretation and management of natural and cultural resources would emphasize proper use of the resources and protect resources by restricting access. This alternative would best protect the visual quality of the study area.

Land transfers or exchanges could result in decreased agricultural production and, thus, could adversely affect the agricultural sector of the economy. Eliminating existing land use authorizations could adversely affect the regional economy, depending on the type of authorization.

Alternative B would benefit cultural resources and Indian sacred sites because eliminating recreational OHV use would reduce unauthorized incursions onto the land. Intensive surveys for cultural resources also would be required. Indian trust assets would not be affected.

Any decrease in agricultural production could adversely affect minority farm workers. Water stations could benefit illegal immigrants, as well as others needing water in the study area.

Recreation, Community, and Commercial Development (Alternative C)

Alternative C would result in the greatest potential adverse effect on air quality among all the alternatives because of development of more unsurfaced roads and parking areas and increased industrial and vehicular emissions.

Alternative C also would have the greatest adverse effect on noise levels among all the alternatives because of development of new facilities and increased vehicle use of new and existing roads and OHV areas.

The effects on soils would be the same as under Alternative A; in addition, increased protection would be needed to prevent soil erosion during construction of facilities.

The comprehensive land use strategy under Alternative C would maximize recreation, community, or commercial development, which would provide the maximum benefit to nearby communities. Less land would be protected for natural and cultural resources. Primary and secondary road development would be allowed within the study area, which would allow public demand and need for access to be fully met.

If new developments rely on groundwater, groundwater availability potentially could decrease, and groundwater quality could be adversely affected. However, if the Hillander "C" tract were to be exchanged or transferred and removed from agricultural production, groundwater quality in the area would improve.

Vegetation and wildlife would be adversely affected under Alternative C because the factors that cause mortalities, injuries, habitat loss, and degradation would significantly increase.

Public demand for all types of recreation facilities and opportunities, including urban recreation and open space, would be most fully met. However, users seeking solitude, OHV users, and hunters could be displaced to other areas. Carrying capacities may be exceeded to the point that user conflicts may increase. This alternative would have the greatest adverse effect on visual quality among all the alternatives.

The comprehensive land use strategy would encourage commercial development but provide management guidance, which would provide more security for would-be investors than Alternative A and would benefit the commercial and recreation services sectors of the economy. Land transfers or exchanges and new land use authorizations could adversely affect the agricultural sector of the economy. However, these adverse effects could be offset by gains to the commercial and recreation services sectors of the economy.

Although regulated, OHV use still could result in incursions onto the land which could adversely affect cultural resources and Indian sacred sites. However, these adverse effects could be offset by intensive surveys for cultural resources and an OHV use plan. Effects on Indian trust assets would be the same as under Alternative A.

Effects on environmental justice would be similar to those under Alternative B. In addition, there would be potential for short-term employment for minority or low-income individuals.

Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D) (Preferred Alternative)

Alternative D would have a greater adverse effect on air quality than Alternative B but a less adverse effect than Alternative C. Alternative D would provide for less construction

of unsurfaced roads for recreational access and community and commercial development than Alternative C but more than for Alternative B. Limited development also would mean that adverse effects on noise levels would be less than under Alternative C.

The effect on soils would be the same as under Alternative C except that eliminating recreational OHV use would decrease wind erosion of the soil in denuded areas.

The comprehensive land use strategy under Alternative D would emphasize limited recreation, community, and commercial development throughout the study area, which would benefit nearby communities slightly less than Alternative C but more than Alternative B.

Construction of primary roads and the effects of this construction would be the same as under Alternatives A and B. Secondary roads would be constructed to provide access to campgrounds, day use facilities, and trailheads. Therefore, the environmental effects resulting from the construction of secondary roads would be greater than under Alternatives A or B and the same as under Alternative C. Public demand and need for access would be met.

The effects on groundwater availability would be less than under Alternative C and greater than under Alternatives A and B. The effects on groundwater quality would be the same as under Alternatives B and C.

Alternative D would substantially improve habitat protection and enhancement and would substantially reduce the factors that cause mortalities and injuries, as well as habitat loss and degradation.

Public demand for most types of recreation facilities and opportunities would be partially met, including the demand for urban recreation and open space. Some recreationists could be displaced. Alternative D would have less of an adverse effect on visual resources than Alternative C because fewer recreation and land use facilities would be developed, resulting in fewer intrusions on the natural landscape but a greater adverse effect than Alternatives A or B. Rehabilitation of closed OHV use areas would enhance visual quality.

The effect of Alternative D on the economy of the study area would be similar to that of Alternative C, except that net gains in the commercial and recreation service sectors of the economy may be less.

The effect on cultural resources and Indian sacred sites would be the same as under Alternative B. The effects on Indian trust assets would be the same as under Alternative A.

The effects on environmental justice would be the same as under Alternative C.

PLAN SELECTION

Reclamation followed a formal planning process in preparing this planning and environmental compliance document. After analyzing the four alternatives (or management plans), Reclamation selected Alternative D (Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development) as the preferred management plan. The management actions should be implemented within the 10-year planning period of the RMP; however, implementation depends on, among other things, cooperation of other involved entities, cost-sharing efforts, available funding, and the success of the proposed study area working group in resolving conflicts and providing valuable input to Reclamation in its effort to prioritize the actions for funding and implementation.

Reclamation has the primary stewardship responsibility to manage the lands under its jurisdiction in accordance with existing laws, regulations, policies, and guidelines. A primary step in the planning process was to identify goals and objectives and associated management actions needed to resolve identified problems, as well as to identify actions and opportunities that would not conflict with existing laws, regulations, policies, and guidelines. In addition, many of the goals and objectives and actions were formulated in response to basic land management principles and concepts.

The basic challenge was to select those combinations of goals, objectives, and management actions that were widely accepted by the public and agency personnel, and that could be implemented without serious conflicts, within the environmental resource limitations, within the planning life of the RMP, and consistent with existing laws, regulations, policies, and guidelines, as well as with PRPU project purposes.

The RMP assumes that Reclamation will follow existing and future Federal laws, regulations, and Executive orders when managing lands within the study area.

Acronyms and Abbreviations

Act	Colorado River Basin Salinity Control Act of 1974, as amended
ADEQ	Arizona Department of Environmental Quality
ADOT	Arizona Department of Transportation
AGFD	Arizona Game and Fish Department
APE	Area of potential effect
ASH	Area Service Highway
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BMGR	Barry M. Goldwater Range
Border Patrol	U.S. Border Patrol
CA	Conservation Agreement
CD	Compact disc
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CSP	Commercial Services Plan
DHS	Department of Homeland Security
District	Hillander "C" Irrigation District
DM 613	*Departmental Manual 613*
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FWCA	Fish and Wildlife Coordination Act
GIS	Geographic Information System
GSA	General Services Administration
GYPA	Greater Yuma Port Authority, Inc.
IBWC	International Boundary and Water Commission
IBWC 242 Minute	Minute No. 242 of the International Boundary and Water Commission
INA	Immigration and Nationality Act
Land Use Plan	Lower Colorado River Land Use Plan
MA	Management area
MCAS	Marine Corps Air Station
mg/L	Milligrams per liter
MLWA	Military Lands Withdrawal Act
NAFTA	North American Free Trade Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OHV	Off-highway vehicle
OIG	Office of the Inspector General
O&M	Operation and maintenance
P.L.	Public Law
ppm	Parts per million
PRPU	Protective and Regulatory Pumping Unit
Rangewide Management Strategy	2003 Flat-Tailed Horned Lizard Rangewide Management Strategy
Reclamation	Bureau of Reclamation
RMP/EA	Resource management plan/ environmental assessment
Service	U.S. Fish and Wildlife Service
SHPO	State Historic Preservation Officer
SIB	Southerly International Boundary
SIP	State Implementation Plan
SR195	State Route 195
Stat.	Statute
study area	Protective and Regulatory Pumping Unit
TDS	total dissolved solids
TEA-21	Transportation Equity Act for the 21st Century
team	A Reclamation interdisciplinary team
toolbox	Toolbox for the Great Outdoors
treaty	1944 Water Treaty
T&E	Threatened and endangered
U.S.C.	United States Code
YAWRMG	Yuma Area Water Resources Management Group
YMPO	Yuma Metropolitan Planning Organization

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Environmental Commitments

Air Quality

- Paving or surfacing primary and secondary roads and parking areas to prevent dust will help reduce airborne particulates throughout the study area. Additionally, requiring dust abatement measures during construction activities and revegetating disturbed areas, including areas disturbed by off-highway vehicle (OHV) use, will reduce airborne particulates.

Soils

- Plant native vegetation to prevent soil erosion of disturbed areas caused by construction activities. Consider soil characteristics and suitability when planning developments

Land Use

- All land use permits will contain specific stipulations to protect existing resources, decrease potential conflicts with adjacent landowners, and prevent land use conflicts within the study area. Additionally, any developments within the Yuma Desert Management Area will require special mitigation to avoid adverse effects or loss of unique desert habitat and mitigate for habitat losses and/or impacts to flat-tailed horned lizard habitat.

Groundwater

- Careful monitoring of groundwater levels and groundwater quality will be needed to evaluate current impacts and to project or estimate future groundwater levels and quality. If projected groundwater levels or groundwater quality approach unacceptable limits, appropriate mitigation will be to find an alternate surface water supply to replace all, or at least a sufficient portion of, the pumped groundwater to prevent an unacceptable drop of groundwater levels or degradation of groundwater quality.

FLAT-TAILED HORNED LIZARD AND OTHER SPECIAL STATUS SPECIES

The following environmental commitments (from the mitigation section of the Flat-Tailed Horned Lizard Rangewide Management Strategy [Rangewide Management Strategy]) apply specifically to protection and recovery of the flat-tailed horned lizard, but they also benefit a wide range of Sonoran Desert plant and wildlife species. This includes consultation under the provisions of the Fish and Wildlife Coordination Act and the Endangered Species Act.

- To the extent possible, surface-disturbing projects shall be located outside of the Yuma Desert Management Area, and shall be timed to minimize mortality. If a project must be located with the Yuma Desert Management Area, effort shall be made to locate the project in a previously disturbed area or in an area where habitat quality is poor. A survey of the project site shall be conducted prior to construction in order to assist in locating the project.

- Prior to project initiation, an individual shall be designated as a field contact representative. This person shall have the authority to ensure compliance with protective measures for the flat-tailed horned lizard and will be the primary agency contact dealing with these measures. The field contact representative shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.

- All project work areas shall be clearly flagged or similarly marked at the outer boundaries to define the limit of work activities. All construction and restoration workers shall restrict their activities and vehicles to areas that have been flagged to eliminate adverse impacts to the flat-tailed horned lizard and its habitat. All workers shall be instructed that their activities are restricted to flagged and cleared areas.

- Within flat-tailed horned lizard habitat, the area of disturbance of vegetation and soils shall be the minimum required for the project. If possible, a maximum disturbance allowable should be specified based on project specifics. Vegetation clearing and grading shall be minimized. Equipment and vehicles shall use existing surfaces or previously disturbed areas wherever possible. Disturbance of shrubs and surface soils due to stockpiling shall be minimized.

- Existing roads shall be used for travel and equipment storage wherever possible.

- Where possible, newly created access routes shall be restricted by constructing barricades, erecting fences with locked gates at road intersections and/or by posting signs. The project proponent shall maintain, including monitoring, all control structures and facilities for the life of the project and until habitat restoration is completed.

- A biological monitor, authorized by Arizona Game and Fish Department, shall be present in each area of active surface disturbance throughout the work day

from initial clearing through habitat restoration, except where the project is completely fenced and cleared of flat-tailed horned lizards by a qualified biologist authorized by Arizona Game and Fish Department. The monitor shall perform the following functions:

- Develop and implement a worker education program. Wallet-cards summarizing this information shall be provided to all construction and maintenance personnel. The education program shall include the biology and status of the flat-tailed horned lizard; protection measures designed to reduce potential impacts; flag designated work areas; follow reporting procedures if flat-tailed horned lizard s are encountered; and emphasize importance of exercising care when commuting to and from the project area to reduce mortality of flat-tailed horned lizards.

- Ensure that all project-related activities comply with these measures. The biological monitor shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.

- Examine areas of active surface disturbance periodically (at least hourly when surface temperatures exceed 85degrees Fahrenheit) for the presence of flat-tailed horned lizards. All hazardous sites such as open pipeline trenches, holes or other deep excavations shall be inspected for flat-tailed horned lizards prior to backfilling.

- Work with the project supervisor to take necessary steps to avoid disturbance to flat-tailed horned lizards and their habitat. If avoiding disturbance to a flat-tailed horned lizard is not possible, or if a flat-tailed horned lizard is found trapped in an excavation, the affected lizard shall be captured by hand and relocated.

- Sites of permanent or long-term (more than 1 year) projects in the Yuma Desert Management Area where continuing activities are planned and where flat-tailed horned lizard mortality could occur, may be enclosed with flat-tailed horned lizard barrier fencing to prevent lizards from wandering onto the project site where they may be subject to collection, death or injury. Barrier fencing should be in accordance with the standards outlined in Appendix 7 of the Rangewide Management Strategy.

- The project proponent shall develop a project-specific habitat restoration plan to be approved by Reclamation. The plan shall consider and include as appropriate the following methods: replacement of topsoil, seedbed preparation, fertilization, seeding of native species, noxious weed control and additional erosion control (see Habitat Rehabilitation, page 69 of the Rangewide Management Strategy). The objective of restoration is to return the disturbed areas to a condition that will perpetuate previous land use. Restoration shall include eliminating any hazards to flat-tailed horned lizards created by construction, such as holes and trenches in which lizards might become trapped. Disturbance of existing perennial shrubs during restoration shall be minimized, even if such shrubs have been crushed by construction activities.

- Construction of new paved roads shall include a lizard barrier fence on each side of the road that is exposed to occupied flat-tailed horned lizard habitat. Exceptions may occur in accordance with the following evaluation, to be applied separately to each side of the road. This prescription may also be applied to canals or other fragmenting projects.
- Side is made nonviable for flat-tailed horned lizards even if connected to the other site:
  - Compensate for the entirety of the fragmented parcel.
- Side is viable only of connected to the other site:
  - Compensate for entirety of fragmented parcel, or
  - Provide fencing and effective culverts or underpasses that will maintain connectivity.

Specifications for barrier fences is provided in Appendix 7 of the Rangewide Management Strategy. The flat-tailed horned lizard interagency coordinating committee will make the determination of flat-tailed horned lizard population viability based on the size, configuration and habitat condition of the isolated parcel, threats from adjacent lands and existing scientific evidence of edge effects on flat-tailed horned lizard.

Compensation

Pursuant to Title 43 Code of Federal Regulations and the Federal Land Policy and Management Act of 1976, actions that result in flat-tailed horned lizard habitat loss may be permitted. To mitigate such losses both within and outside MAs, compensation is charged if residual effects would occur after all reasonable on-site mitigation has been applied. Guidance for determining when compensation is required and determining compensation is in the Rangewide Management Strategy, pages 62 to 66.

Measures for Other Special Status Species

- Surveys for special status plants and animals that may potentially occur on the Yuma 5-mile zone, as listed in table V-1, shall be conducted in the proposed project area prior to authorizing any ground disturbing activities.
- Every effort shall be made to avoid disturbance to any special status species or habitat that may be located. Consultation with the U.S. Fish and Wildlife Service should be initiated.

RECREATION

- Recreation facility development will complement the surrounding landscape as much as practical and will follow strict design and construction criteria, guidelines, and standards.

- Carrying capacity limits and user demand will be properly determined before major facilities are developed.
- Bilingual regulatory and informational signage will be posted throughout the study area to inform the public of the rules and regulations governing the use of the federally owned lands within the study area.
- Visitor use will be monitored to identify potential user conflicts and corrective actions to be taken if conflicts are identified.

CULTURAL RESOURCES

Reclamation will do the following:

- In consultation with the State Historic Preservation Officer and area Indian tribes—and based on the Class I survey—develop a research design for conducting Class II or III surveys (1) to determine areas of high or low potential for cultural resources, including traditional cultural properties, (2) to determine sources of impacts, and (3) to define additional investigation or protective actions appropriate for each site. The plan will serve to support requests for funding to implement necessary actions.
- Conduct intensive surveys of areas with high potential for cultural resources and/or any areas scheduled for ground-disturbing or potentially ground-disturbing activities to locate cultural resources. During ground-disturbing activities, Reclamation will make every effort to avoid significant cultural resources.
- During construction, if cultural resources are discovered, ensure that work in the immediate areas ceases until a qualified archeologist evaluates the site, takes appropriate measures, and consults with the State Historic Preservation Officer.
- Ensure that any project-specific agreements regarding cultural resources are included as specifications in construction contracts and inform construction contractors about the presence of cultural resources within or near the project area and about their protection under Federal and State laws.
- When granting easements on or across Reclamation-owned lands, review the proposal for potential effects on cultural resources and ensure that the entity receiving the easement complies with all applicable cultural resource laws for any activities within the boundaries of the easement.

Specific mitigation cannot be identified until the intensive surveys are completed to determine if cultural resources are present that are eligible for the *Federal Register*. The following mitigation strategies presume that one or more archeological sites or traditional cultural properties will be determined eligible for the *Federal Register* and will be affected by the proposed action. The exact nature of mitigation will be determined in consultation with the State Historic Preservation Officer and others, as appropriate, and documented in a memorandum of agreement with the consulting and interested parties.

- Periodically monitor *Federal Register*-eligible or unevaluated sites to assess impacts and the need for investigative or protection action.
- Place protective materials over portions of sites affected by erosion or trail construction or use to prevent additional disturbance.
- Recover site data through systematic surface collection or excavation and provide resulting reports to the professional community and interested public.
- Further consult with area tribes about appropriate actions to protect endangered traditional cultural properties sites and implement those actions where reasonable and feasible.
- Incorporate information about cultural resources into brochures and other educational materials created for use in the study area.

INDIAN SACRED SITES

Executive Order 13007 does not authorize agencies to mitigate for the impact of their actions on Indian sacred sites. However, it does direct agencies to avoid adverse impacts when possible. If consultations determine that adverse impacts will occur from implementation of the proposed action, then Reclamation will seek means to avoid these adverse impacts.

INDIAN TRUST ASSETS

If consultations determine that adverse impacts will occur from implementation of the proposed action, Reclamation will seek means to avoid these impacts. If adverse impacts cannot be avoided, then Reclamation will provide appropriate mitigation or compensation.

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	Lower Colorado Regional Office	
Bill Martin	Natural Resource Specialist	Project oversight

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Glossary

5-mile zone: The 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State.

5-mile zone study area: Those lands within the 5-mile zone that are east of Avenue E and under the jurisdiction of Reclamation.

acre-foot: Amount of water needed to cover 1 acre with 1 foot of water.

Affected environment: Existing biological, physical, social, and economic conditions of an area subject to change, both directly and indirectly, as the result of a proposed human action.

Air quality: Measure of the health-related and visual characteristics of the air, often derived from quantitative measurements of the concentrations of specific injurious or contaminating substances.

Aquifer: Underground water-bearing geologic formation or structure.

Archaic: In American archeology, a cultural stage following the earliest known human occupation in the New World (about 5,500 B.C. to A.D. 100). This stage was characterized by a generalized hunting and gathering lifestyle and seasonal movement to take advantage of a variety of resources.

Artifact: A human-made object.

Climate: Average conditions of the weather over a number of years.

Cone of influence (cone of depression): The depression, roughly conical in shape, produced in the water table by the pumping of water from a well.

Cooperative Agreement: Formal document that states the obligations of Reclamation to one or more other parties.

Corridor: Narrow strip of land reserved for location of transmission lines, pipelines, and service roads.

Council on Environmental Quality (CEQ): Establishes regulations for implementing the procedural provisions of the National Environmental Policy Act.

Crime Witness Protection Program: A program originally created by the Bonneville Power Administration (BPA) to protect transmission systems, substations, facilities, property, and personnel. The BPA administers the Bureau of Reclamation's program through an agreement signed in October 1998. The program offers cash awards up to $1,000 for information leading to the arrest and conviction of persons committing crimes. Signs posted at facilities direct informants to call a toll-free number to report suspicious or criminal activity.

Cultural resource(s): Any building, site, district, structure, or object significant in history, architecture, archeology, culture, or science.

Desired Future Condition: The future condition of the study area that results from achieving the goals and objectives identified in the Resource Management Plan.

Environment: All biological, chemical, social, and physical factors to which organisms are exposed. The surroundings that affect the growth and development of an organism.

Environmental analysis: Systematic process for consideration of environment factors in land management actions.

Environmental assessment (EA): A National Environmental Policy Act compliance document used to determine if an action would have a significant effect on the human environment. If not, a finding of no significant impact is written. If so, an environmental impact statement is written

Erosion: Surface displacement of soil caused by weathering, dissolution, abrasion, or other transporting.

Executive order: A written directive of the President of the United States.

Finding of no significant impact (FONSI): A National Environmental Policy Act compliance document which affirms that an environmental assessment found that alternatives were evaluated and a proposed action would have no significant impact on the human environment.

Geographic Information System: A digital geographic database used to analyze and store data.

Geology: The science that deals with the physical history of the earth, the rocks of which it is comprised, and the physical changes which the earth has undergone or is undergoing.

Goal: A brief statement describing the end result of implementing a management action or series of actions. A goal can also be considered a desired future condition which the Bureau of Reclamation wishes to achieve within the management area.

Groundwater: Generally, all subsurface water as distinct from surface water; specifically, that part of the subsurface water in the saturated zone where the water is under pressure greater than atmospheric.

Habitat: The area or type of environment in which a plant or animal normally lives or occurs.

Groundwater mound: A portion of an unconfined aquifer with a water table elevated above that of the surrounding aquifer. It is often the result of a relatively high rate of recharge (for example, from infiltrating irrigation water) to the aquifer at the location of the mound.

Objective: A brief statement or series of statements that briefly describe an action that will achieve a specific goal identified in a Resource Management Plan.

Protective and Regulatory Pumping Unit (PRPU): The well field authorized by Section 103(a) of Public Law 93-320.

Qualitative: Having to do with quality or qualities. Descriptive of kind, type or direction as opposed to size, magnitude, or degree.

Quantitative: Having to do with quantity, capable of being measured. Descriptive of size, magnitude, or degree.

Right-of-way: A vested property right given to another entity for the use of a specified piece of land for specific purposes.

Sacred site: Any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred.

Site: In archeology, any location of past human activity.

Total dissolved solids (TDS): A quantitative measure of the residual mineral dissolved in water that remains after the evaporation of a solution. Usually expressed in milligrams per liter or parts per million. Total amount of dissolved material, organic and inorganic, contained in water.

Unconfined aquifer: An aquifer with continuous layers of materials of relatively high permeability extending from the land surface to the base of the aquifer. The upper surface of an unconfined aquifer is the water table.

Well field: Area containing one or more wells that produces usable amounts of water.

Xeriscape: Landscaping that does not require a lot of water.

Yuma Desert Management Area: 16,000 acres within the 5-mile zone study area that Reclamation manages for the flat-tailed horned lizard and as described in the 2003 Flat-Tailed Horned Lizard Management Strategy.

Distribution List

CONGRESSIONAL DELEGATION

U.S. Senators

John Kyl
John McCain

U.S. Representative

Raul Grijalva, Arizona District 7

ARIZONA STATE LEGISLATURE

Senator Robert Cannell, District 24
Representative Amanda Aquirre, District 24
Representative James R. Carruthers, District 24

All locations are in the State of Arizona, unless otherwise indicated.

INDIAN TRIBES

All locations are in the State of Arizona, unless otherwise indicated.

Ak-Chin Indian Community, Maricopa
Campo Band of Mission Indians, Campo, California
Chemehuevi Tribal Council, Lake Havasu, California
Cocopah Indian Community, Somerton
Colorado River Indian Tribes, Parker
Fort Mcdowell Mohave-Apache Community, Fountain Hills
Fort Mojave Indian Tribe, Needles, California
Fort Yuma Quechan Tribe, Yuma
Gila River Indian Community, Sacaton
Hopi Indian Tribe, Kykotsmovi
Hualapai Indian Tribe, Peach Springs
Pueblo of Zuni, Zuni, New Mexico
Salt River Pima-Maricopa Indian Community, Scottsdale
San Carlos Apache Tribe, San Carlos

Tohono O'Odham Nation, Sells
Viejas Tribal Council, Alpine, California
Yavapai Prescott Indian Tribe, Prescott

FEDERAL, STATE, AND LOCAL AGENCIES

Federal

Department of Agriculture
- Natural Resource Conservation Service, Phoenix, Yuma

Department of the Interior
- Bureau of Indian Affairs, Yuma
- Bureau of Land Management, Yuma
- Fish and Wildlife Service, Phoenix
- Geological Survey, Tucson, Yuma

Drug Enforcement Administration, Yuma

Department of Homeland Security
- Immigration and Naturalization Service, Laguna Niguel, California
  - Border Patrol, Yuma,

Marine Corps
- Marine Corps Air Station, Yuma

Treasury Department
- Customs Service, Tucson,
  - San Luis Port-of-Entry, San Luis

State of Arizona

Department of Corrections, Phoenix, Yuma
Department of Environmental Quality, Phoenix
Department of Game and Fish, Yuma
Department of Transportation, Phoenix, Yuma
Department of Water Resources, Phoenix

State of California

Colorado River Board, Glendale, California

State of Nevada

Colorado River Commission, Las Vegas, Nevada

Yuma County

Board of Supervisors, Yuma
Department of Development Services, Yuma
Department of Public Works, Yuma
Planning and Zoning Commission, Yuma

City of San Luis

City Administrator
Economic Development Commission
Public Works Department
Police Department

City of Somerton

Administrator

City of Yuma

Department of Community Development
Department of Economic Development
Department of Parks and Recreation
Department of Public Works
Office of the City Administrator

Libraries

San Luis Branch Library, San Luis
Somerton Branch Library, Somerton
Yuma Library, Yuma

Interested Organizations and Individuals

Arizona Public Service Company, Yuma
Barkley Family Liquidating Trust, Yuma
Border Ranches LLC, Yuma
Citizens Title and Trust, Yuma
Colvin, John, Yuma
Cuming Farms Inc., Yuma

Duran, Robert C. and Barbara, Somerton,
George, Terri, Yuma
Griffin Family Ltd. Partnership, Somerton
Griffin Ranches Inc., Somerton
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Hughes, Kelly E. and Sharon C., Gadsden
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Loo, David, New York, New York
McDonald, Herbert and Lois, Somerton
Morris, Clinton and Vera, Yuma
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Peach, John J., Yuma
Power Engineers, Boise, Idaho
Quinteo, Enrique, San Luis
Redger, Steven, Yuma
Requena, Leonard A., Inverness, Florida
Rodriguez, Pedro, San Luis
Sam Group Investment Co., Yuma
San Luis Port LLC, Yuma
Schafer, Robert,Yuma
Seven Star Ltd. Corp., Yuma
Simpkins, Jennifer, Phoenix
United States International Boundary and Water Commission, Yuma, and El Paso, Texas
Vasquez, Pedro M., Yuma
Von Verde Ltd., Yuma
Von Verde Ltd Partnership, Yuma
Von Verde Packing House Ltd., Yuma
Mrs. West, Yuma
Yuma County Water Users' Association, Yuma
Yuma Mesa Irrigation and Drainage District, Yuma
Yuma Metropolitan Planning Organization, Yuma
Yuma Natural Resource Conservation District, Yuma

A CULTURAL RESOURCES SURVEY OF A 1.5 MILE LONG BY 130' WIDE CORRIDOR FOR A 16" WATER MAIN ON BUREAU OF RECLAMATION WITHDRAWN LANDS, CITY OF SAN LUIS, YUMA COUNTY, ARIZONA

Bureau of Reclamation Report Number: LC-AZ-09-08

Prepared for the City of San Luis, Arizona

Submitted to:

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Bureau of Reclamation
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Project 2009-1

July 30, 2009
Revised 8/12/09

ABSTRACT

Report Title: "A Cultural Resources Survey of a 1.5 Mile Long by 130' Wide Corridor for a 16" Water Main on Bureau of Reclamation Withdrawn Lands, City of San Luis, Yuma County, Arizona"

Date: July 30, 2009

Agency: U. S. Department of Interior, Bureau of Reclamation

Land Owner/Manager: Bureau of Land Management Lands Withdrawn by Bureau of Reclamation

Project Funding: City of San Luis

Bureau of Reclamation ARPA Permit/Project/Report Number: LC-AZ-09-08

Project Description: The proposed project involves the construction of a buried 16" water main within a 66' wide ROW on Reclamation-withdrawn lands.

Location: San Luis, Yuma County, Arizona. Located in portions of T11S, R24W, Sections 8, 9, 16, and 17, Gila & Salt River Baseline & Meridian, found on USGS 7.5' quadrangles South of Somerton and Gadsden

Acreage Surveyed: ~23.8

Sites, Previous/New: 0/0

Eligible Properties: 0

Ineligible Properties: 0

Recommendations: It is recommended this project be allowed to proceed with a finding of "no historic properties affected." Any changes in scope that might extend outside the current survey project area should be reviewed and surveyed if necessary by a qualified archaeologist. Should any previously unidentified prehistoric or historic cultural remains be encountered during any phase of the construction of this project, work in the immediate vicinity of the discovery should cease, steps should be taken to secure the protection of the remains, and Ms. Renee Kolvet, Environmental Protection Specialist/Archaeologist, Bureau of Reclamation, 702-293-8443 (Phone), rkolvet@usbr.gov (E-mail) should be notified immediately in order to make arrangements for the proper treatment of the remains.

INTRODUCTION AND BACKGROUND

The City of San Luis, Arizona is planning to construct a new approximately 1.5 mile long by 16" diameter buried water main within a 66' Right-of-Way (ROW) corridor across lands withdrawn and managed by the U. S. Department of Interior's Bureau of Reclamation (Reclamation). As this project would be an undertaking subject to review under Section 106 of the National Historic Preservation Act, Reclamation is requiring a Class III intensive 100% pedestrian cultural resources survey of the proposed project area.

Project Location

The project area is found on the USGS 7.5' "Gadsden" and "South of Somerton" quadrangles (Yuma County, Arizona), in T11S, R24W, along section lines of Sections 8, 9, 16, and 17 (See Figure 1). The project can be described as being mostly east-west along the County 24th St. alignment between Avenue H and Avenue F½, with a short approximately 190 meter long north-south portion on the western end of the project area along the eastern side of Ave. H. Approximately ½ mile of the eastern end of the project is an in-use sandy dirt road.

UTM endpoint locations for the project are the following (all points Zone 11, Datum is NAD 27 CONUS, and were shot with a WAAS-enabled Garmin Foretrex 101 GPS unit):

Northern Terminus of N-S Leg:	N3595883	E711285
Sothern Terminus of N-S Leg/Western Terminus E-W Leg:	N3595695	E711290
Eastern Terminus E-W Leg:	N3595746	E713742

Project Description

The proposed project is described as an approximately 1.5 mile long, 16' diameter buried water main, to be built within a 66' linear ROW corridor mostly along the County 24th St. alignment. Any staging or laydown areas would be within the 66' ROW or on existing paved or disturbed areas.

Project Area

The Area of Potential Affect for the water main project is the 66' wide linear ROW corridor. At some time in the future, a formal road may be constructed within a 100' wide corridor that would be centered on the current ROW corridor. Survey coverage during the current project was sufficiently wide to cover both APEs.

ENVIRONMENT

The project area is located just north of and within approximately ½ to one mile of the U. S. Mexico border at the edge of the City of San Luis AZ. At either end of the project area are housing developments that have been recently built or are currently under construction.

The project area is located within the Yuma Desert, a hot, dry, barren area that is part of the Lower Colorado River Valley Subdivision of the Sonoran Desert Scrub biotic community (Brown and Lowe 1994) (Brown, ed. 1994). This is one of the hottest and driest parts of the Sonoran Desert. Plant growth is typically fairly open and plant communities are not very complex, reflecting intense competition for scarce water resources (Brown, ed. 1994).

Geologically the region is part of the Basin and Range physiographic province (Kamilli and Richards 1998).

The project area itself consists of very soft, sandy soils, with numerous small hillocks, and is dominated by a single plant species: creosote bush (*Larrea tridentata*) (Kearney and Peebles 1951). The vegetation is quite sparse. Many of the hillocks are perforated by numerous rodent holes. Altitude of the project area is roughly 140 feet above mean sea level.

Virtually no wildlife was observed during the survey, probably due to the intense heat and humidity. The single exception was a possible Desert Iguana (*Dipsosaurus dorsalis*) (Stebbins 2003) observed disappearing into a burrow.

Ground visibility for the survey was quite excellent, virtually 100%. Roughly the eastern half of the E-W segment of the survey corridor is within an in-use unpaved road. Much of the rest of area was partially disturbed by off-road vehicle tracks. A moderate scatter of modern trash covers virtually the entire area, and is likely associated with border activity due to the Spanish language labeling on most items. Discarded foam blocks with associated ties, used by undocumented immigrants and smugglers to mask their footprints on drag roads, were observed in a couple of locations along the survey corridor. The Border Patrol is quite active in the entire area as the border is only one-half to one mile away. Agents were observed dragging not only all dirt roads but also the sides of roads and trails. Dragging involves pulling several tires behind a truck, creating a smoothed dirt surface where fresh footprints from migrants and/or smugglers are easily seen. On the freshly smoothed road surface, it is intuitive that any new footprints observed would have been made since the last time the road was dragged.

CONTEXT

Culture History

Little is known of the prehistory of the Yuma Desert. Slightly more is known about the surrounding areas.

Humans are believed to have been in this region for more than 10,000 years, though recent research suggests this date may at some point be pushed back. Nevertheless the story of the human presence in Arizona as it is currently understood begins with what is called the Paleo-Indian period, roughly 11,500 to 9000 years before the present time. Little is known about these people beyond their finely crafted stone projectile points, sometimes found in association with the remains of large, extinct mammals. They were believed to have been mobile hunter-gatherers and represented one of the earliest waves of immigrants into the Americas (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997) (Sheridan 1995) (Wagoner 1975).

A change occurred around 7000 years ago, marked by a warming in climate, the disappearance of the large Pleistocene mega-fauna perhaps partly due to overhunting, and notable changes in the subsistence technology of people living in the region (Martin 2005) (Mabry 1998) Reid and Whittlesey 1997) Cordell 1997) (Martin and Klein, eds. 1984) (Martin 1967). This is referred to as the Archaic period when aboriginal populations increased, subsistence strategies diversified, and resource procurement was more closely linked with seasonal changes (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997).

The Archaic period culminated in the rise of agriculture in the American Southwest during what is called the Early Agricultural period from around 2200 to roughly 1500 years before the present time. Agriculture led to increased sedentism in areas that favored such a strategy, while other groups relied upon a seasonal migration route in their procurement of subsistence resources (Vierra, ed. 2005) (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997) (Huckell 1996) (Sheridan 1995).

Another significant transition at the end of this period was the discovery of how to manufacture pottery. Social complexity grew across the American Southwest as agriculture, pottery, and trade facilitated the growth of larger and more permanent communities and the development of more complex belief systems as characterized in material culture.

Patayan is the name given to a poorly understood group during the prehistoric ceramic period. Patayan peoples are believed to have inhabited the upper and lower Colorado River region in western Arizona as well as small portions of southeastern California and northern Baja California in Mexico, including the current project area. McGuire and Schiffer (eds. 1982) and Stone (1987) have provided valuable albeit somewhat dated context studies and Class I cultural resource overviews of the Patayan.

A common language group referred to as Yuman defines several distinct groups that are believed to have inhabited the riverine habitats along the lower Colorado and lower Gila Rivers. What little archaeological work that has been done in and around the area and the little material culture described suggests that the historic Yumans lived lightly on the ground with minimal material culture in a fashion similar to their ancestors. The current project area borders closely on the aboriginal lands of the Cocopah, a Yuman group that lived along the Colorado River and in the

Colorado Delta region. They still retain a presence in the region, living near the current project are on reservation lands set aside by the Federal government.

The period from A. D. 1450 to around 1520 or later is referred to as the Protohistoric period. Significant changes in Native American population levels occurred, perhaps related to drought, migration, disease, or a combination of these things. It is a poorly understood period in Arizona history (Gilpin and Phillips n.d.). The arrival of the Spanish in the Southwest began the period of written history for which we have a fairly good record of events in the region (Kessell 2002). Anglo-Americans began arriving en masse during and just after the California Gold Rush (Stein 1994) (Sheridan 1995) (Gilpin and Phillips n.d.) (Wagoner 1970, 1975). The current project area came under American control with the signing of the Gadsden Treaty in 1853. A valuable summary of general Yuman history and more specifically Cocopah history and material culture along with a list of basic references can be found in Ortiz, ed. (1983).

San Luis, Arizona was founded in 1930 with the opening of a border crossing and it was incorporated in 1979. It is an important industrial, agricultural, and commercial area along with its cross-border sister San Luis Rio Colorado, Sonora, Mexico. San Luis is where civil rights leader, labor leader, and Medal of Freedom winner Cesar Chavez passed away in his sleep in the home of a retired farm worker at the age of 66 on April 23, 1993 (Stavans, ed. 2008).

Previous Research

Records examined for this project include those from AZSite (Arizona's cultural resources database), the General Land Office (GLO) Cadastral Survey Plat Images from the Bureau of Land Management (BLM) State Office, and the BLM Field Office in Yuma.

Additionally, archaeologist Shumaker visited the Cocopah Tribal Museum. A brief discussion with Jill McCormack, the Cocopah Tribe's Cultural Resource Manager, indicated that the Cocopah Tribe has no cultural resource concerns within or near the current survey location, and the tribe is not aware of any Traditional Cultural Properties (TCPs) or Sacred Sites that would be affected by this project.

An area of one mile surrounding the current project area was checked for previous cultural resource surveys and the presence of previously recorded historic properties. According to AZSite, the area immediately west of and adjacent to the current project area had been previously surveyed and no historic properties were identified. Two additional surveys were located roughly one mile north. AZSite indicated that the three survey records were on file at BLM Yuma. However, upon investigation, BLM Yuma staff was unable to locate the previous three survey reports, though internal maps suggested and seemed to confirm the surveys had been done and no sites were found near the current project area, which is consistent with the AZSite records. These three BLM survey areas are indicated on Figure 1.

A north-south linear survey crossing the current project area was done along the section line between Sections 8, 9, 16, and 17 by SWCA for El Paso Natural Gas in 1992. No historic properties were reported within or near the current project area (McQuestion and others 1992)

Another linear survey was performed along the U. S.-Mexico border and south of the current project area by Dames & Moore in 1995 for a new 34.5 kV power line. No historic properties were reported near the current project area (Darrington and Bruder 1995).

SURVEY RESULTS

Survey Methodology

On the morning of June 25, 2009, archaeologist Jon Shumaker performed a Class III intensive pedestrian cultural resources survey of the entire project area. The work was done under Bureau of Reclamation ARPA/Permit/Project Report # LC-AZ-09-08. Weather was partly cloudy, hot, and humid. Land surveyors had recently surveyed and staked, with wooden lathe and orange flagging, the centerline of the project corridor. The entire 1.5 mile long project area was covered by a single 20 meter-wide pedestrian transect passing in each direction on either side of the centerline for a total survey corridor width of 40 meters. The entirety of the ROW was carefully examined for the presence of prehistoric and historic artifacts, features, and historic properties/archaeological sites. The western portion of the main E-W segment was moderately disturbed desert habitat, while the eastern portion is also heavily disturbed because it is within or adjacent to an in-use sandy dirt road.

Historic Property Information

No historic properties/archaeological sites were found as a result of this survey.

Isolated Occurrences

No isolated occurrences (IOs) were found as a result of this survey.

SUMMARY AND RECOMMENDATIONS

The entire project area APE was thoroughly examined for the presence of historic properties/archaeological sites as well as prehistoric and historic artifacts or features. No historic properties were found as a result of the current survey. The project area is quite barren, and much of the ground surface is disturbed as a result of border-related activities.

It is recommended that this project be allowed to proceed with a finding of "no historic properties affected."

Any changes in the scope of this project that extend beyond the boundaries of the current survey area should be thoroughly reviewed and surveyed if necessary by a qualified archaeologist. Should any previously unidentified prehistoric or historic cultural remains be encountered during

any phase of the construction of this project, work in the immediate vicinity of the discovery should cease, steps should be taken to secure the protection of the remains, and Ms. Renee Kolvet, Environmental Protection Specialist/Archaeologist, Bureau of Reclamation, 702-293-8443 (Phone), rkolvet@usbr.gov (E-mail) should be notified immediately in order to make arrangements for the proper treatment of the remains.

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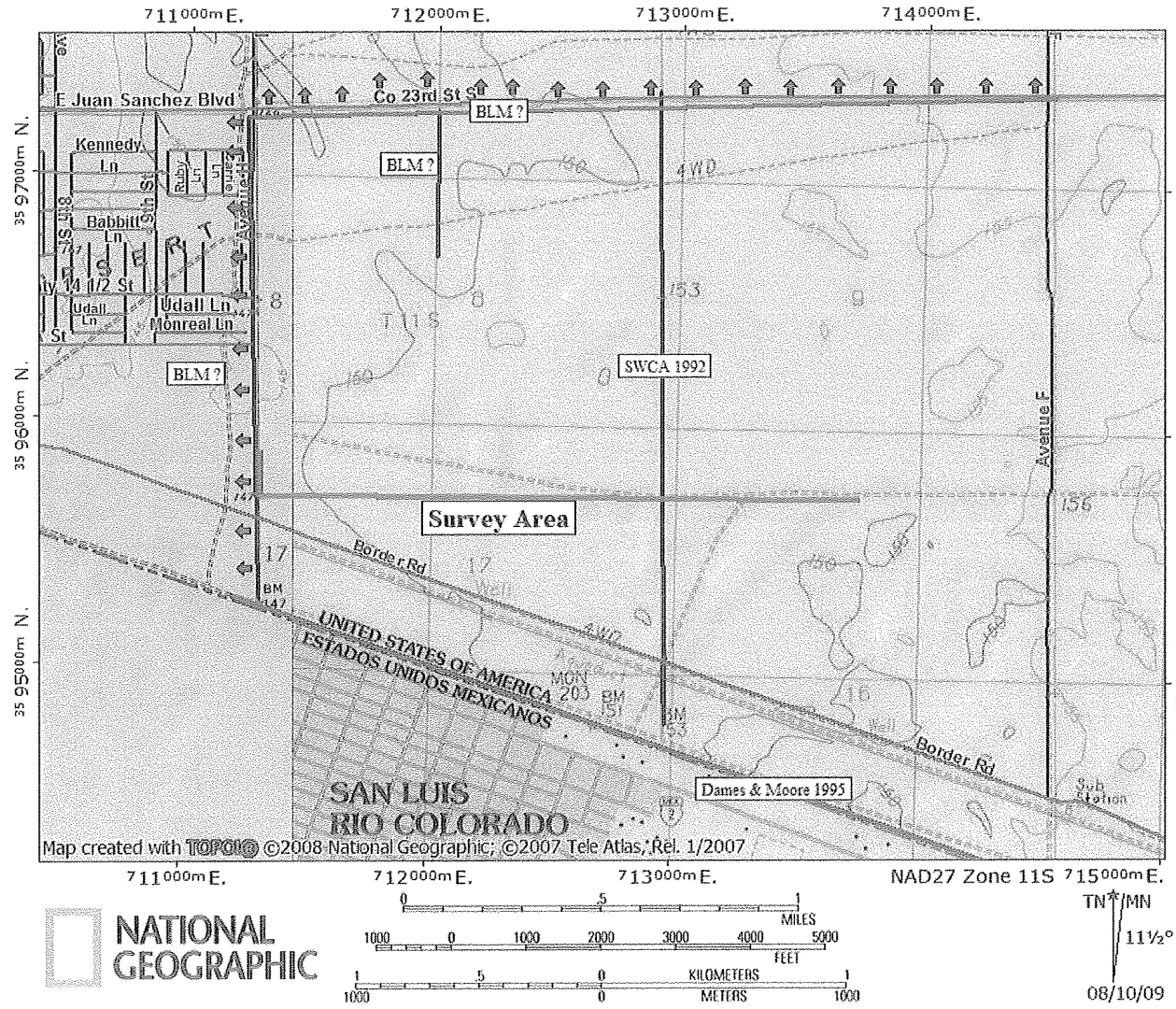
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"Figure 1--San Luis Water Main Cultural Resource Survey"



KEY

Current Survey Area

↑ Previous Surveys, Survey Areas



Figure 2. Looking South Along N-S Leg Toward U.S.-Mexico Border



Figure 3. Looking East Along E-W Segment



Figure 4. Looking West Along E-W Leg



Figure 5. Reclamation Marker

STANDARD FORM 299 (REV. 3/2020)

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES ON FEDERAL LANDS AND PROPERTY

FORM APPROVED
OMB Control Number: 0596-0249
Expiration Date: 2/28/2023

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application for an authorization (easement, right-of-way, lease, license or permit), the applicant should completely review this package, including instructions, and schedule a pre-application meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the pre-application meeting.

Application Number

Date Filed

1. Name and address of applicant

City of San Luis
Attn: Eulogio Vera, P.E.
Director of Public Works
1090 East Union Avenue
P.O. Box 1170
San Luis, Arizona 85349

2. Name and address of authorized agent if different from item 1

James V. Davey, P.E.
James Davey and Associates, Inc.
1025 W. 24th Street, Ste. #2
Yuma, Arizona 85364

3. Applicant telephone number and email:
(928) 341-8577, (928) 941-6505
evera@sanluizaz.gov

Authorized agent telephone number and email:
(928) 782-7926
jdavey@jdacivil.com

4. As applicant are you? *(check one)*

- a. ☐ Individual
- b. ☐ Corporation*
- c. ☐ Partnership/Association*
- d. ☐ State Government/State Agency
- e. ☑ Local Government
- f. ☐ Federal Agency

** If checked, complete supplemental page*

5. Specify what application is for: *(check one)*

- a. ☑ New authorization
- b. ☐ Renewing existing authorization number
- c. ☐ Amend existing authorization number
- d. ☐ Assign existing authorization number
- e. ☐ Existing use for which no authorization has been received *
- f. ☐ Other*

** If checked, provide details under item 7*

6. If an individual, or partnership, are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description *(describe in detail)*: (a) Type of use or occupancy, *(e.g., canal, pipeline, road, telecommunications);* (b) related structures and facilities; (c) physical specifications *(Length, width, grading, etc.*); (d) term of days/years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for activity/construction *(Attach additional sheets, if additional space is needed.)*

The project consists of construction of a paved roadway along County 24th Street from Avenue H (City 10th Avenue) to Avenue F-1/2 (City 16th Avenue), and also along Avenue H from County 24th Street north to the City 10th Avenue existing pavement, along Avenue F-1/2 from County 24th Street to the City 16th Avenue existing pavement, and along County 24th Street from Avenue F-1/2 to the County 24th Street existing pavement just east of Avenue F-1/2. This roadway is a critical part of the City of San Luis roadway infrastructure system in that it will provide a secondary direct roadway corridor connecting the separate portions of the City of San Luis, the east side of San Luis at Avenue F-1/2 to the west side of San Luis at Avenue H. (See attached sheet.)

8. Attach a map covering area and show location of project proposal.

9. State or Local government approval: ☐ Attached ☐ Applied for ☑ Not Required

10. Nonrefundable application fee: ☐ Attached ☐ Not required ☑ To be determined by agency

11. Does project cross international boundary or affect international waterways? ☐ Yes ☑ No *(if "yes," indicate on map)*

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

The City of San Luis will fund the construction, operation, and perform any future roadway maintenance.

13a. Describe other alternative locations considered.

Another alternative roadway route considered was along County 23-1/2 Street from Avenue F-1/2 to Avenue H, Sections 8 and 9 east-west mid-section lines all in T. 11 S., R. 24 W., G.&S.R.B.&M.

b. Why were these alternatives not selected?

Other alternatives, for example along County 23-1/2 Street were not considered practical due to the lack of right of way, as they would increase land disturbance, and as they would not provide all-weather access to the City's existing 16-inch watermain.

c. Give explanation as to why it is necessary to use or occupy Federal assets (lands or buildings).

The alternative selected crossing Reclamation withdrawn lands along County 24th Street between Avenue F-1/2 to Avenue H is a more direct route along Section lines connecting the east side of San Luis to the west side of San Luis and has access to the City's existing 16-inch watermain.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. *(Specify number, date, code, or name)*

The roadway will be installed in an existing 66' road right-of-way per Bureau of Land Management's "Public Land Order A6389 – Modification of Reclamation Withdrawals to Permit Grant of Right-of-way". This document is recorded as docket 908, page 591 in the Yuma County Recorders Office and also published in the Federal Register (Vol. 41., No. 6, March 22, 1976).

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

See attached sheet.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

This project is in an area of growing population of the City of San Luis. An assured roadway system is needed for the increasing number of residential and commercial developments in the east part of the project area and this pavement roadway will provide the needed direct roadway route connecting the now separate portions of the City of San Luis.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability; and, (g) historic or archaeological resources or properties.

See attached sheet.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

See attached sheet.

19. State whether any hazardous material, as defined in this paragraph, would be used, produced, transported or stored on or in a federal building or federal lands or would be used in connection with the proposed use or occupancy. "Hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include (or in the case of approval provided after this permit is issued, shall be amended to include) specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

No hazardous material will be used, transported or stored on or within the right-of-way, or used in the construction, operation, and maintenance of this roadway.

20. Name all the Federal Department(s)/Agency(ies) where this application is being filed.

Not Applicable.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant | Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation utility systems telecommunication installations facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.

2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.

3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.

4. Systems for the transmission and distribution of electric energy.

5. Wired and wireless systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.

6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.

7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847
(or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

National Park Service (NPS)
Alaska Regional Office
240 West 5th Avenue
Anchorage, Alaska 99501
Telephone: (907) 644-3510

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Officer, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation, utility systems, telecommunication installations and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.

8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.

9, 10, and 12 The responsible agency will provide additional instructions.

13 Providing information on alternate locations in as much detail as possible, discussing why certain locations were rejected and why it is necessary to use Federal assets will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate locations as related to current technology and economics.

14 The responsible agency will provide instructions.

15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.

16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION

Disclosure of the information is voluntary. If all the information is not provided, the proposal or application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from proponents and applicants requesting a right-of-way, permit, license, lease, or certification for use of Federal assets. The Federal agencies use this information to evaluate a proponent's or applicant's proposal to use Federal assets.

BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0249. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The authority to collect this information is derived from 47 U.S.C. 1455(c)(3) and 16 U.S.C. 3210.

USDA NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
I - PRIVATE CORPORATIONS	ATTACHED	FILED *
a. Articles of Incorporation	☐	☐
b. Corporation Bylaws	☐	☐
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	☐	☐
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	☐	☐
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	☐	☐
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	☐	☐
b. Proof of organization	☐	☐
c. Copy of Bylaws	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	☐	☐
b. If one partner is authorized to sign, resolution authorizing action is	☐	☐
c. Name and address of each participant, partner, association, or other	☐	☐
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐

***** If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information *(e.g., number, date, code, name)*. If not on file or current, attach the requested information.

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS,
TELECOMMUNICATIONS AND FACILITIES
ON FEDERAL LANDS AND PROPERTY

Additional Sheet

7. Construction duration will be 4 months and need to commence in the spring of 2022. The roadway project will be constructed per the project plans and contract documents/specifications, City of San Luis Supplemental to the Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, the City of Yuma Construction Standard Details Drawings, and the MAG Uniform Standard Specifications and Details for Public Works Construction (Specifications). The new road will consist of a 1.957 miles 2-lane paved road (3" AC over 12" ABC), 8' wide ABC roadway shoulders, and with street lighting along the entire roadway corridor. This roadway will be used year-round and the term of years is perpetual.

The roadway will be constructed in the existing City of San Luis road right-of-way located on reclamation withdrawn lands in Sections 7, 8, 9,16, and 17, T.11 S., R.24 W., G.&S.R.B&.M. per Bureau of Land Management Public Land Order No. A-6389. The project area currently has a gravel roadway constructed on it used to maintain and operate an existing City of San Luis 16-inch watermain (Bureau of Reclamation Contract 09-07-34-L1632, attached). The City of San Luis hereby requests a permit for roadway construction with street lighting within the existing road right-of-way in for the following areas:

-The east 33' of Lots 1 and 6 of Section 7, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The west 33' and south 33' of Lot 4, south 33' of the SE1/4 of the SW1/4, and the south 33' SE1/4 of Section 8, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The south 33' of the SW of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The north 33' of NW of Section 16, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The north 33' of the NE1/4, north 33' of the NE1/4 of the NW1/4, north 33' and west 33' of Lot 1 of Section 17, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The north 33' of the NE of Section 16, T. 11 S., R. 24 W., G.&S.R.B.&M. per Docket 702, Page 107, and as recognized as existing right of way per USBR acquisition per Docket 941, Page 335 as recorded in Yuma County Recorder's Office, Yuma County, Arizona, (attached).

15. The purpose of the proposed project is to construct a 2-lane paved roadway with street lighting across federal property for the benefit of the City of San Luis, Arizona community along County 24th Street from Avenue H to Avenue F-1/2. The roadway will connect now separate portions of the City of San Luis, have all-weather access to the City's existing 16-inch watermain for operation and maintenance purposes, thus providing improved efficiency of the City's entire roadway and water infrastructure systems.

The City of San Luis roadway system does not have a direct roadway route connecting the east side of San Luis with the west side of San Luis other than the existing heavy traffic County 23rd Street (Cesar Chavez Blvd) 1-mile north of the proposed project. As the east side of San Luis

commercial and residential continue to develop, there is the increase need to provide the community with a secondary and more direct route between the east and west portions of San Luis along the southernmost Section line (County 24th Street alignment).

The City of San Luis will construct, operate, and maintain the roadway.

The engineer's construction cost estimate for the proposed roadway is $2,133, 463. The next best alternative engineers' construction cost estimate was also about $2,000,000 but was along less desirable County 23-1/2 Street from Avenue H to Avenue F-1/2 (Sections 8 and 9 east-west mid-section lines all in T. 11 S., R. 24 W., G.&S.R.B.&M.).

17. There are no known environmental effects due to the construction of this roadway. The roadway will be constructed over the City's existing 16-inch watermain operation and maintenance ABC roadway along County 24th Street from Avenue H to Avenue F-1/2. See attached Cultural Resources Survey. The proposed paved roadway will consist of relatively flat roadway longitudinal grades matching the existing surrounding grades, have lineal onsite drainage, and street lighting with underground conduit along the roadway corridor. Currently, there is no natural vegetation along this roadway corridor, therefore construction would not affect the current area conditions. This project construction duration will be about 4 months and Storm Water Pollution Prevention and dust control measures will be applied.

18. There will be no probable effects to populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species due to the construction of project. The project area is within the boundary limits of the USBR environment study called "5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/Environmental Assessment" (attached are this environmental study's Finding of No Significant Impact (FONSI) and Executive Summary. The County 24th Street – Avenue H to Avenue F-1/2 roadway project area is outside of the flat-tailed horned lizard (FTHL) management area (see attached Flat-tailed Horned Lizard Management Area Map V – 6).

State of Arizona } ss
County of Yuma }

I hereby certify that the within instrument was filed and recorded at the request of Yuma Co.

1972 MAY 18 AM 11 28

in Docket 702

on Page 107

Witness my hand and official seal the day and year above noted

CARA N. SETTS
County Recorder

By H. Valdez
Deputy

9856

DOCKET 702 PAGE 107

EASEMENT

COMES NOW THE UNDERSIGNED owner of record of the hereinafter described real property situated in Yuma County, State of Arizona, for good and valuable consideration, hereby grants, conveys and transfers unto the COUNTY OF YUMA a permanent easement and right-of-way for the purpose of the construction and maintenance of a road or highway and public utility services over, under, upon and across a strip of land 33 feet in width, described as follows:

The East thirty-three (33) feet of Lot Four (4); the North half of the Southeast Quarter (N½SE¼); AND the Northeast Quarter (NE¼)
AND
The North thirty-three (33) feet of the Northeast Quarter (NE¼) all in Section Sixteen (16), Township Eleven (11) South, Range Twenty-four (24) West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

Above is a non exclusive easement and subject to easements of record.

To have and to hold the said easement and right-of-way unto the COUNTY OF YUMA forever; the undersigned hereby covenants with the COUNTY OF YUMA that it is lawfully seised and possessed on the aforedescribed tract or parcel of land and that it has a good and lawful right to grant this easement and right-of-way.

IN WITNESS WHEREOF, the undersigned has hereunto set hands this 20th day of April, 1972.

Chester E. Brabyn, Trustee
Chester E. Brabyn

Helen M. Brabyn, Trustee
Helen M. Brabyn

Philip M. Brabyn
Philip M. Brabyn

Jane Brabyn TenEyck
Jane Brabyn TenEyck

STATE OF ARIZONA)
) ss.
COUNTY OF YUMA)

SUBSCRIBED AND SWORN to before me this 24th day of April, 1972, by Chester E. Brabyn and Helen M. Brabyn, Trustees for Chester E. Brabyn and Helen M. Brabyn, Trustors under a Declaration of Trust dated 8/21/63; Philip M. Brabyn and June Brabyn TenEyck.

Shirley M. Bogle
Notary Public

My Commission Expires:
2-23-73

Ave. F & 24th St.

33120

14-06-303-3644

WARRANTY DEED

THIS INDENTURE, made this 17th day of September 1976, by CHESTER E. BRABYN and HELEN M. BRABYN, Trustees for CHESTER E. BRABYN and HELEN M. BRABYN, Trustors, PHILIP M. BRABYN, husband of MARIAN T. BRABYN, as his sole and separate property, JANE B. KING, AKA JANE BRABYN TEN EYCK, wife of CLARK L. KING, as her sole and separate property, hereinafter collectively referred to as "Grantor;" and THE UNITED STATES OF AMERICA and its assigns, hereinafter styled the "United States;"

WITNESSETH: That the Grantor for and in consideration of the sum of One Hundred Ten Thousand and No Hundredths Dollars ($110,000.00) lawful money of the United States of America to it in hand paid in pursuance of the provisions of the Act of June 17, 1902 (32 Stat. 388), Act of Congress approved July 30, 1947 (61 Stat. 628), and Act of Congress approved June 24, 1974 (88 Stat. 266), and acts amendatory thereof or supplementary thereto, by the United States, and further pursuant to the provisions of that certain Land Purchase Contract No. 14-06-303-3644 executed by Chester E. Brabyn and Helen M. Brabyn, Trustees for Chester E. Brabyn ad Helen M. Brabyn, Trustors, Philip M. Brabyn, husband of Marian T. Brabyn, as his sole and separate property, Jane B. King, aka Jane Brabyn Ten Eyck, wife of Clark L. King, as her sole and separate property, and the United States of America,

have granted, bargained and sold, conveyed and confirmed and by these presents does grant, bargain, and sell, convey and confirm unto the United States and to its assigns forever all that real property situate, lying and being in the County of Yuma, State of Arizona, to wit:

The East half of Fractional Section 16,
Township 11 South, Range 24 West, of the
Gila and Salt River Base and Meridian.

Subject to the easement or rights-of-way existing or of record in favor of the public or third parties, and subject to mineral rights, if any, vested in third parties.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have to hold, all and singular the said premises, together with the appurtenances, unto the United States and to its assigns forever.

And the Grantor and its successors do hereby covenant that they will defend the premises and the quiet and peaceful possession thereof unto the United States, and to its assigns, against the acts and deed of the Grantor and every person whomsoever lawfully claiming to claim the same.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first written.

Chester E. Brabyn, Trustee-Grantor

Chester E. Brabyn, Trustee-Grantor

Helen M. Brabyn, Trustee-Grantor

Helen M. Brabyn, Trustee-Grantor

Philip M. Brabyn

Philip M. Brabyn, Grantor

Marian T. Brabyn

Marian T. Brabyn, wife of Philip M. Brabyn

Jane B. King (Jane Brabyn Ten Eyck)

Jane B. King, AKA Jane Brabyn Ten Eyck, Grantor

Clark L. King

Clark L. King, husband of Jane B. Brabyn

14-06-303-3644

TO 1944 CA (8-74)

(Individual)

EXET 941 PAGE 338

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA
COUNTY OF Orange } SS.

On September 17, 1976 before me, the undersigned, a Notary Public in and for said State, personally appeared Jane B. King and Clark L. King - - -

, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature Peggy J. Nichols

STAPLE HERE

OFFICIAL SEAL
PEGGY J. NICHOLS
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires May 20, 1978

(This area for official notarial seal)

STATE OF CALIFORNIA
COUNTY OF San Diego } SS.

On September 17, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared Philip N. Brabyn

known to me to be the person(s) whose name(s) is subscribed to the within Instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

(Seal)

OFFICIAL SEAL
BETTIE LOU SJOBERG
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires August 27, 1979

Bettie Lou Sjoberg
(Notary Public's Signature)

08320-2 3-74* 25 P.S. Individual Notarial Acknowledgment

TO 1944 CA (8-74)

(Individual)

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA
COUNTY OF San Diego } SS.

On September 17, 1976 before me, the undersigned, a Notary Public in and for said State, personally appeared Marian T. Brabyn///

, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

WITNESS my hand and official seal.

STAPLE HERE

Signature Patricia Coleman
PATRICIA COLEMAN

OFFICIAL SEAL
PATRICIA COLEMAN
NOTARY PUBLIC - CALIFORNIA
Principal Office, San Diego Co. Calif.
My Commission Exp. Mar. 1, 1980

(This area for official notarial seal)

Staple

STATE OF CALIFORNIA
COUNTY OF Orange } SS.

On September 17, 1976 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Chester E. Brabyn and Helen M. Brabyn

, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

Terry L. Prince

Terry L. Prince
Name (Typed or Printed)
Notary Public in and for said County and State

FOR NOTARY SEAL OR STAMP

OFFICIAL SEAL
TERRY L. PRINCE
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My Commission Expires JUL 29, 1977

Misc.-185 (C.S.) - Ack. Individual (Rev. 9-68)

Staple

AFFIDAVIT

To: State of Arizona, County of Yuma

We the undersigned, Chester E. Brabyn and Helen M. Brabyn, being first duly sworn upon oath, depose and say:

1) That we are the Trustors and Trustees of the Chester E. Brabyn and Helen M. Brabyn Trust dated August 21, 1976.

2) That the names and addresses of the beneficiaries of said trust are as follows:

Chester E. Brabyn
4515 Fairfield Drive
Corona del Mar, California 92625

Helen M. Brabyn
4515 Fairfield Drive
Corona del Mar, California 92625

3) That this affidavit is made for the purpose of satisfying the requirements of Arizona revised statutes, sec. 33-401.

Further your affiants sayeth not.

Dated this seventeenth day of September, 1976.

Subscribed and sworn to before me this September 17 day of September, 1976 by

Chester E. Brabyn, Trustee
Chester E. Brabyn

Helen M. Brabyn Trustee
Helen M. Brabyn

Notary Public

AFFIDAVIT

To: State of Arizona, County of Yuma

We the undersigned, Chester E. Brabyn and Helen M. Brabyn, being first duly sworn upon oath, depose and say:

1) That we are the Trustors and Trustees of the Chester E. Brabyn and Helen M. Brabyn Trust dated August 21, 1976.

2) That the names and addresses of the beneficiaries of said trust are as follows:

Chester E. Brabyn
4515 Fairfield Drive
Corona del Mar, California 92625

Helen M. Brabyn
4515 Fairfield Drive
Corona del Mar, California 92625

3) That this affidavit is made for the purpose of satisfying the requirements of Arizona revised statutes, sec. 33-401.

Further your affiants sayeth not.

Dated this seventeenth day of September, 1976.

Subscribed and sworn to before me this September 17 day of September, 1976 by

Chester E. Brabyn, Trustee
Chester E. Brabyn

Helen M. Brabyn, Trustee
Helen M. Brabyn

Notary Public

STATE OF CALIFORNIA
COUNTY OF Orange } ss.

On sept. 17, 1976 before me, the undersigned, a Notary Public in and for said County and State, personally appeared

X Chester E. Brabyn and
Helen M. Brabyn

known to me to be the person s whose name s are subscribed to the within instrument and acknowledged that they executed the same.

Terry L. Prince
Terry L. Prince

Name (Typed or Printed)
Notary Public in and for said County and State

Misc.-105 (G.S.) Ack. Individual (Rev. 9-68) Single

FOR NOTARY SEAL OR STAMP

OFFICIAL SEAL
TERRY L. PRINCE
NOTARY PUBLIC-CALIFORNIA
ORANGE COUNTY
My Commission Expires July 24, 1977

State of Arizona
County of Yuma } ss 26559

I hereby certify that the within instrument was filed and recorded at the request of

ARIZONA TITLE & TRUST CO. OF YUMA

2016 NOV 17 PM 4 38

in Docket 941 Page 340

Witness my hand and official seal the day and year aforesaid.

CARA N. [illegible]
County Recorder

By R. Valdez
Deputy

Fee 1.00

YUMA COUNTY RECORDER
ARIZONA

ORIGINAL

Contract No. 09-07-34-L1632

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
LOWER COLORADO REGION
YUMA AREA OFFICE
YUMA, ARIZONA

COLORADO RIVER BASIN SALINITY CONTROL PROJECT
PROTECTIVE AND REGULATORY
PUMPING UNIT, TITLE 1 DIVISION

CONSENT AGREEMENT

THIS CONSENT AGREEMENT (Consent), is made this 4th day of April, 20 11, pursuant to provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388); the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), as amended August 18, 1950 (64 Stat. 463); and acts amendatory thereof or supplementary thereto; and provisions of 43 C.F.R § 429, between the United States of America, acting through the Bureau of Reclamation, hereinafter referred to as "Reclamation," represented by the officer executing this Consent, hereinafter referred to as the "Area Manager," and the City of San Luis, hereinafter referred to as the "Consentee,"

WITNESSETH:

WHEREAS, the Consentee seeks use authorization from Reclamation to construct, reconstruct, install, operate and maintain a 16-inch waterline, within, on and/or across certain rights-of-way which Reclamation acquired for the Project; and

WHEREAS, the granting of such use authorization by Reclamation and the exercise of such use authorization by the Consentee under the terms and conditions herein provided will be compatible with the purposes for which the rights-of-way are administered on behalf of the United States by Reclamation.

NOW, THEREFORE, Subject to the conditions hereinafter set forth, Reclamation does hereby grant to the Consentee use authorization to construct, install, operate and maintain said Waterline within, on and/or across, the rights-of-way hereinafter described. The parties hereto agree as follows:

1. DESCRIPTION OF IMPROVEMENTS AND ASSOCIATED USE AREAS:

Said waterline, to be located, within portions of sections 8, 16 and 17, Township 11 South, Range 24 West, Gila and Salt River Meridian, Yuma County, Arizona.

The Consentee's 16-inch waterline herein described shall hereinafter be referred to, collectively, as the "Waterline." The Reclamation rights-of-way herein described and defined shall hereinafter be referred to, collectively, as the "Use Areas."

2. ASSIGNMENT: This Consent is personal, revocable and nontransferable and shall not be construed as granting to the Consentee any right, title or interest in the Use Areas or any other property, facilities or works of the United States and/or Reclamation.

3. TERM: This Consent, unless terminated sooner as provided by Article 6 hereof, shall terminate twenty five (25) years from the date hereof. This Consent may, upon agreement of the parties, be extended for an additional twenty five (25) year period. Any application for extension shall be filed by the Consentee, in writing, with the Area Manager. Any application for extension must be filed not less than one hundred and eighty (180) days prior to termination of this Consent.

4. EXCEPTIONS AND RESERVATIONS:

(a) The United States and/or Reclamation reserves the right of its/their officers, agents and employees to at all times have unrestricted access and ingress to, passage over and egress from all of the Use Areas to make investigations of all kinds, dig test pits and drill test holes, to survey for and construct reclamation and irrigation works and other structures incident to federal reclamation projects.

(b) The rights granted hereunder shall not be exclusive in character and the United States and/or Reclamation reserves to itself, its successors and assigns, the right against the Consentee to use any or all of the Use Areas, which are or may be crossed, or upon which irrigation and drainage facilities and works of Reclamation have been constructed, and to construct, reconstruct, operate and maintain therein and thereon dams, dikes, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant irrigation and drainage structures which may be needed or useful in connection with

or as a part of canals, laterals and other irrigation and drainage facilities without any payment by Reclamation, its successors or assigns for the exercise of such right. The Consentee agrees that if the construction, reconstruction, installation, operation or maintenance of any or all of such works of the United States and/or Reclamation, on or across the Use Areas described above, should be made more expensive by reason of the existence of the Waterline, such additional expense may be estimated by Reclamation whose estimate shall be final and binding upon the parties hereto, and within thirty (30) days after demand is made upon the Consentee for payment of any such sums, the Consentee shall make payment thereof to the United States and/or Reclamation or its successors or assigns constructing such works across, over, under or upon the Use Areas.

(c) Reclamation reserves the right to inspect the Consentee's, or its assigns under the terms of this Consent, Waterline, both during the progress of construction and upon completion thereof.

(d) Jurisdiction of and supervision by Reclamation over the Use Areas is not surrendered or subordinated by issuance of this Consent and the United States and/or Reclamation reserves the right to issue additional Consent or other agreements for compatible uses of the Use Areas.

5. INDEMNITY: The Consentee hereby agrees to hold harmless and indemnify the United States and/or Reclamation, its/their employees, agents, successors or assigns from and against any claims, demands, costs, losses, causes of action, damages or liability of whatsoever kind or nature arising out of or resulting from acts of negligence of the Consentee, its officers, agents, employees or contractors in the utilization by the Consentee of the rights granted to it pursuant to this Consent. Additionally, except for acts of negligence, the Consentee releases the United States and/or Reclamation, its/their officers, employees, successors and assigns from any and all liability for damage arising from injury to persons or damage to structures, equipment, improvements or works of the Consentee resulting from the construction, operation or maintenance of any of the works of the United States and/or Reclamation. Provided, however, that nothing contained in this clause shall be deemed to modify or limit any liability which may be imposed by the Federal Tort Claims Act, 28 U.S.C, § 2617 et seq. (1970).

6. TERMINATION: This Consent shall terminate and all rights of the Consentee hereunder shall cease upon the following:

(a) At the expiration of the term as provided by Article 3; or

(b) Upon mutual, written agreement by the parties hereto; or

(c) At any time by Reclamation upon six (6) months written notice to the Consentee; or

(d) After failure of the Consentee to observe any of the conditions of this Consent, and on the tenth day following service of written notice on the Consentee of termination because of failure to observe such conditions; or

(e) Upon a determination by Reclamation that any activity by the Consentee in or upon the Use Areas is or was illegal.

7. MISCELLANEOUS CONDITIONS:

(a) The Consentee, at its sole expense, shall construct, install, use and maintain the Waterline in conformity with all applicable regulations of Federal, State and local regulatory agencies, including but not limited to, those relating to pollution and environmental control.

(b) All construction, use and maintenance activities undertaken pursuant to this Consent shall be in conformity with the specifications approved in advance by the Area Manager and shall be conducted by the Consentee at all times in a manner satisfactory to the Area Manager.

(c) The Consentee shall at all times keep the Use Areas, including construction areas used by the Consentee, free from accumulations of waste materials or rubbish.

(d) During construction and use of the Use Areas, the Consentee shall carry out proper and efficient measures wherever and as often as necessary to reduce nuisance by dust, and to prevent dust which has originated from its operations from damaging any other properties or causing a nuisance to persons.

(e) The Consentee shall reimburse the United States and/or Reclamation for any and all costs and expenses incurred in the defense of any action which challenges the Consentee's use of the Use Areas.

(f) The Consentee shall not use the Use Areas or permit the use thereof for any purpose except as set forth herein.

(g) Upon termination of this Consent for any reason, the Consentee may be required, at the option of the United States and/or Reclamation, to remove the Waterline placed in or upon the Use Areas and shall restore the Use Areas to a condition satisfactory to the Area Manager. If the Consentee fails to remove the Waterline within sixty (60) days after termination of this Consent, the Area Manager may, on behalf of the United States and/or Reclamation, deny and

prohibit any or all public access to the Use Areas and/or the Waterline or remove the Waterline at the expense of the Consentee, and the Consentee shall promptly pay the United States and/or Reclamation for removal of the Waterline and restoration of the Use Areas upon receipt of billing.

(h) The Consentee shall provide a construction schedule and 72-hours notice to Reclamation prior to start of construction. Said 72-hours notice shall be provided to Reclamation's Technical Services Group Manager at telephone No. 928-343-8100 so that an inspector can be on-site during construction activities.

(i) Upon completion of installation of Waterline, Consentee shall furnish Reclamation with as-built drawings depicting the location of said Waterline, as installed.

8. OFFICIALS NOT TO BENEFIT: No Member of or Delegate to Congress or Resident Commissioner, and no officer, agent or employee of the Department of the Interior, shall be admitted to any share or part of this Consent or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this Consent if made with a corporation or contractor for its general benefit.

9. COVENANT AGAINST CONTINGENT FEES: The Consentee warrants that no person or agency has been employed or retained to solicit or secure this Consent upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established agencies maintained by the Consentee for the purpose of securing business. For breach or violation of this warranty, the United States and/or Reclamation shall have the right to annul this Consent without liability or in its discretion to require the Consentee to pay, in addition to the right-of-use consideration, if any, the full amount of such commission, percentage, brokerage or contingent fee.

10. DISCOVERY OF CULTURAL RESOURCES: The Consentee shall immediately provide an oral notification to Reclamation of the discovery of any and all antiquities or other objects of archaeological, cultural, historic or scientific interest on Reclamation lands. The Consentee shall follow up with a written report of their finding(s) to Reclamation within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects and artifacts discovered as a result of activities authorized under this Consent. The Consentee shall immediately cease the activity in the area of the discovery, make a reasonable effort to protect such discovery and wait for written approval from Reclamation before resuming the activity. Protective and mitigative measures specified by Reclamation shall be the responsibility of the Consentee.

11. HAZARDOUS MATERIALS:

(a) The Consentee may not allow contamination or pollution of lands, waters or project works of the United States and/or Reclamation for which the Consentee has the responsibility for care, operation and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties.

(b) The Consentee shall comply with all applicable Federal, State and local law and regulations and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or project works of the United States and/or Reclamation.

(c) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act. In addition it shall include thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers or any other pollutants.

(d) Upon discovery of any event which may or does result in contamination or pollution of lands, water or project works of the United States and/or Reclamation, the Consentee shall initiate emergency measures to protect health and safety and the environment if necessary and shall provide notice of such discovery with full details of the actions to Reclamation's Environmental Planning and Compliance Group Manager at telephone No. 928-343-8100. Additionally, all spills regardless of size, shall be reported to Reclamation's Environmental Planning and Compliance Group Manager. Such notice shall be within a reasonable time period but not to exceed 24 hours from the time of discovery if it is an emergency and the first working day if it is a non-emergency.

(e) Violation of any of the provisions of this Article, upon which the Consentee does not take immediate corrective action, may, as determined by Reclamation, constitute grounds for termination of this Consent and shall make the Consentee liable for the cost of full and complete remediation and/or restoration of any resources or facilities of the United States and/or Reclamation that are adversely affected as a result of the violation.

(f) The Consentee agrees to include the provisions contained in paragraphs (a) through (e) of this Article in any subcontract or third party contract it may enter into pursuant to this Consent.

(g) Reclamation agrees to provide information necessary for the Consentee using reasonable diligence, to comply with the provisions of this Article.

12. CLEAN AIR AND WATER: The Consentee agrees as follows:

(a) To comply with all Federal, state, and local requirements of the Clean Air Act (CAA) and the Clean Water Act (CWA); and

(b) To obtain written permission from Reclamation prior to conducting any activities that require permits, plans, or certificates under the CAA or the CWA; and

(c) To provide Reclamation with a copy of any correspondence between the Consentee and any regulatory agency concerning CAA or CWA compliance, including, but not limited to, copies of permit applications, permits, reports, notices of violation or enforcement actions; and

(d) To take immediate and effective action to correct any violation related to the CAA or the CWA. Provide Reclamation with a narrative description of the violation, the actions taken by the Consentee, the date the violation began, the date that the Consentee became aware of the violation and the date that the Consentee returned to compliance; and

(e) To take action to comply with any changes to the CAA and the CWA within the schedule required by the regulation, rule or guidance.

13. NOTICES:

(a) Any notices required by this Article shall be served by certified mail addressed to the respective addresses given herein and the mailing of any such notice properly enclosed, addressed, stamped and certified, shall be considered service.

(b) Any notice, demand or request required or authorized by this Consent to be given or made to or upon the United States and/or Reclamation shall be deemed properly given or made if delivered or mailed postage-prepaid, to the Area Manager, Yuma Area Office, Bureau of Reclamation, 7301 Calle Agua Salada, Yuma, Arizona 85364.

(c) Any notice, demand or request required or authorized by this Consent to be given or made to or upon the Consentee shall be deemed properly given or made if delivered or mailed postage-prepaid, to the City of San Luis, P.O. Box 1170, San Luis, Arizona, 85340-1170.

(d) The designation of the person to or upon whom any notice, demand or request is to be given or made, or the address of such person may be changed at any time by notice given in the same manner as provided in this Article for other notices.

14. NO WARRANTY: Reclamation makes no warranty, express or implied, as to the extent or validity of the grant contained herein.

IN WITNESS WHEREOF, the parties hereto have signed their names to this CONSENT AGREEMENT to become effective the day and year first above written.

THE UNITED STATES OF AMERICA

By: _____
Christopher M. Wallis, Director
Resource Management Office
Yuma Area Office
Lower Colorado Region
Bureau of Reclamation

Date: 4/4/2011

CITY OF SAN LUIS

By: _____

Title: Director of Public Works

Date: Sept 15, 2010

ACKNOWLEDGMENT

State of Arizona)
) ss.
County of Yuma)

On this 15th day of September, 2010, before me,

Melissa Lopez, a Notary Public in and for said County and State

personally appeared John Starkey, Public Works Director
Name Title

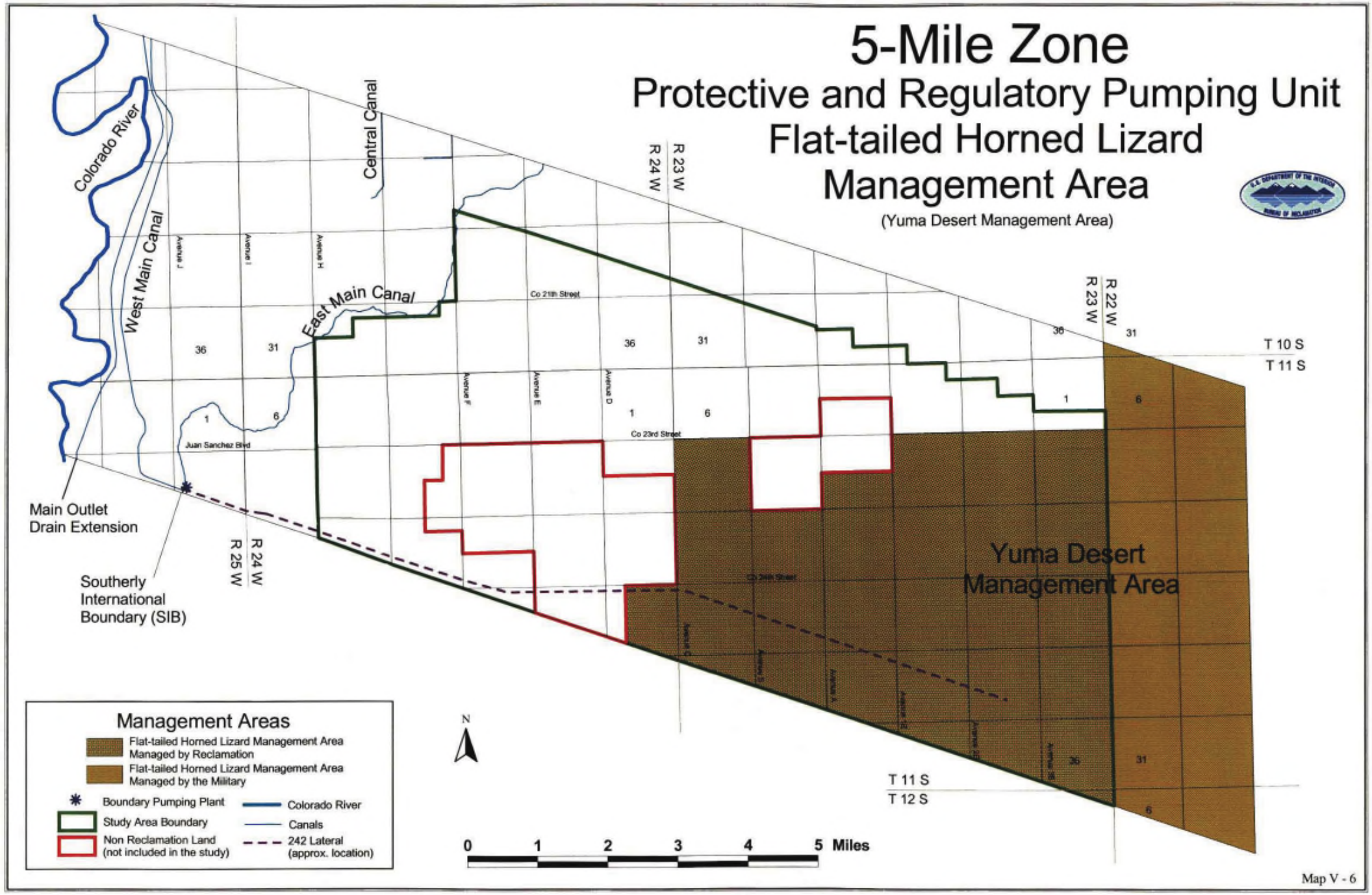
known to me to be the person described in the foregoing instrument, and acknowledged to me that he executed the same on behalf of the City of San Luis, Arizona, in the capacity therein stated and for the purpose therein contained.

Melissa Lopez
Notary Public in and for the
County of Yuma, State of Arizona

OFFICIAL SEAL
Melissa Lopez
Notary Public - Arizona
Yuma County
My Commission Expires 5/10/2014

My Commission Expires: 5/10/2014

5-Mile Zone
Protective and Regulatory Pumping Unit
Flat-tailed Horned Lizard Management Area
(Yuma Desert Management Area)

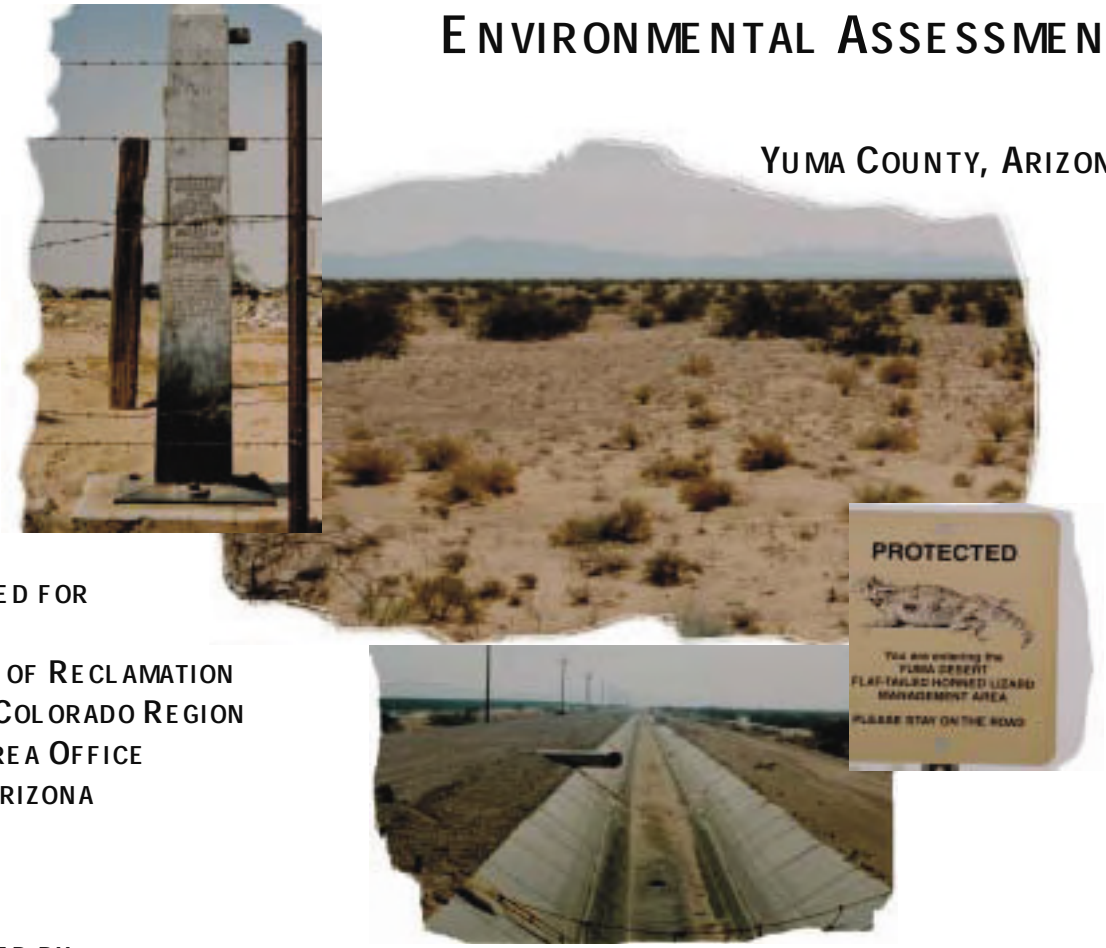


Management Areas
- Flat-tailed Horned Lizard Management Area Managed by Reclamation
- Flat-tailed Horned Lizard Management Area Managed by the Military
- Boundary Pumping Plant
- Study Area Boundary
- Non Reclamation Land (not included in the study)
- Colorado River
- Canals
- 242 Lateral (approx. location)

Map V - 6

5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/ Environmental Assessment

Yuma County, Arizona



Prepared for

Bureau of Reclamation
Lower Colorado Region
Yuma Area Office
Yuma, Arizona

Prepared by

Bureau of Reclamation
Technical Service Center
Denver, Colorado

April 2004

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/ Environmental Assessment

Yuma County, Arizona

April 2004

For further information contact:
Bureau of Reclamation
Yuma Area Office
7301 Calle Aqua Salada
Yuma AZ 85364-9763

Finding of No Significant Impact

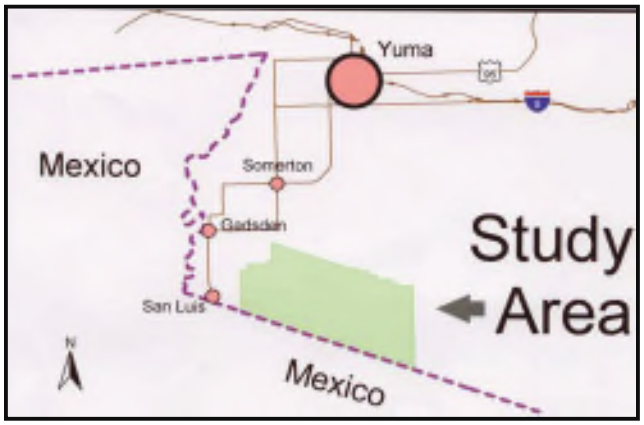
5-Mile Zone Protective and Regulatory
Pumping Unit Resource Management Plan
Yuma, Arizona

INTRODUCTION

This finding of no significant impact (FONSI) describes the Bureau of Reclamation's (Reclamation) environmental conclusions regarding a proposal to implement a resource management plan (RMP) in the 5-mile-zone. Reclamation prepared the *5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/Environmental Assessment* (RMP/EA) to evaluate the potential environmental effects of four alternatives, including a no action alternative in accordance with the provisions of the National Environmental Policy Act (NEPA). This FONSI is a separate companion document to the final RMP/EA.

Because the alternatives developed for the RMP portion of the document are general in nature, the environmental assessment (EA) portion of the document (NEPA portion) is programmatic in nature. Thus, Reclamation will complete site-specific NEPA compliance that is tiered to the final RMP/EA and this FONSI before implementation of any ground-disturbing actions covered under the RMP.

The 5-mile zone is a 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State. In 1944, the United States and Mexico signed a treaty (Treaty) requiring the United States to annually deliver 1.5 million acre-feet of Colorado River water to Mexico. In August 1973, to resolve salinity problems, the two countries reached a permanent solution in the form of Minute No. 242 of the International Boundary and Water Commission (IBWC Minute 242). IBWC Minute 242 includes the provision that the United States shall deliver approximately 140,000 acre-feet of water to Mexico annually at the southern international boundary to partially satisfy its Treaty obligations and that each country shall limit groundwater pumping within 5 miles of the international boundary near San Luis, Arizona, to 160,000 acre-feet annually. In June 1974, the Congress passed the Colorado River Basin Salinity Control Act, Public Law (P.L.) 93-320, to enable the United States to comply with its obligations under IBWC Minute 242. Section 103(a) of this act authorized the United States to construct, operate, and maintain well fields within the 5-mile zone that are capable of providing sufficient water to Mexico. These well fields are located on Reclamation lands commonly called Reclamation's 5-mile zone Protective and Regulatory Pumping Unit (PRPU).



Location and Boundary of the Study Area.

The study area includes those lands within the 5-mile zone that are east of Avenue H and are under the jurisdiction of Reclamation. Other lands within the 5-mile zone are owned or managed by the Bureau of Land Management, State of Arizona, city of San Luis, or private landowners and are not considered in this RMP/EA.

PURPOSE AND NEED

The purpose of the RMP is to establish a 10-year plan detailing the management framework to conserve, protect, enhance, develop, and use the natural and cultural resources within the study area.

The RMP is needed to provide decisionmakers with consistent direction and guidance ensuring that management of the natural and cultural resources within the study area is compatible with the authorized purposes of Title I of the Colorado River Basin Salinity Control Act of 1974, P.L. 93-320, as amended by P.L. 96-336 and IBWC Minute 242. Further, the RMP is needed to provide decisionmakers and planners with consistent direction and guidance in resolving land and water use issues and concerns within the study area related to conflicts between the need to accommodate development in San Luis, Arizona, address increasing public demand, and the management of cultural and natural resources.

ALTERNATIVES CONSIDERED

Reclamation developed three action alternatives (i.e., alternatives that prescribe a change in resource management in the study area). In addition to the action alternatives, Reclamation also formulated a No Action Alternative, as required by the Council on Environmental Quality regulations implementing NEPA. The No Action Alternative describes the management of the study area if Reclamation does not implement an RMP for the 5-mile zone.

Four alternatives were considered in detail: the No Action Alternative (Alternative A), Natural Resources Conservation/Protection Alternative (Alternative B), Recreation, Community, and Commercial Development Alternative (Alternative C), and Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D).

Preferred Alternative

The Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D) was selected as the preferred alternative. Under the preferred alternative, Reclamation resource management policies and practices within the study area would change. Reclamation will authorize limited use and consider limited land exchanges/transfers within the study area to accommodate limited recreation, community, and commercial activities. These uses will be limited to maintain Reclamation's capability to meet water deliveries to Mexico, in accordance with Treaty obligations, and conserve flat-tailed horned lizard habitat, pursuant to the *2003 Flat-Tailed Horned Lizard Rangewide Management Strategy*. Chapter IV of the RMP/EA provides a detailed description of Alternative D.

ENVIRONMENTAL COMMITMENTS

Because the EA portion of the RMP is programmatic in nature, Reclamation recognized the difficulty of establishing site- or project-specific environmental commitments to avoid and mitigate, as appropriate, potential impacts to cultural and natural resources in the study area that may be associated with implementation of the RMP under Alternative D. Therefore, Reclamation developed and included comprehensive guidance and principles for establishing environmental commitments for inclusion in site- or project-specific NEPA documents that will be tiered to the final RMP/EA. Details pertaining to environmental commitments are included as a separate section in the RMP/EA and includes guidance specific to the following resource areas.

- Implement control measures to minimize impacts on **Air Quality**.
- Prevent **Soil** erosion related to proposed projects.
- Implement controls, limit **Land Use** conflicts, and avoid adverse impacts to cultural and natural resources.
- Monitor **Groundwater** levels and quality and establish best management practices, as needed, to avoid over withdrawals and degradation.
- Implement measures to support protection and recovery of the **Flat-Tailed Horned Lizard** and other **Special Status Species**, including consultation under the provisions of the **Fish and Wildlife Coordination Act** and the **Endangered Species Act**.
- Consider carrying capacity, strict design criteria, potential user conflicts, and bilingual concerns prior to development of **Recreation** facilities.
- Consult with the State Historic Preservation Officer and Indian tribes, and conduct **Cultural Resources** surveys prior to implementation of project specific activities.
- Based on consultation, determine measures to avoid impacts to **Indian Sacred Sites** and avoid, mitigate, or compensate for any adverse impacts to **Indian Trust Assets**.

SCOPING AND PUBLIC REVIEW

Throughout the development of this RMP/EA, Reclamation made a concerted effort to involve interested parties, including agencies, Indian tribes, special interest groups, and individuals, in the planning for the environmental, land, recreation, and wildlife resources within the study area.

The public scoping process for this RMP/EA included individual agency meetings and several open house forums. Press releases announcing the open houses were sent to local media. Bilingual assistance was available at the open houses, and Spanish documentation was provided during the public scoping process, when requested.

At each open house, Reclamation provided pertinent information to the public and solicited public issues and concerns about the existing and future management of the study area. Reclamation used the input garnered from public and interested agencies to formulate the four alternatives considered. Once the alternatives were developed, Reclamation sent descriptions to those on the mailing list and held an open house to seek further input. Reclamation considered all comments received during initial scoping and development of the alternatives.

On August 25, 2003, the draft RMP/EA was sent to those on the mailing list for review and comment. A detailed description of the public scoping process and proceedings are described in chapter 1, and copies of comment letters are included as an appendix to the RMP/EA. Comments received on the draft RMP/EA were considered in preparing the final RMP/EA. The final RMP/EA will be available on the internet and mailed to those on the distribution list. A news release announcing its availability will be sent to local media.

Reclamation will provide for future public involvement opportunities associated with implementing some of the management actions in the RMP through the PRPU study area working group and public involvement activities associated with future RMP-related NEPA compliance requirements.

COORDINATION

In the course of preparing the RMP/EA, Reclamation conducted consultation and coordination in accordance with the following laws and requirements. Chapter I of the RMP/EA provides detailed information pertaining to specific coordination efforts.

- National Historic Preservation Act of 1966, as amended
- Fish and Wildlife Coordination Act of 1958, as amended, and Endangered Species Act of 1973, as amended
- Indian Trust Assets
- Adjacent Landowners

FINDING

Reclamation analyzed, and the EA portion of the RMP/EA documented, the potential environmental and social impacts of the proposed action on the following: air quality, noise, soils, land use and transportation, groundwater, vegetation and wildlife, special status species, recreation, visual resources, economics, cultural resources, Indian sacred sites, Indian trust assets, and environmental justice. The results of the analysis determined that implementation of the 5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan, as described under the Natural Resources Conservation/Protection Alternative (Alternative D), would not have significant impacts on the human and natural environment.

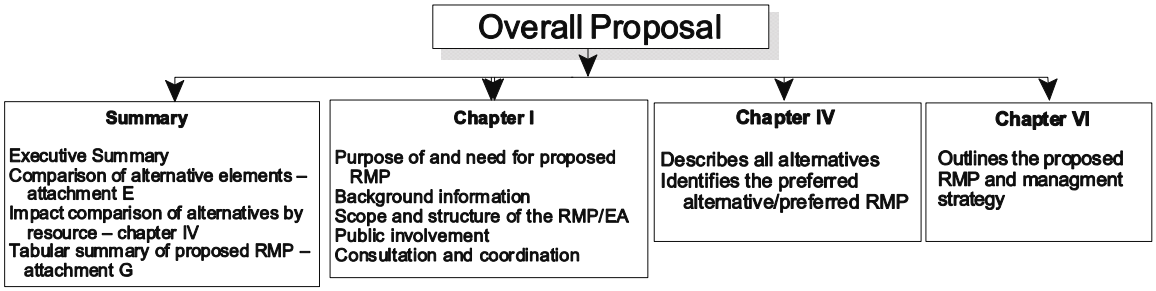
Approved: Jim Cherry 3-18-04

Jim Cherry, Area Manager
Yuma Area Office

Date

How to Read This Resource Management Plan/ Environmental Assessment

This resource management plan (RMP)/ environmental assessment (EA) is an integrated planning and National Environmental Policy Act compliance document. The schematic below will help you locate the information you are most interested in.



Affected Environment or Existing Conditions

Chapter V describes the existing physical and biological resources and environmental factors within the study area:

- Climate
- Air Quality
- Noise
- Topography
- Geology
- Soils
- Land Use and Transportation
- Groundwater
- Vegetation and Wildlife
- Special Status Species
- Recreation
- Visual Resources
- Economics
- Cultural Resources
- Indian Sacred Sites
- Indian Trust Assets
- Environmental Justice

Impacts

Chapter V also describes the potential effects of the No Action Alternative as well as the three proposed action alternatives on the resources and factors.

Cumulative impacts, mitigation measures, and residual impacts have been identified in chapter V, if appropriate.

Supporting Information

Chapter II

Management responsibilities of involved agencies

Chapter III

Planning process, issues, opportunities, and constraints

Other Sections

Abbreviations/Acronyms
Environmental Commitments
List of Preparers
Bibliography
Glossary of Terms
Distribution List
Attachments

Frequently Asked Questions

Who do I contact for more information? See the transmittal letter sent with this document.

What does an acronym (like NEPA) mean? See the list of abbreviations and acronyms before the "Contents."

Where can I find a certain topic? Use the "Contents" at the beginning of the document.

Why doesn't this look like a typical environmental compliance document? Because it is an integrated document that has both planning chapters and environmental compliance chapters contained under the same cover.

Executive Summary

The Bureau of Reclamation (Reclamation) prepared this resource management plan and environmental assessment (RMP/EA) for certain Reclamation lands within the 5-mile zone, a 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State. The Southerly International Boundary (SIB) between the United States and Mexico forms the 5-mile zone's southern boundary. The 5-mile zone's northern boundary parallels its southern boundary. From its western boundary, formed by the limitrophe section of the international boundary,[1] the 5-mile zone extends 13 miles southeast to the boundary of the Barry M. Goldwater Range.

Specifically, this planning effort addresses those lands within the 5-mile zone that are east of Avenue H and are under the jurisdiction of Reclamation (study area). The study area is commonly called Reclamation's Protective and Regulatory Pumping Unit (PRPU) and encompasses approximately 30,200 acres. Other lands within the 5-mile zone are owned or managed by the Bureau of Land Management (BLM), State of Arizona, city of San Luis, or private landowners. The city of San Luis is located in the southwestern portion of the 5-mile zone.

BLM will address, in a separate resource management plan, the Reclamation lands that it manages along the Colorado River.

PROPOSED FEDERAL ACTION

Preparation and implementation of an RMP is a Federal action that is intended to direct the management of resources within the study area to maximize overall public and resource benefits for the next 10 years. The National Environmental Policy Act (NEPA) requires Federal agencies to consider the potential effect(s) of a Federal action on the environment before implementing the proposed action. Therefore, Reclamation used a planning process and an appropriate level of environmental analysis to develop this RMP/EA. Once Reclamation adopts the RMP/EA, it will be used as the framework to manage lands within the study area.

PURPOSE OF AND NEED FOR ACTION

The purpose of this RMP is to establish a 10-year plan detailing the management framework to conserve, protect, enhance, develop, and use the natural and cultural resources within the study area.

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[1] "Limitrophe" refers to the international boundary between the United States and Mexico formed by the Colorado River.

The RMP is needed to do the following:

- Provide decisionmakers with consistent direction and guidance to successfully manage the natural and cultural resources within the study area.
- Ensure management of the natural and cultural resources are compatible with the authorized purposes of Title I of the Colorado River Basin Salinity Control Act of 1974, Public Law 93-320, as amended by Public Law 96-336.
- Resolve land and water use issues and concerns within the study area related to the growth of the city of San Luis, Arizona, and surrounding area.
- Address the increasing demand for public use of the resources within the study area while protecting and enhancing the natural and cultural resources.

AUTHORITY

Title 28 of Public Law 102-575, Section 2805 (106 Statute 4690, Reclamation Recreation Management Act of October 30, 1992) provides Reclamation with authority to prepare resource management plans.

PUBLIC INVOLVEMENT

Throughout the development of this RMP/EA, Reclamation made a concerted effort to involve interested parties, including agencies, special interest groups, and individuals, in planning for the environmental, land, recreation, and wildlife resources within the study area.

CONSULTATION AND COORDINATION

Reclamation also conducted agency consultation and coordination in the course of developing this document, including consultations required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations; the Fish and Wildlife Coordination Act of 1958, as amended; and the Endangered Species Act of 1973, as amended. Reclamation also consulted with the Bureau of Indian Affairs and area tribes about Indian trust assets within the study area. In addition, Reclamation contacted several adjacent landowners and gathered information about existing and future uses of those lands.

RESPONSIBILITIES OF DIFFERENT MANAGEMENT ENTITIES IN THE STUDY AREA

Reclamation maintains primary jurisdiction of the lands and associated resources within the study area; however, other entities may have some limited involvement in managing the study area. Some of these entities include the following.

International Boundary and Water Commission

The International Boundary and Water Commission (IBWC) is responsible for the demarcation of all international boundaries and any water or boundary issues. The IBWC is responsible for annual reports that address the amount of water pumped from Reclamation wells within the study area, as well as the amount of water pumped from wells by other entities and individuals within the study area.

United States Border Patrol

The primary mission of the United States Border Patrol is the detection and apprehension of illegal aliens and smugglers of aliens at or near the international land boundary.

Arizona Game and Fish Department

The Arizona Game and Fish Department (AGFD) has management authority of the State's wildlife, which is held in trust for the citizens of the State of Arizona.

Yuma Area Water Resources Management Group

The Yuma Area Water Resources Management Group (YAWRMG) includes representatives from major water entitlement holders, suppliers, and managers in the greater Yuma area. The group includes irrigation districts, municipalities, and governmental agencies, such as Reclamation. YAWRMG's objective is to more effectively manage and use the water resources available to the greater Yuma area while meeting treaty water quality and salinity requirements with Mexico.

Flat-Tailed Horned Lizard Interagency Coordinating Committee

This committee developed a Flat-Tailed Horned Lizard Management Strategy (Rangewide Management Strategy) (last revised in May 2003) for the flat-tailed horned lizard in the United States. Reclamation manages the approximately 16,000 acres of flat-tailed horned lizard critical habitat (Yuma Desert Management Area) within the study area pursuant to this Rangewide Management Strategy.

ADJACENT LAND USES

Federal, State, and local government entities manage lands adjacent to and near the study area. BLM, the U.S. Air Force, and the U.S. Navy administer Federal lands adjacent to and near the study area. BLM manages the lands for multiple use and is responsible for managing a wide variety of renewable and nonrenewable resources. As an agency, some of the resources it manages are soils, water, grazing, minerals, wildlife species and habitat, recreation, off-highway vehicles, and heritage resources. The Air Force and the Navy administer lands that primarily support national defense purposes. They administer other lands to manage and protect natural and cultural resources.

The State of Arizona administers several sections of lands adjacent to or within the study area. These lands are used primarily for open space, recreation activities such as hunting, and for agriculture through leases with private parties.

Local government entities, such as the city of San Luis, city or county of Yuma, or private nonprofit organizations, such as the Greater Yuma Port Authority, manage other lands adjacent to the study area. These lands are used primarily for residential and industrial uses while maintaining adequate open space for public recreation.

LAND USE PLANNING PROCESS

Reclamation followed an established land use planning process to prepare this RMP/EA. This process focuses on resolving issues that arise over the use and management of public lands and resources. A planning issue can be defined as an unrealized opportunity, an unresolved conflict or problem, an effort to implement a new management program as a result of new initiatives or laws and regulations, or a resource or public use value being lost. Not all issues are related to resource management; therefore, an RMP/EA cannot resolve all issues; some must be resolved administratively.

For this RMP/EA, Reclamation identified issues concerning the conflicting demands for consumptive and non-consumptive uses of the land. The primary challenge is to protect natural and cultural resources while allowing uses that have a minimum effect on these resources. Reclamation used three areas of investigation to identify planning issues, opportunities, and constraints:

- Public involvement
- Collection and evaluation of existing resource data
- Review of its internal programs and policies

Similar issues were grouped into issue categories. This RMP/EA addresses the following seven issue categories:

- Land use

- Water use
- Partnerships
- Natural and cultural resources management
- Public information and education
- Recreation management
- Health and safety

MANAGEMENT OPPORTUNITIES

Management opportunities exist within the study area to protect, enhance, and interpret the natural resources; to provide a range of recreation opportunities and facilities, while not adversely affecting existing natural resources; and to evaluate, protect, and interpret cultural resources for public education and enjoyment. Partnership, interpretation, and cost-share funding opportunities are also available.

MANAGEMENT CONSTRAINTS

When agencies address management changes and other actions, they are constrained by their respective legislative authorities, budgets, personnel, current policies, and environmental limitations. The ability of land management agencies to manage environmental and recreational resources will always depend on maintaining sufficient personnel and on the ability of the agencies to obtain adequate funding to operate and maintain facilities and programs, as well as to protect and enhance existing opportunities and resources.

ALTERNATIVES

Reclamation developed three action alternatives (i.e., alternatives that prescribe a change in resource management in the study area). In addition to the action alternatives, Reclamation also formulated a No Action Alternative, as required by the Council on Environmental Quality regulations implementing NEPA. The No Action Alternative describes the management of the study area if an RMP were not implemented.

Under Alternative A (No Action Alternative), Reclamation resource management policies and practices within the study area would not change. Management actions to implement programs and policies would occur on a case-by-case basis to meet Federal, State, and local laws and regulations. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Land use authorizations, such as licenses, leases, and permits, would be issued, as currently, on a case-by-case basis.

Under Alternative B (Natural Resources Conservation/ Protection Alternative), Reclamation resource management policies and practices within the study area would change. Management actions would be implemented that would protect and enhance natural and cultural resources within the study area. In particular, flat-tailed horned lizard habitat protection would be maximized, pursuant to the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Existing second-party land uses would be scrutinized and eliminated when possible. Public access and recreational use within the study area would be limited to benefit natural and cultural resources. Recreational off-highway vehicle (OHV) use would be eliminated.

Under Alternative C (Recreation, Community, and Commercial Development Alternative), Reclamation resource management policies and practices within the study area would change. Public access and recreational use within the study area would be maximized. Opportunities for nature study, hiking, wildlife observation, camping and day use, and OHV use would be provided to the greatest extent possible, while adhering to the guidance and direction contained in the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Licenses, leases, permits, and other land use authorizations would be issued when compatible with public use of Reclamation lands. Areas deemed appropriate for community expansion, such as utility corridors, transportation routes, community open space, airport, landfills, sewage disposal sites, and recreation and leisure facilities, would be accommodated, as appropriate. Land exchanges or transfers within the study area would be encouraged.

Under Alternative D (Natural Resources Conservation/ Protection with Limited Recreation, Community, and Commercial Development), Reclamation resource management policies and practices within the study area would change. Land use authorizations would be issued on a limited basis for recreation, community, and commercial developments while maintaining Reclamation's capability to meet its water delivery obligations to Mexico, protecting the natural and cultural resources, and conserving flat-tailed horned lizard habitat, pursuant to the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Land exchanges or transfers within the study area would be considered on a limited basis either to protect or enhance the natural or cultural resources in the eastern portion of the study area or to accommodate recreation, community, or commercial developments in the western portion of the study area.

EFFECTS OF THE ALTERNATIVES

No Action Alternative (Alternative A)

Under Alternative A (No Action Alternative), existing air quality conditions would continue. Continued unrestricted OHV use and new developments (roads and facilities) could lead to increased noise and increased wind erosion of soils.

Land use authorizations would continue to be issued on a case-by-case basis, which could lead to conflicting land uses; allow social, physical, environmental, or facility carrying capacities to be exceeded; adversely affect natural or cultural resources, or adversely affect Reclamation's ability to protect PRPU project purposes. Unrestricted OHV use would result in continued adverse effects. Construction of primary roads would be limited to those already under consideration and would meet the public's need and demand for access.

Under Alternative A, if groundwater were used to meet the water needs of new developments, the aquifer could be lowered. However, the quantities needed should not adversely affect Reclamation's ability to meet its water delivery obligations to Mexico, unless total pumpage for the 5-mile zone approaches 160,000 acre-feet per year, the limit stipulated by Minute No. 242 of the International Boundary and Water Commission. Moreover, if the water supply is obtained from outside the study area, groundwater within the study area should not be affected.

Wildlife and vegetation would continue to experience habitat loss and degradation, and special status species would continue to experience direct injuries, habitat loss, and degradation.

Public demand for developed and urban recreation facilities and opportunities would go unmet. Additionally, the quality of the recreational experience for those visitors seeking solitude and nature study most likely would decline, and opportunities to interpret the desert environment to further the appreciation and protection would go unrealized. Visual quality could be expected to gradually degrade. New development would continue to foster economic growth.

Adverse effects on cultural resources that might be occurring under existing, largely unregulated land uses would continue. Under normal circumstances, Indian sacred sites would not be affected. However, unauthorized public use would still have the potential to adversely affect these sites. Indian trust assets would not be affected.

Existing environmental justice conditions in the area would continue.

Natural Resources Conservation/Protection (Alternative B)

Alternative B would provide the maximum benefits for air quality among all the alternatives because of increased vegetative cover, fewer roads, and less development, leading to fewer airborne particulates. Noise levels would decrease because recreational OHV use would be eliminated and less development would be allowed.

The effects on soils would be the same as under Alternative A, except that eliminating recreational OHV use would decrease wind erosion of soil in denuded areas.

Fewer overall land uses would be allowed, and the community need for land uses and recreation would be less accommodated than under the other alternatives. Authorized land uses would be compatible with natural and cultural resources and should not adversely affect them.

Alternative B would provide for no secondary road construction and maintenance, and public demand for access would be minimally met.

Effects on groundwater availability would be similar to Alternative A. If the Hillander "C" tract were to be exchanged or transferred and removed from agricultural production, groundwater quality in the area would improve.

Alternative B would provide maximum benefits for vegetation and wildlife because of improved habitat protection and restoration, and the factors that cause mortalities and injuries of special status species would be reduced because of habitat protection and enhancement measures.

Public demand for developed, dispersed, and urban recreation facilities and opportunities, including OHV use, would go unmet. Many recreation users could be displaced to other areas. Interpretation and management of natural and cultural resources would emphasize proper use of the resources and protect resources by restricting access. This alternative would best protect the visual quality of the study area.

Land transfers or exchanges could result in decreased agricultural production and, thus, could adversely affect the agricultural sector of the economy. Eliminating existing land use authorizations could adversely affect the regional economy, depending on the type of authorization.

Alternative B would benefit cultural resources and Indian sacred sites because eliminating recreational OHV use would reduce unauthorized incursions onto the land. Intensive surveys for cultural resources also would be required. Indian trust assets would not be affected.

Any decrease in agricultural production could adversely affect minority farm workers. Water stations could benefit illegal immigrants, as well as others needing water in the study area.

Recreation, Community, and Commercial Development (Alternative C)

Alternative C would result in the greatest potential adverse effect on air quality among all the alternatives because of development of more unsurfaced roads and parking areas and increased industrial and vehicular emissions.

Alternative C also would have the greatest adverse effect on noise levels among all the alternatives because of development of new facilities and increased vehicle use of new and existing roads and OHV areas.

The effects on soils would be the same as under Alternative A; in addition, increased protection would be needed to prevent soil erosion during construction of facilities.

The comprehensive land use strategy under Alternative C would maximize recreation, community, or commercial development, which would provide the maximum benefit to nearby communities. Less land would be protected for natural and cultural resources. Primary and secondary road development would be allowed within the study area, which would allow public demand and need for access to be fully met.

If new developments rely on groundwater, groundwater availability potentially could decrease, and groundwater quality could be adversely affected. However, if the Hillander "C" tract were to be exchanged or transferred and removed from agricultural production, groundwater quality in the area would improve.

Vegetation and wildlife would be adversely affected under Alternative C because the factors that cause mortalities, injuries, habitat loss, and degradation would significantly increase.

Public demand for all types of recreation facilities and opportunities, including urban recreation and open space, would be most fully met. However, users seeking solitude, OHV users, and hunters could be displaced to other areas. Carrying capacities may be exceeded to the point that user conflicts may increase. This alternative would have the greatest adverse effect on visual quality among all the alternatives.

The comprehensive land use strategy would encourage commercial development but provide management guidance, which would provide more security for would-be investors than Alternative A and would benefit the commercial and recreation services sectors of the economy. Land transfers or exchanges and new land use authorizations could adversely affect the agricultural sector of the economy. However, these adverse effects could be offset by gains to the commercial and recreation services sectors of the economy.

Although regulated, OHV use still could result in incursions onto the land which could adversely affect cultural resources and Indian sacred sites. However, these adverse effects could be offset by intensive surveys for cultural resources and an OHV use plan. Effects on Indian trust assets would be the same as under Alternative A.

Effects on environmental justice would be similar to those under Alternative B. In addition, there would be potential for short-term employment for minority or low-income individuals.

Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D) (Preferred Alternative)

Alternative D would have a greater adverse effect on air quality than Alternative B but a less adverse effect than Alternative C. Alternative D would provide for less construction

of unsurfaced roads for recreational access and community and commercial development than Alternative C but more than for Alternative B. Limited development also would mean that adverse effects on noise levels would be less than under Alternative C.

The effect on soils would be the same as under Alternative C except that eliminating recreational OHV use would decrease wind erosion of the soil in denuded areas.

The comprehensive land use strategy under Alternative D would emphasize limited recreation, community, and commercial development throughout the study area, which would benefit nearby communities slightly less than Alternative C but more than Alternative B.

Construction of primary roads and the effects of this construction would be the same as under Alternatives A and B. Secondary roads would be constructed to provide access to campgrounds, day use facilities, and trailheads. Therefore, the environmental effects resulting from the construction of secondary roads would be greater than under Alternatives A or B and the same as under Alternative C. Public demand and need for access would be met.

The effects on groundwater availability would be less than under Alternative C and greater than under Alternatives A and B. The effects on groundwater quality would be the same as under Alternatives B and C.

Alternative D would substantially improve habitat protection and enhancement and would substantially reduce the factors that cause mortalities and injuries, as well as habitat loss and degradation.

Public demand for most types of recreation facilities and opportunities would be partially met, including the demand for urban recreation and open space. Some recreationists could be displaced. Alternative D would have less of an adverse effect on visual resources than Alternative C because fewer recreation and land use facilities would be developed, resulting in fewer intrusions on the natural landscape but a greater adverse effect than Alternatives A or B. Rehabilitation of closed OHV use areas would enhance visual quality.

The effect of Alternative D on the economy of the study area would be similar to that of Alternative C, except that net gains in the commercial and recreation service sectors of the economy may be less.

The effect on cultural resources and Indian sacred sites would be the same as under Alternative B. The effects on Indian trust assets would be the same as under Alternative A.

The effects on environmental justice would be the same as under Alternative C.

PLAN SELECTION

Reclamation followed a formal planning process in preparing this planning and environmental compliance document. After analyzing the four alternatives (or management plans), Reclamation selected Alternative D (Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development) as the preferred management plan. The management actions should be implemented within the 10-year planning period of the RMP; however, implementation depends on, among other things, cooperation of other involved entities, cost-sharing efforts, available funding, and the success of the proposed study area working group in resolving conflicts and providing valuable input to Reclamation in its effort to prioritize the actions for funding and implementation.

Reclamation has the primary stewardship responsibility to manage the lands under its jurisdiction in accordance with existing laws, regulations, policies, and guidelines. A primary step in the planning process was to identify goals and objectives and associated management actions needed to resolve identified problems, as well as to identify actions and opportunities that would not conflict with existing laws, regulations, policies, and guidelines. In addition, many of the goals and objectives and actions were formulated in response to basic land management principles and concepts.

The basic challenge was to select those combinations of goals, objectives, and management actions that were widely accepted by the public and agency personnel, and that could be implemented without serious conflicts, within the environmental resource limitations, within the planning life of the RMP, and consistent with existing laws, regulations, policies, and guidelines, as well as with PRPU project purposes.

The RMP assumes that Reclamation will follow existing and future Federal laws, regulations, and Executive orders when managing lands within the study area.

Acronyms and Abbreviations

Act	Colorado River Basin Salinity Control Act of 1974, as amended
ADEQ	Arizona Department of Environmental Quality
ADOT	Arizona Department of Transportation
AGFD	Arizona Game and Fish Department
APE	Area of potential effect
ASH	Area Service Highway
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BMGR	Barry M. Goldwater Range
Border Patrol	U.S. Border Patrol
CA	Conservation Agreement
CD	Compact disc
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CSP	Commercial Services Plan
DHS	Department of Homeland Security
District	Hillander "C" Irrigation District
DM 613	*Departmental Manual 613*
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FWCA	Fish and Wildlife Coordination Act
GIS	Geographic Information System
GSA	General Services Administration
GYPA	Greater Yuma Port Authority, Inc.
IBWC	International Boundary and Water Commission
IBWC 242 Minute	Minute No. 242 of the International Boundary and Water Commission
INA	Immigration and Nationality Act
Land Use Plan	Lower Colorado River Land Use Plan
MA	Management area
MCAS	Marine Corps Air Station
mg/L	Milligrams per liter
MLWA	Military Lands Withdrawal Act
NAFTA	North American Free Trade Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OHV	Off-highway vehicle
OIG	Office of the Inspector General
O&M	Operation and maintenance
P.L.	Public Law
ppm	Parts per million
PRPU	Protective and Regulatory Pumping Unit
Rangewide Management Strategy	2003 Flat-Tailed Horned Lizard Rangewide Management Strategy
Reclamation	Bureau of Reclamation
RMP/EA	Resource management plan/ environmental assessment
Service	U.S. Fish and Wildlife Service
SHPO	State Historic Preservation Officer
SIB	Southerly International Boundary
SIP	State Implementation Plan
SR195	State Route 195
Stat.	Statute
study area	Protective and Regulatory Pumping Unit
TDS	total dissolved solids
TEA-21	Transportation Equity Act for the 21st Century
team	A Reclamation interdisciplinary team
toolbox	Toolbox for the Great Outdoors
treaty	1944 Water Treaty
T&E	Threatened and endangered
U.S.C.	United States Code
YAWRMG	Yuma Area Water Resources Management Group
YMPO	Yuma Metropolitan Planning Organization

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Environmental Commitments

Air Quality

- Paving or surfacing primary and secondary roads and parking areas to prevent dust will help reduce airborne particulates throughout the study area. Additionally, requiring dust abatement measures during construction activities and revegetating disturbed areas, including areas disturbed by off-highway vehicle (OHV) use, will reduce airborne particulates.

Soils

- Plant native vegetation to prevent soil erosion of disturbed areas caused by construction activities. Consider soil characteristics and suitability when planning developments

Land Use

- All land use permits will contain specific stipulations to protect existing resources, decrease potential conflicts with adjacent landowners, and prevent land use conflicts within the study area. Additionally, any developments within the Yuma Desert Management Area will require special mitigation to avoid adverse effects or loss of unique desert habitat and mitigate for habitat losses and/or impacts to flat-tailed horned lizard habitat.

Groundwater

- Careful monitoring of groundwater levels and groundwater quality will be needed to evaluate current impacts and to project or estimate future groundwater levels and quality. If projected groundwater levels or groundwater quality approach unacceptable limits, appropriate mitigation will be to find an alternate surface water supply to replace all, or at least a sufficient portion of, the pumped groundwater to prevent an unacceptable drop of groundwater levels or degradation of groundwater quality.

FLAT-TAILED HORNED LIZARD AND OTHER SPECIAL STATUS SPECIES

The following environmental commitments (from the mitigation section of the Flat-Tailed Horned Lizard Rangewide Management Strategy [Rangewide Management Strategy]) apply specifically to protection and recovery of the flat-tailed horned lizard, but they also benefit a wide range of Sonoran Desert plant and wildlife species. This includes consultation under the provisions of the Fish and Wildlife Coordination Act and the Endangered Species Act.

- To the extent possible, surface-disturbing projects shall be located outside of the Yuma Desert Management Area, and shall be timed to minimize mortality. If a project must be located with the Yuma Desert Management Area, effort shall be made to locate the project in a previously disturbed area or in an area where habitat quality is poor. A survey of the project site shall be conducted prior to construction in order to assist in locating the project.

- Prior to project initiation, an individual shall be designated as a field contact representative. This person shall have the authority to ensure compliance with protective measures for the flat-tailed horned lizard and will be the primary agency contact dealing with these measures. The field contact representative shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.

- All project work areas shall be clearly flagged or similarly marked at the outer boundaries to define the limit of work activities. All construction and restoration workers shall restrict their activities and vehicles to areas that have been flagged to eliminate adverse impacts to the flat-tailed horned lizard and its habitat. All workers shall be instructed that their activities are restricted to flagged and cleared areas.

- Within flat-tailed horned lizard habitat, the area of disturbance of vegetation and soils shall be the minimum required for the project. If possible, a maximum disturbance allowable should be specified based on project specifics. Vegetation clearing and grading shall be minimized. Equipment and vehicles shall use existing surfaces or previously disturbed areas wherever possible. Disturbance of shrubs and surface soils due to stockpiling shall be minimized.

- Existing roads shall be used for travel and equipment storage wherever possible.

- Where possible, newly created access routes shall be restricted by constructing barricades, erecting fences with locked gates at road intersections and/or by posting signs. The project proponent shall maintain, including monitoring, all control structures and facilities for the life of the project and until habitat restoration is completed.

- A biological monitor, authorized by Arizona Game and Fish Department, shall be present in each area of active surface disturbance throughout the work day

from initial clearing through habitat restoration, except where the project is completely fenced and cleared of flat-tailed horned lizards by a qualified biologist authorized by Arizona Game and Fish Department. The monitor shall perform the following functions:

- Develop and implement a worker education program. Wallet-cards summarizing this information shall be provided to all construction and maintenance personnel. The education program shall include the biology and status of the flat-tailed horned lizard; protection measures designed to reduce potential impacts; flag designated work areas; follow reporting procedures if flat-tailed horned lizard s are encountered; and emphasize importance of exercising care when commuting to and from the project area to reduce mortality of flat-tailed horned lizards.

- Ensure that all project-related activities comply with these measures. The biological monitor shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.

- Examine areas of active surface disturbance periodically (at least hourly when surface temperatures exceed 85degrees Fahrenheit) for the presence of flat-tailed horned lizards. All hazardous sites such as open pipeline trenches, holes or other deep excavations shall be inspected for flat-tailed horned lizards prior to backfilling.

- Work with the project supervisor to take necessary steps to avoid disturbance to flat-tailed horned lizards and their habitat. If avoiding disturbance to a flat-tailed horned lizard is not possible, or if a flat-tailed horned lizard is found trapped in an excavation, the affected lizard shall be captured by hand and relocated.

- Sites of permanent or long-term (more than 1 year) projects in the Yuma Desert Management Area where continuing activities are planned and where flat-tailed horned lizard mortality could occur, may be enclosed with flat-tailed horned lizard barrier fencing to prevent lizards from wandering onto the project site where they may be subject to collection, death or injury. Barrier fencing should be in accordance with the standards outlined in Appendix 7 of the Rangewide Management Strategy.

- The project proponent shall develop a project-specific habitat restoration plan to be approved by Reclamation. The plan shall consider and include as appropriate the following methods: replacement of topsoil, seedbed preparation, fertilization, seeding of native species, noxious weed control and additional erosion control (see Habitat Rehabilitation, page 69 of the Rangewide Management Strategy). The objective of restoration is to return the disturbed areas to a condition that will perpetuate previous land use. Restoration shall include eliminating any hazards to flat-tailed horned lizards created by construction, such as holes and trenches in which lizards might become trapped. Disturbance of existing perennial shrubs during restoration shall be minimized, even if such shrubs have been crushed by construction activities.

- Construction of new paved roads shall include a lizard barrier fence on each side of the road that is exposed to occupied flat-tailed horned lizard habitat. Exceptions may occur in accordance with the following evaluation, to be applied separately to each side of the road. This prescription may also be applied to canals or other fragmenting projects.
- Side is made nonviable for flat-tailed horned lizards even if connected to the other site:
  - Compensate for the entirety of the fragmented parcel.
- Side is viable only of connected to the other site:
  - Compensate for entirety of fragmented parcel, or
  - Provide fencing and effective culverts or underpasses that will maintain connectivity.

Specifications for barrier fences is provided in Appendix 7 of the Rangewide Management Strategy. The flat-tailed horned lizard interagency coordinating committee will make the determination of flat-tailed horned lizard population viability based on the size, configuration and habitat condition of the isolated parcel, threats from adjacent lands and existing scientific evidence of edge effects on flat-tailed horned lizard.

Compensation

Pursuant to Title 43 Code of Federal Regulations and the Federal Land Policy and Management Act of 1976, actions that result in flat-tailed horned lizard habitat loss may be permitted. To mitigate such losses both within and outside MAs, compensation is charged if residual effects would occur after all reasonable on-site mitigation has been applied. Guidance for determining when compensation is required and determining compensation is in the Rangewide Management Strategy, pages 62 to 66.

Measures for Other Special Status Species

- Surveys for special status plants and animals that may potentially occur on the Yuma 5-mile zone, as listed in table V-1, shall be conducted in the proposed project area prior to authorizing any ground disturbing activities.
- Every effort shall be made to avoid disturbance to any special status species or habitat that may be located. Consultation with the U.S. Fish and Wildlife Service should be initiated.

RECREATION

- Recreation facility development will complement the surrounding landscape as much as practical and will follow strict design and construction criteria, guidelines, and standards.

- Carrying capacity limits and user demand will be properly determined before major facilities are developed.
- Bilingual regulatory and informational signage will be posted throughout the study area to inform the public of the rules and regulations governing the use of the federally owned lands within the study area.
- Visitor use will be monitored to identify potential user conflicts and corrective actions to be taken if conflicts are identified.

CULTURAL RESOURCES

Reclamation will do the following:

- In consultation with the State Historic Preservation Officer and area Indian tribes—and based on the Class I survey—develop a research design for conducting Class II or III surveys (1) to determine areas of high or low potential for cultural resources, including traditional cultural properties, (2) to determine sources of impacts, and (3) to define additional investigation or protective actions appropriate for each site. The plan will serve to support requests for funding to implement necessary actions.
- Conduct intensive surveys of areas with high potential for cultural resources and/or any areas scheduled for ground-disturbing or potentially ground-disturbing activities to locate cultural resources. During ground-disturbing activities, Reclamation will make every effort to avoid significant cultural resources.
- During construction, if cultural resources are discovered, ensure that work in the immediate areas ceases until a qualified archeologist evaluates the site, takes appropriate measures, and consults with the State Historic Preservation Officer.
- Ensure that any project-specific agreements regarding cultural resources are included as specifications in construction contracts and inform construction contractors about the presence of cultural resources within or near the project area and about their protection under Federal and State laws.
- When granting easements on or across Reclamation-owned lands, review the proposal for potential effects on cultural resources and ensure that the entity receiving the easement complies with all applicable cultural resource laws for any activities within the boundaries of the easement.

Specific mitigation cannot be identified until the intensive surveys are completed to determine if cultural resources are present that are eligible for the *Federal Register*. The following mitigation strategies presume that one or more archeological sites or traditional cultural properties will be determined eligible for the *Federal Register* and will be affected by the proposed action. The exact nature of mitigation will be determined in consultation with the State Historic Preservation Officer and others, as appropriate, and documented in a memorandum of agreement with the consulting and interested parties.

- Periodically monitor *Federal Register*-eligible or unevaluated sites to assess impacts and the need for investigative or protection action.
- Place protective materials over portions of sites affected by erosion or trail construction or use to prevent additional disturbance.
- Recover site data through systematic surface collection or excavation and provide resulting reports to the professional community and interested public.
- Further consult with area tribes about appropriate actions to protect endangered traditional cultural properties sites and implement those actions where reasonable and feasible.
- Incorporate information about cultural resources into brochures and other educational materials created for use in the study area.

INDIAN SACRED SITES

Executive Order 13007 does not authorize agencies to mitigate for the impact of their actions on Indian sacred sites. However, it does direct agencies to avoid adverse impacts when possible. If consultations determine that adverse impacts will occur from implementation of the proposed action, then Reclamation will seek means to avoid these adverse impacts.

INDIAN TRUST ASSETS

If consultations determine that adverse impacts will occur from implementation of the proposed action, Reclamation will seek means to avoid these impacts. If adverse impacts cannot be avoided, then Reclamation will provide appropriate mitigation or compensation.

List of Preparers and Contributors

Name	Title	Contribution
	Technical Service Center	
Patty Alexander	Technical Editor	Report design, editing, desktop publishing
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Rick Strahan	Water and Lands Contracts, Group Manager	Project oversight
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	Lower Colorado Regional Office	
Bill Martin	Natural Resource Specialist	Project oversight

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Glossary

5-mile zone: The 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State.

5-mile zone study area: Those lands within the 5-mile zone that are east of Avenue E and under the jurisdiction of Reclamation.

acre-foot: Amount of water needed to cover 1 acre with 1 foot of water.

Affected environment: Existing biological, physical, social, and economic conditions of an area subject to change, both directly and indirectly, as the result of a proposed human action.

Air quality: Measure of the health-related and visual characteristics of the air, often derived from quantitative measurements of the concentrations of specific injurious or contaminating substances.

Aquifer: Underground water-bearing geologic formation or structure.

Archaic: In American archeology, a cultural stage following the earliest known human occupation in the New World (about 5,500 B.C. to A.D. 100). This stage was characterized by a generalized hunting and gathering lifestyle and seasonal movement to take advantage of a variety of resources.

Artifact: A human-made object.

Climate: Average conditions of the weather over a number of years.

Cone of influence (cone of depression): The depression, roughly conical in shape, produced in the water table by the pumping of water from a well.

Cooperative Agreement: Formal document that states the obligations of Reclamation to one or more other parties.

Corridor: Narrow strip of land reserved for location of transmission lines, pipelines, and service roads.

Council on Environmental Quality (CEQ): Establishes regulations for implementing the procedural provisions of the National Environmental Policy Act.

Crime Witness Protection Program: A program originally created by the Bonneville Power Administration (BPA) to protect transmission systems, substations, facilities, property, and personnel. The BPA administers the Bureau of Reclamation's program through an agreement signed in October 1998. The program offers cash awards up to $1,000 for information leading to the arrest and conviction of persons committing crimes. Signs posted at facilities direct informants to call a toll-free number to report suspicious or criminal activity.

Cultural resource(s): Any building, site, district, structure, or object significant in history, architecture, archeology, culture, or science.

Desired Future Condition: The future condition of the study area that results from achieving the goals and objectives identified in the Resource Management Plan.

Environment: All biological, chemical, social, and physical factors to which organisms are exposed. The surroundings that affect the growth and development of an organism.

Environmental analysis: Systematic process for consideration of environment factors in land management actions.

Environmental assessment (EA): A National Environmental Policy Act compliance document used to determine if an action would have a significant effect on the human environment. If not, a finding of no significant impact is written. If so, an environmental impact statement is written

Erosion: Surface displacement of soil caused by weathering, dissolution, abrasion, or other transporting.

Executive order: A written directive of the President of the United States.

Finding of no significant impact (FONSI): A National Environmental Policy Act compliance document which affirms that an environmental assessment found that alternatives were evaluated and a proposed action would have no significant impact on the human environment.

Geographic Information System: A digital geographic database used to analyze and store data.

Geology: The science that deals with the physical history of the earth, the rocks of which it is comprised, and the physical changes which the earth has undergone or is undergoing.

Goal: A brief statement describing the end result of implementing a management action or series of actions. A goal can also be considered a desired future condition which the Bureau of Reclamation wishes to achieve within the management area.

Groundwater: Generally, all subsurface water as distinct from surface water; specifically, that part of the subsurface water in the saturated zone where the water is under pressure greater than atmospheric.

Habitat: The area or type of environment in which a plant or animal normally lives or occurs.

Groundwater mound: A portion of an unconfined aquifer with a water table elevated above that of the surrounding aquifer. It is often the result of a relatively high rate of recharge (for example, from infiltrating irrigation water) to the aquifer at the location of the mound.

Objective: A brief statement or series of statements that briefly describe an action that will achieve a specific goal identified in a Resource Management Plan.

Protective and Regulatory Pumping Unit (PRPU): The well field authorized by Section 103(a) of Public Law 93-320.

Qualitative: Having to do with quality or qualities. Descriptive of kind, type or direction as opposed to size, magnitude, or degree.

Quantitative: Having to do with quantity, capable of being measured. Descriptive of size, magnitude, or degree.

Right-of-way: A vested property right given to another entity for the use of a specified piece of land for specific purposes.

Sacred site: Any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred.

Site: In archeology, any location of past human activity.

Total dissolved solids (TDS): A quantitative measure of the residual mineral dissolved in water that remains after the evaporation of a solution. Usually expressed in milligrams per liter or parts per million. Total amount of dissolved material, organic and inorganic, contained in water.

Unconfined aquifer: An aquifer with continuous layers of materials of relatively high permeability extending from the land surface to the base of the aquifer. The upper surface of an unconfined aquifer is the water table.

Well field: Area containing one or more wells that produces usable amounts of water.

Xeriscape: Landscaping that does not require a lot of water.

Yuma Desert Management Area: 16,000 acres within the 5-mile zone study area that Reclamation manages for the flat-tailed horned lizard and as described in the 2003 Flat-Tailed Horned Lizard Management Strategy.

Distribution List

CONGRESSIONAL DELEGATION

U.S. Senators

John Kyl
John McCain

U.S. Representative

Raul Grijalva, Arizona District 7

ARIZONA STATE LEGISLATURE

Senator Robert Cannell, District 24
Representative Amanda Aquirre, District 24
Representative James R. Carruthers, District 24

All locations are in the State of Arizona, unless otherwise indicated.

INDIAN TRIBES

All locations are in the State of Arizona, unless otherwise indicated.

Ak-Chin Indian Community, Maricopa
Campo Band of Mission Indians, Campo, California
Chemehuevi Tribal Council, Lake Havasu, California
Cocopah Indian Community, Somerton
Colorado River Indian Tribes, Parker
Fort Mcdowell Mohave-Apache Community, Fountain Hills
Fort Mojave Indian Tribe, Needles, California
Fort Yuma Quechan Tribe, Yuma
Gila River Indian Community, Sacaton
Hopi Indian Tribe, Kykotsmovi
Hualapai Indian Tribe, Peach Springs
Pueblo of Zuni, Zuni, New Mexico
Salt River Pima-Maricopa Indian Community, Scottsdale
San Carlos Apache Tribe, San Carlos

Tohono O'Odham Nation, Sells
Viejas Tribal Council, Alpine, California
Yavapai Prescott Indian Tribe, Prescott

FEDERAL, STATE, AND LOCAL AGENCIES

Federal

Department of Agriculture
- Natural Resource Conservation Service, Phoenix, Yuma

Department of the Interior
- Bureau of Indian Affairs, Yuma
- Bureau of Land Management, Yuma
- Fish and Wildlife Service, Phoenix
- Geological Survey, Tucson, Yuma

Drug Enforcement Administration, Yuma

Department of Homeland Security
- Immigration and Naturalization Service, Laguna Niguel, California
  - Border Patrol, Yuma,

Marine Corps
- Marine Corps Air Station, Yuma

Treasury Department
- Customs Service, Tucson,
  - San Luis Port-of-Entry, San Luis

State of Arizona

Department of Corrections, Phoenix, Yuma
Department of Environmental Quality, Phoenix
Department of Game and Fish, Yuma
Department of Transportation, Phoenix, Yuma
Department of Water Resources, Phoenix

State of California

Colorado River Board, Glendale, California

State of Nevada

Colorado River Commission, Las Vegas, Nevada

Yuma County

Board of Supervisors, Yuma
Department of Development Services, Yuma
Department of Public Works, Yuma
Planning and Zoning Commission, Yuma

City of San Luis

City Administrator
Economic Development Commission
Public Works Department
Police Department

City of Somerton

Administrator

City of Yuma

Department of Community Development
Department of Economic Development
Department of Parks and Recreation
Department of Public Works
Office of the City Administrator

Libraries

San Luis Branch Library, San Luis
Somerton Branch Library, Somerton
Yuma Library, Yuma

Interested Organizations and Individuals

Arizona Public Service Company, Yuma
Barkley Family Liquidating Trust, Yuma
Border Ranches LLC, Yuma
Citizens Title and Trust, Yuma
Colvin, John, Yuma
Cuming Farms Inc., Yuma

Duran, Robert C. and Barbara, Somerton,
George, Terri, Yuma
Griffin Family Ltd. Partnership, Somerton
Griffin Ranches Inc., Somerton
Harrison, William and Leslie, Yuma,
Hawk, Michal Marie and Tim, San Diego, California
Hillander "C" Irrigation District, Yuma
Hughes, Earl and Ima, Gadsden
Hughes, Kelly E. and Sharon C., Gadsden
Kaffer, Mary, Yuma
Loo, David, New York, New York
McDonald, Herbert and Lois, Somerton
Morris, Clinton and Vera, Yuma
Natural Resource Conservation Districts, Yuma
Peach, John J., Yuma
Power Engineers, Boise, Idaho
Quinteo, Enrique, San Luis
Redger, Steven, Yuma
Requena, Leonard A., Inverness, Florida
Rodriguez, Pedro, San Luis
Sam Group Investment Co., Yuma
San Luis Port LLC, Yuma
Schafer, Robert,Yuma
Seven Star Ltd. Corp., Yuma
Simpkins, Jennifer, Phoenix
United States International Boundary and Water Commission, Yuma, and El Paso, Texas
Vasquez, Pedro M., Yuma
Von Verde Ltd., Yuma
Von Verde Ltd Partnership, Yuma
Von Verde Packing House Ltd., Yuma
Mrs. West, Yuma
Yuma County Water Users' Association, Yuma
Yuma Mesa Irrigation and Drainage District, Yuma
Yuma Metropolitan Planning Organization, Yuma
Yuma Natural Resource Conservation District, Yuma

A CULTURAL RESOURCES SURVEY OF A 1.5 MILE LONG BY 130' WIDE CORRIDOR FOR A 16" WATER MAIN ON BUREAU OF RECLAMATION WITHDRAWN LANDS, CITY OF SAN LUIS, YUMA COUNTY, ARIZONA

Bureau of Reclamation Report Number: LC-AZ-09-08

Prepared for the City of San Luis, Arizona

Submitted to:

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Project 2009-1

July 30, 2009
Revised 8/12/09

ABSTRACT

Report Title: "A Cultural Resources Survey of a 1.5 Mile Long by 130' Wide Corridor for a 16" Water Main on Bureau of Reclamation Withdrawn Lands, City of San Luis, Yuma County, Arizona"

Date: July 30, 2009

Agency: U. S. Department of Interior, Bureau of Reclamation

Land Owner/Manager: Bureau of Land Management Lands Withdrawn by Bureau of Reclamation

Project Funding: City of San Luis

Bureau of Reclamation ARPA Permit/Project/Report Number: LC-AZ-09-08

Project Description: The proposed project involves the construction of a buried 16" water main within a 66' wide ROW on Reclamation-withdrawn lands.

Location: San Luis, Yuma County, Arizona. Located in portions of T11S, R24W, Sections 8, 9, 16, and 17, Gila & Salt River Baseline & Meridian, found on USGS 7.5' quadrangles South of Somerton and Gadsden

Acreage Surveyed: ~23.8

Sites, Previous/New: 0/0

Eligible Properties: 0

Ineligible Properties: 0

Recommendations: It is recommended this project be allowed to proceed with a finding of "no historic properties affected." Any changes in scope that might extend outside the current survey project area should be reviewed and surveyed if necessary by a qualified archaeologist. Should any previously unidentified prehistoric or historic cultural remains be encountered during any phase of the construction of this project, work in the immediate vicinity of the discovery should cease, steps should be taken to secure the protection of the remains, and Ms. Renee Kolvet, Environmental Protection Specialist/Archaeologist, Bureau of Reclamation, 702-293-8443 (Phone), rkolvet@usbr.gov (E-mail) should be notified immediately in order to make arrangements for the proper treatment of the remains.

INTRODUCTION AND BACKGROUND

The City of San Luis, Arizona is planning to construct a new approximately 1.5 mile long by 16" diameter buried water main within a 66' Right-of-Way (ROW) corridor across lands withdrawn and managed by the U. S. Department of Interior's Bureau of Reclamation (Reclamation). As this project would be an undertaking subject to review under Section 106 of the National Historic Preservation Act, Reclamation is requiring a Class III intensive 100% pedestrian cultural resources survey of the proposed project area.

Project Location

The project area is found on the USGS 7.5' "Gadsden" and "South of Somerton" quadrangles (Yuma County, Arizona), in T11S, R24W, along section lines of Sections 8, 9, 16, and 17 (See Figure 1). The project can be described as being mostly east-west along the County 24th St. alignment between Avenue H and Avenue F½, with a short approximately 190 meter long north-south portion on the western end of the project area along the eastern side of Ave. H. Approximately ½ mile of the eastern end of the project is an in-use sandy dirt road.

UTM endpoint locations for the project are the following (all points Zone 11, Datum is NAD 27 CONUS, and were shot with a WAAS-enabled Garmin Foretrex 101 GPS unit):

Northern Terminus of N-S Leg:	N3595883	E711285
Sothern Terminus of N-S Leg/Western Terminus E-W Leg:	N3595695	E711290
Eastern Terminus E-W Leg:	N3595746	E713742

Project Description

The proposed project is described as an approximately 1.5 mile long, 16' diameter buried water main, to be built within a 66' linear ROW corridor mostly along the County 24th St. alignment. Any staging or laydown areas would be within the 66' ROW or on existing paved or disturbed areas.

Project Area

The Area of Potential Affect for the water main project is the 66' wide linear ROW corridor. At some time in the future, a formal road may be constructed within a 100' wide corridor that would be centered on the current ROW corridor. Survey coverage during the current project was sufficiently wide to cover both APEs.

ENVIRONMENT

The project area is located just north of and within approximately ½ to one mile of the U. S. Mexico border at the edge of the City of San Luis AZ. At either end of the project area are housing developments that have been recently built or are currently under construction.

The project area is located within the Yuma Desert, a hot, dry, barren area that is part of the Lower Colorado River Valley Subdivision of the Sonoran Desert Scrub biotic community (Brown and Lowe 1994) (Brown, ed. 1994). This is one of the hottest and driest parts of the Sonoran Desert. Plant growth is typically fairly open and plant communities are not very complex, reflecting intense competition for scarce water resources (Brown, ed. 1994).

Geologically the region is part of the Basin and Range physiographic province (Kamilli and Richards 1998).

The project area itself consists of very soft, sandy soils, with numerous small hillocks, and is dominated by a single plant species: creosote bush (*Larrea tridentata*) (Kearney and Peebles 1951). The vegetation is quite sparse. Many of the hillocks are perforated by numerous rodent holes. Altitude of the project area is roughly 140 feet above mean sea level.

Virtually no wildlife was observed during the survey, probably due to the intense heat and humidity. The single exception was a possible Desert Iguana (*Dipsosaurus dorsalis*) (Stebbins 2003) observed disappearing into a burrow.

Ground visibility for the survey was quite excellent, virtually 100%. Roughly the eastern half of the E-W segment of the survey corridor is within an in-use unpaved road. Much of the rest of area was partially disturbed by off-road vehicle tracks. A moderate scatter of modern trash covers virtually the entire area, and is likely associated with border activity due to the Spanish language labeling on most items. Discarded foam blocks with associated ties, used by undocumented immigrants and smugglers to mask their footprints on drag roads, were observed in a couple of locations along the survey corridor. The Border Patrol is quite active in the entire area as the border is only one-half to one mile away. Agents were observed dragging not only all dirt roads but also the sides of roads and trails. Dragging involves pulling several tires behind a truck, creating a smoothed dirt surface where fresh footprints from migrants and/or smugglers are easily seen. On the freshly smoothed road surface, it is intuitive that any new footprints observed would have been made since the last time the road was dragged.

CONTEXT

Culture History

Little is known of the prehistory of the Yuma Desert. Slightly more is known about the surrounding areas.

Humans are believed to have been in this region for more than 10,000 years, though recent research suggests this date may at some point be pushed back. Nevertheless the story of the human presence in Arizona as it is currently understood begins with what is called the Paleo-Indian period, roughly 11,500 to 9000 years before the present time. Little is known about these people beyond their finely crafted stone projectile points, sometimes found in association with the remains of large, extinct mammals. They were believed to have been mobile hunter-gatherers and represented one of the earliest waves of immigrants into the Americas (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997) (Sheridan 1995) (Wagoner 1975).

A change occurred around 7000 years ago, marked by a warming in climate, the disappearance of the large Pleistocene mega-fauna perhaps partly due to overhunting, and notable changes in the subsistence technology of people living in the region (Martin 2005) (Mabry 1998) Reid and Whittlesey 1997) Cordell 1997) (Martin and Klein, eds. 1984) (Martin 1967). This is referred to as the Archaic period when aboriginal populations increased, subsistence strategies diversified, and resource procurement was more closely linked with seasonal changes (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997).

The Archaic period culminated in the rise of agriculture in the American Southwest during what is called the Early Agricultural period from around 2200 to roughly 1500 years before the present time. Agriculture led to increased sedentism in areas that favored such a strategy, while other groups relied upon a seasonal migration route in their procurement of subsistence resources (Vierra, ed. 2005) (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997) (Huckell 1996) (Sheridan 1995).

Another significant transition at the end of this period was the discovery of how to manufacture pottery. Social complexity grew across the American Southwest as agriculture, pottery, and trade facilitated the growth of larger and more permanent communities and the development of more complex belief systems as characterized in material culture.

Patayan is the name given to a poorly understood group during the prehistoric ceramic period. Patayan peoples are believed to have inhabited the upper and lower Colorado River region in western Arizona as well as small portions of southeastern California and northern Baja California in Mexico, including the current project area. McGuire and Schiffer (eds. 1982) and Stone (1987) have provided valuable albeit somewhat dated context studies and Class I cultural resource overviews of the Patayan.

A common language group referred to as Yuman defines several distinct groups that are believed to have inhabited the riverine habitats along the lower Colorado and lower Gila Rivers. What little archaeological work that has been done in and around the area and the little material culture described suggests that the historic Yumans lived lightly on the ground with minimal material culture in a fashion similar to their ancestors. The current project area borders closely on the aboriginal lands of the Cocopah, a Yuman group that lived along the Colorado River and in the

Colorado Delta region. They still retain a presence in the region, living near the current project are on reservation lands set aside by the Federal government.

The period from A. D. 1450 to around 1520 or later is referred to as the Protohistoric period. Significant changes in Native American population levels occurred, perhaps related to drought, migration, disease, or a combination of these things. It is a poorly understood period in Arizona history (Gilpin and Phillips n.d.). The arrival of the Spanish in the Southwest began the period of written history for which we have a fairly good record of events in the region (Kessell 2002). Anglo-Americans began arriving en masse during and just after the California Gold Rush (Stein 1994) (Sheridan 1995) (Gilpin and Phillips n.d.) (Wagoner 1970, 1975). The current project area came under American control with the signing of the Gadsden Treaty in 1853. A valuable summary of general Yuman history and more specifically Cocopah history and material culture along with a list of basic references can be found in Ortiz, ed. (1983).

San Luis, Arizona was founded in 1930 with the opening of a border crossing and it was incorporated in 1979. It is an important industrial, agricultural, and commercial area along with its cross-border sister San Luis Rio Colorado, Sonora, Mexico. San Luis is where civil rights leader, labor leader, and Medal of Freedom winner Cesar Chavez passed away in his sleep in the home of a retired farm worker at the age of 66 on April 23, 1993 (Stavans, ed. 2008).

Previous Research

Records examined for this project include those from AZSite (Arizona's cultural resources database), the General Land Office (GLO) Cadastral Survey Plat Images from the Bureau of Land Management (BLM) State Office, and the BLM Field Office in Yuma.

Additionally, archaeologist Shumaker visited the Cocopah Tribal Museum. A brief discussion with Jill McCormack, the Cocopah Tribe's Cultural Resource Manager, indicated that the Cocopah Tribe has no cultural resource concerns within or near the current survey location, and the tribe is not aware of any Traditional Cultural Properties (TCPs) or Sacred Sites that would be affected by this project.

An area of one mile surrounding the current project area was checked for previous cultural resource surveys and the presence of previously recorded historic properties. According to AZSite, the area immediately west of and adjacent to the current project area had been previously surveyed and no historic properties were identified. Two additional surveys were located roughly one mile north. AZSite indicated that the three survey records were on file at BLM Yuma. However, upon investigation, BLM Yuma staff was unable to locate the previous three survey reports, though internal maps suggested and seemed to confirm the surveys had been done and no sites were found near the current project area, which is consistent with the AZSite records. These three BLM survey areas are indicated on Figure 1.

A north-south linear survey crossing the current project area was done along the section line between Sections 8, 9, 16, and 17 by SWCA for El Paso Natural Gas in 1992. No historic properties were reported within or near the current project area (McQuestion and others 1992)

Another linear survey was performed along the U. S.-Mexico border and south of the current project area by Dames & Moore in 1995 for a new 34.5 kV power line. No historic properties were reported near the current project area (Darrington and Bruder 1995).

SURVEY RESULTS

Survey Methodology

On the morning of June 25, 2009, archaeologist Jon Shumaker performed a Class III intensive pedestrian cultural resources survey of the entire project area. The work was done under Bureau of Reclamation ARPA/Permit/Project Report # LC-AZ-09-08. Weather was partly cloudy, hot, and humid. Land surveyors had recently surveyed and staked, with wooden lathe and orange flagging, the centerline of the project corridor. The entire 1.5 mile long project area was covered by a single 20 meter-wide pedestrian transect passing in each direction on either side of the centerline for a total survey corridor width of 40 meters. The entirety of the ROW was carefully examined for the presence of prehistoric and historic artifacts, features, and historic properties/archaeological sites. The western portion of the main E-W segment was moderately disturbed desert habitat, while the eastern portion is also heavily disturbed because it is within or adjacent to an in-use sandy dirt road.

Historic Property Information

No historic properties/archaeological sites were found as a result of this survey.

Isolated Occurrences

No isolated occurrences (IOs) were found as a result of this survey.

SUMMARY AND RECOMMENDATIONS

The entire project area APE was thoroughly examined for the presence of historic properties/archaeological sites as well as prehistoric and historic artifacts or features. No historic properties were found as a result of the current survey. The project area is quite barren, and much of the ground surface is disturbed as a result of border-related activities.

It is recommended that this project be allowed to proceed with a finding of "no historic properties affected."

Any changes in the scope of this project that extend beyond the boundaries of the current survey area should be thoroughly reviewed and surveyed if necessary by a qualified archaeologist. Should any previously unidentified prehistoric or historic cultural remains be encountered during

any phase of the construction of this project, work in the immediate vicinity of the discovery should cease, steps should be taken to secure the protection of the remains, and Ms. Renee Kolvet, Environmental Protection Specialist/Archaeologist, Bureau of Reclamation, 702-293-8443 (Phone), rkolvet@usbr.gov (E-mail) should be notified immediately in order to make arrangements for the proper treatment of the remains.

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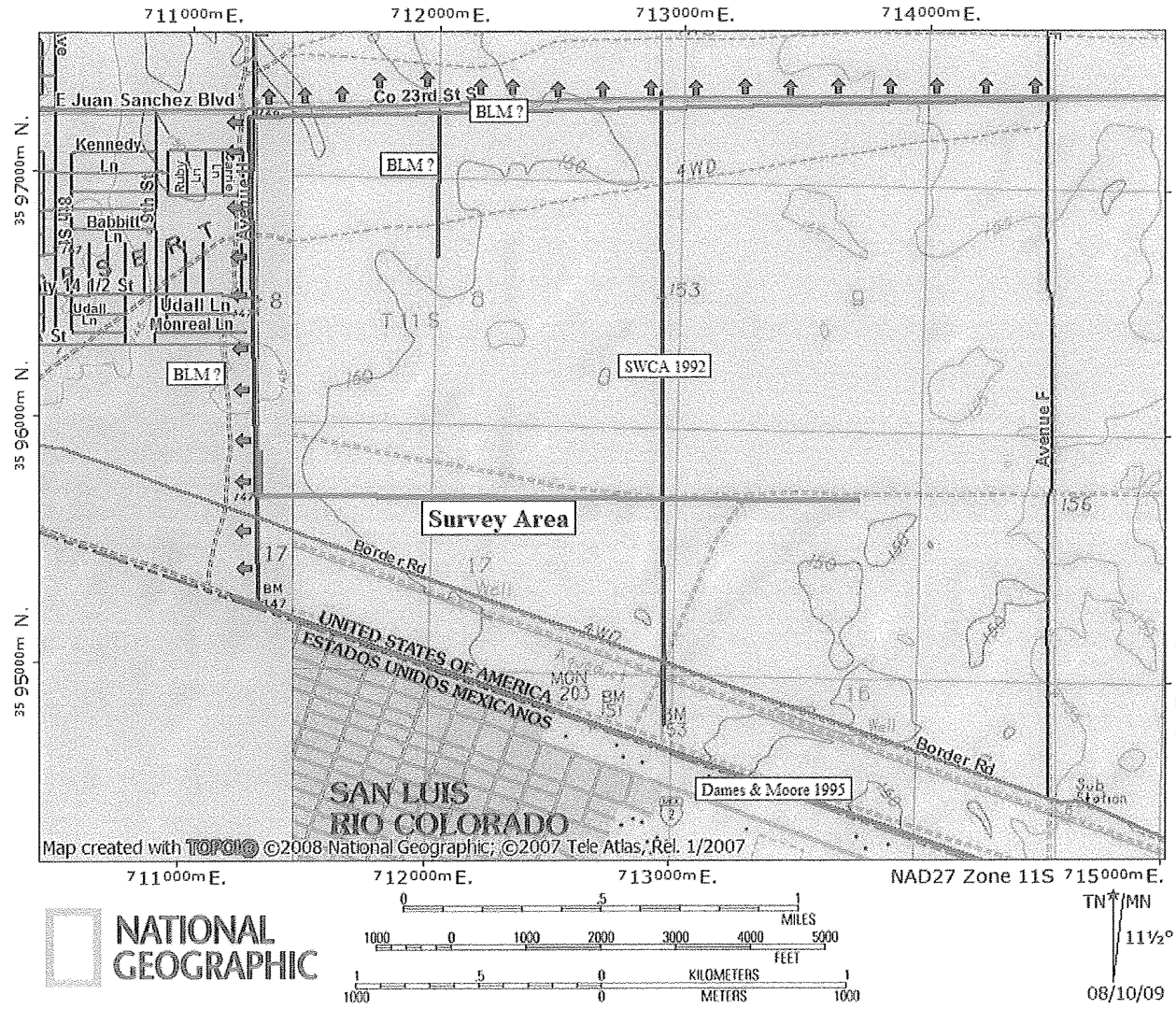
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"Figure 1--San Luis Water Main Cultural Resource Survey"



KEY

Current Survey Area

↑ Previous Surveys, Survey Areas



Figure 2. Looking South Along N-S Leg Toward U.S.-Mexico Border



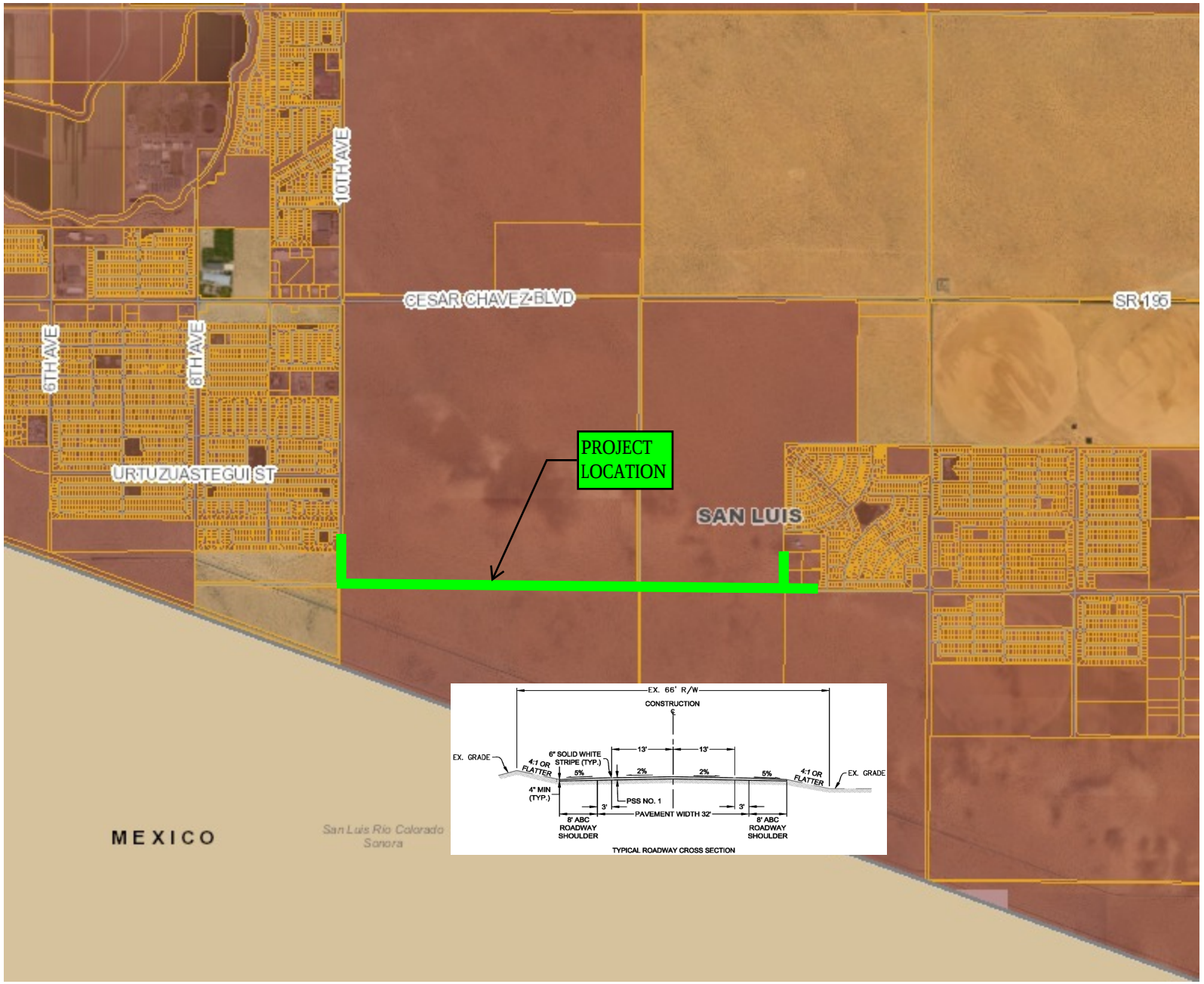
Figure 3. Looking East Along E-W Segment



Figure 4. Looking West Along E-W Leg



Figure 5. Reclamation Marker





Legend

- Parcels
- Interstate & HWY
- Vicinities
- Military Boundaries
- Municipalities
  - SAN LUIS
  - SOMERTON
  - TOWN OF WELLTON
  - YUMA

1: 31,519

YUMA COUNTY

Geographic Information System

INFORMATION TECHNOLOGY SERVICES

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

AGENDA ITEM REVIEW FORM

Regular City Council Meeting **6. G.**

Meeting Date: 02/09/2022

Department Head: Jorge Perez, Assistant Director of Public Works, Public Works Department

Submitted By: Jorge Perez, Assistant Director of Public Works, Public Works Department

Action Requested: Motion
Resolution

ITEM:

Discussion and possible action on any and all matters regarding Resolution No. 2209. A resolution of the Mayor and City Council of the City of San Luis, authorizing the submission of an application to the United States Department of Interior, Bureau of Land Management to acquire federal right of way land and request authorization for construction of County 24 th Street between 10th Avenue and Avenue F-1/2 Roadway Project. **(Eulogio Vera, Director of Public Works)**

SUMMARY:

The City of San Luis is working on acquiring some federal right of way land and permission to construct the County 24th Street between 10th Avenue and Avenue F-1/2 Roadway Project. BLM requires formal authorization to submit an application for transportation and utility systems and facilities on federal lands.

Staff is requesting approval of Resolution No. 2209 and provide the City Manager authority to sign any pertinent documents.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO APPROVE AND ADOPT RESOLUTION NO. 2209 AS PRESENTED.

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:	YES
CITY/STATE/FEDERAL FUNDS:	LOCAL
TOTAL:	See fiscal impact stment
BUDGETED AMOUNT:	YES
AVAILABLE AMOUNT TO TRANSFER:	N/A
ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:	See fiscal impact statement

FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):

This project will be funded utilizing grants from ARPA and YMPO. We did budget for the ARPA grant, hence costs associated with the submittal of this application will be funded in the appropriate grant account.

Attachments

Resolution No. 2209

BLM Application - Ave F0.5
BLM Application - Co. 24th
Project Location Map

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Resolution

No. 2209

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT TO ACQUIRE FEDERAL RIGHT OF WAY LAND AND REQUEST AUTHORIZATION FOR THE CONSTRUCTION OF COUNTY 24TH STREET.

WHEREAS, the Bureau of Land Management requires state or local governments to provide authorization to submit an application to the Bureau of Land Management; and

WHEREAS, the City of San Luis requires the federal right of way lands and authorization to construct County 24th street; and

WHEREAS, the City of San Luis wishes to submit a transportation and utility systems and facilities on federal lands application; and

WHEREAS, said lands owned by the Bureau of Land Management are a part of:

Co. 24th Street
The east 33' of Lots 1 and 6 of Section 7, T. 11 S., R. 24 W., G.&S.R.B.&M.
The west 33' and south 33' of Lot 4, south 33' of the SE1/4 of the SW1/4, and the south 33' SE1/4 of Section 8, T. 11 S., R. 24 W., G.&S.R.B.&M.
The south 33' of the SW of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.
The north 33' of NW of Section 16, T. 11 S., R. 24 W., G.&S.R.B.&M.
The north 33' of the NE1/4, north 33' of the NE1/4 of the NW1/4, north 33' and west 33' of Lot 1 of Section 17, T. 11 S., R. 24 W., G.&S.R.B.&M.
The north 33' of the NE of Section 16, T. 11 S., R. 24 W., G.&S.R.B.&M

and

Avenue F1/2
The east 33' of the SE of the SE of the SW of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of San Luis, Arizona, that they hereby authorize the submission of an application for right of way land and authorization to construct County 24th Street and authorize the City Manager to sign the resulting documents.

PASSED, ADOPTED and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this ____day of _____ 2022.

_____
Gerardo Sanchez, Mayor

ATTEST:

_____
Sonia Cornelio, City Clerk

APPROVED AS TO FORM:

_____
Kay Marion Macuil, City Attorney

STANDARD FORM 299 (REV. 3/2020)

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES ON FEDERAL LANDS AND PROPERTY

FORM APPROVED
OMB Control Number: 0596-0249
Expiration Date: 2/28/2023

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application for an authorization (easement, right-of-way, lease, license or permit), the applicant should completely review this package, including instructions, and schedule a pre-application meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the pre-application meeting.

Application Number

Date Filed

1. Name and address of applicant

City of San Luis
Attn: Eulogio Vera, P.E.
Director of Public Works
1090 East Union Avenue
P.O. Box 1170
San Luis, Arizona 85349

2. Name and address of authorized agent if different from item 1

James V. Davey, P.E.
James Davey and Associates, Inc.
1025 W. 24th Street, Ste. #2
Yuma, Arizona 85364

3. Applicant telephone number and email:
(928) 341-8577, (928) 941-6505
evera@sanluizaz.gov

Authorized agent telephone number and email:
(928) 782-7926
jdavey@jdacivil.com

4. As applicant are you? *(check one)*

- a. ☐ Individual
- b. ☐ Corporation*
- c. ☐ Partnership/Association*
- d. ☐ State Government/State Agency
- e. ☑ Local Government
- f. ☐ Federal Agency

** If checked, complete supplemental page*

5. Specify what application is for: *(check one)*

- a. ☑ New authorization
- b. ☐ Renewing existing authorization number
- c. ☐ Amend existing authorization number
- d. ☐ Assign existing authorization number
- e. ☐ Existing use for which no authorization has been received *
- f. ☐ Other*

** If checked, provide details under item 7*

6. If an individual, or partnership, are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description *(describe in detail)*: (a) Type of use or occupancy, *(e.g., canal, pipeline, road, telecommunications);* (b) related structures and facilities; (c) physical specifications *(Length, width, grading, etc.*); (d) term of days/years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for activity/construction *(Attach additional sheets, if additional space is needed.)*

The project consists of construction of a paved roadway along Avenue F-1/2 from County 24th Street to the City 10th Avenue existing pavement. This roadway is a critical part of the City of San Luis roadway infrastructure system in that it will connect to County 24th Street to the south, with County 24th Street being a future direct roadway corridor connecting the separate portions of the City of San Luis (the east side of San Luis at Avenue F-1/2 to the west side of San Luis at Avenue H.) See attached sheet.

8. Attach a map covering area and show location of project proposal.

9. State or Local government approval: ☐ Attached ☐ Applied for ☑ Not Required

10. Nonrefundable application fee: ☐ Attached ☐ Not required ☑ To be determined by agency

11. Does project cross international boundary or affect international waterways? ☐ Yes ☑ No *(if "yes," indicate on map)*

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

The City of San Luis will fund the construction, operation, and perform any future roadway maintenance.

13a. Describe other alternative locations considered.

An alternative considered was to reduce the roadway width and construct all the road within the exiting City of San Luis 33' wide roadway right-of-way in the SE1/4 of the Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M. Therefore, not requiring additional new right-of-way on the west side of Ave F1/2 (33' E, SE1/4SE1/4SW1/4 of the Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.).

b. Why were these alternatives not selected?

Reducing the Ave F-1/2 roadway width was not considered practical due to the Ave F-1/2 roadway alignment being a mid-section roadway needing at least 1 travel lane in each direction with suitable paved/ABC roadway shoulders/pavement edge.

c. Give explanation as to why it is necessary to use or occupy Federal assets (lands or buildings).

The alternative selected crossing BLM lands along the west side of Ave F-1/2 is needed to constructed a portion of the Ave F-1/2 south bound paved lane, 8' wide ABC roadway shoulder, and pavement complete street signing.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. *(Specify number, date, code, or name)*

This Ave F-1/2 road will connect to Co. 24th St to the south (Co. 24th St has an ex. 66' road right-of-way per BLM's “Public Land Order A6389 – Modification of Reclamation Withdrawals to Permit Grant of R/W”. This document is recorded as docket 908, page 591 in the Yuma Co. Recorders Office and also published in the Federal Register (Vol. 41., No. 6, March 22, 1976).

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

See attached sheet.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

This project is in an area of growing population of the City of San Luis. An assured roadway system is needed for the increasing number of residential and commercial developments in the east part of the project area and this paved roadway will collect and flow traffic to the Co. 24th St direct roadway route connecting the now separate portions of the City of San Luis.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability; and, (g) historic or archaeological resources or properties.

See attached sheet.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

See attached sheet.

19. State whether any hazardous material, as defined in this paragraph, would be used, produced, transported or stored on or in a federal building or federal lands or would be used in connection with the proposed use or occupancy. “Hazardous material” shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include (or in the case of approval provided after this permit is issued, shall be amended to include) specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

No hazardous material will be used, transported or stored on or within the right-of-way, or used in the construction, operation, and maintenance of this roadway.

20. Name all the Federal Department(s)/Agency(ies) where this application is being filed.

Not Applicable.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant | Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation utility systems telecommunication installations facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.

2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.

3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.

4. Systems for the transmission and distribution of electric energy.

5. Wired and wireless systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.

6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.

7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847
(or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

National Park Service (NPS)
Alaska Regional Office
240 West 5th Avenue
Anchorage, Alaska 99501
Telephone: (907) 644-3510

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Officer, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation, utility systems, telecommunication installations and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.

8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.

9, 10, and 12 The responsible agency will provide additional instructions.

13 Providing information on alternate locations in as much detail as possible, discussing why certain locations were rejected and why it is necessary to use Federal assets will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate locations as related to current technology and economics.

14 The responsible agency will provide instructions.

15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.

16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION

Disclosure of the information is voluntary. If all the information is not provided, the proposal or application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from proponents and applicants requesting a right-of-way, permit, license, lease, or certification for use of Federal assets. The Federal agencies use this information to evaluate a proponent's or applicant's proposal to use Federal assets.

BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0249. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The authority to collect this information is derived from 47 U.S.C. 1455(c)(3) and 16 U.S.C. 3210.

USDA NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
I - PRIVATE CORPORATIONS	ATTACHED	FILED *
a. Articles of Incorporation	☐	☐
b. Corporation Bylaws	☐	☐
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	☐	☐
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	☐	☐
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	☐	☐
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	☐	☐
b. Proof of organization	☐	☐
c. Copy of Bylaws	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	☐	☐
b. If one partner is authorized to sign, resolution authorizing action is	☐	☐
c. Name and address of each participant, partner, association, or other	☐	☐
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐

***** If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information *(e.g., number, date, code, name)*. If not on file or current, attach the requested information.

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS,
TELECOMMUNICATIONS AND FACILITIES
ON FEDERAL LANDS AND PROPERTY

Additional Sheet

7. Construction duration will be 3 months and need to commence in the spring of 2022. The roadway project will be constructed per the project plans and contract documents/specifications, City of San Luis Supplemental to the Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, the City of Yuma Construction Standard Details Drawings, and the MAG Uniform Standard Specifications and Details for Public Works Construction (Specifications). The new road will consist of a 0.095 miles of 2-lane paved road (3" AC over 12" ABC), 8' wide ABC roadway shoulders, and with street lighting. This roadway will be used year-round and the term of years is perpetual. The majority of the paved roadway and all street lighting to be constructed within the existing City of San Luis road right-of-way located on the west 33' of the SW of the SW of the SE of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.

The City of San Luis hereby request a new roadway right-of-way and permit to construct the Avenue F-1/2 west roadway portion situated at:

The east 33' of the SE of the SE of the SW of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.

The project area within the existing City of San Luis roadway right-of-way, currently has a gravel roadway constructed on it used to maintain and operate an existing City of San Luis 12-inch watermain.

The City of San Luis has submitted to the Bureau of Land Management a separate right-of-way and permit application to construct a paved roadway on the County 24th Street – Avenue F-1/2 to Avenue H roadway within the existing City of San Luis road right-of-way located on reclamation withdrawn lands in Sections 7, 8, 9,16, and 17, T.11 S., R.24 W., G.&S.R.B&.M. per Bureau of Land Management Public Land Order No. A-6389. This separate County 24th Street construction project will provide a secondary and more direct route between the east and west portions of San Luis along the southernmost Section line (County 24th Street alignment).

15. The purpose of the proposed project is to construct a 2-lane paved roadway across federal property for the benefit of the City of San Luis, Arizona community along Avenue F-1/2 from County 24th Street to the City 16th Avenue existing pavement. This roadway is a critical part of the City of San Luis roadway infrastructure system in that it will connect to County 24th Street to the south, with County 24th Street being a direct roadway corridor connecting the separate portions of the City of San Luis (the east side of San Luis at Avenue F-1/2 to the west side of San Luis at Avenue H.), have all-weather access to the City's existing 12-inch watermain for operation and maintenance purposes, thus providing improved efficiency of the City's entire roadway and water infrastructure systems.

The City of San Luis will construct, operate, and maintain the roadway.

The engineer's construction cost estimate for the proposed roadway within the requested right-of-way (on the east 33' of the SE of the SE of the SW of said Section 9) is about $15,000.

17. There are no known environmental effects due to the construction of this roadway. The roadway will be constructed over the City's existing 12-inch watermain operation and maintenance ABC roadway along Avenue F-1/2 from County 24th Street to the existing pavement at about City's 16th Avenue. See attached Cultural Resources Survey done for the nearby 24th Street to the south. The proposed paved roadway will consist of relatively flat roadway longitudinal grades matching the existing surrounding grades, have lineal onsite drainage, and street lighting with underground conduit along the east side of Avenue F-1/2. Currently, there is no natural vegetation along this roadway corridor, therefore construction would not affect the current area conditions. This project construction duration will be about 3 months and Storm Water Pollution Prevention and dust control measures will be applied.

18. There will be no probable effects to populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species due to the construction of project. The project area is within the boundary limits of the USBR environment study called "5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/Environmental Assessment" (attached are this environmental study's Finding of No Significant Impact (FONSI) and Executive Summary. This Avenue F-1/2 roadway project area is outside of the flat-tailed horned lizard (FTHL) management area (see attached Flat-tailed Horned Lizard Management Area Map V – 6).

ORIGINAL

Contract No. 09-07-34-L1632

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
LOWER COLORADO REGION
YUMA AREA OFFICE
YUMA, ARIZONA

COLORADO RIVER BASIN SALINITY CONTROL PROJECT
PROTECTIVE AND REGULATORY
PUMPING UNIT, TITLE 1 DIVISION

CONSENT AGREEMENT

THIS CONSENT AGREEMENT (Consent), is made this 4th day of April, 20 11, pursuant to provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388); the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), as amended August 18, 1950 (64 Stat. 463); and acts amendatory thereof or supplementary thereto; and provisions of 43 C.F.R § 429, between the United States of America, acting through the Bureau of Reclamation, hereinafter referred to as "Reclamation," represented by the officer executing this Consent, hereinafter referred to as the "Area Manager," and the City of San Luis, hereinafter referred to as the "Consentee,"

WITNESSETH:

WHEREAS, the Consentee seeks use authorization from Reclamation to construct, reconstruct, install, operate and maintain a 16-inch waterline, within, on and/or across certain rights-of-way which Reclamation acquired for the Project; and

WHEREAS, the granting of such use authorization by Reclamation and the exercise of such use authorization by the Consentee under the terms and conditions herein provided will be compatible with the purposes for which the rights-of-way are administered on behalf of the United States by Reclamation.

NOW, THEREFORE, Subject to the conditions hereinafter set forth, Reclamation does hereby grant to the Consentee use authorization to construct, install, operate and maintain said Waterline within, on and/or across, the rights-of-way hereinafter described. The parties hereto agree as follows:

1. DESCRIPTION OF IMPROVEMENTS AND ASSOCIATED USE AREAS:

Said waterline, to be located, within portions of sections 8, 16 and 17, Township 11 South, Range 24 West, Gila and Salt River Meridian, Yuma County, Arizona.

The Consentee's 16-inch waterline herein described shall hereinafter be referred to, collectively, as the "Waterline." The Reclamation rights-of-way herein described and defined shall hereinafter be referred to, collectively, as the "Use Areas."

2. ASSIGNMENT: This Consent is personal, revocable and nontransferable and shall not be construed as granting to the Consentee any right, title or interest in the Use Areas or any other property, facilities or works of the United States and/or Reclamation.

3. TERM: This Consent, unless terminated sooner as provided by Article 6 hereof, shall terminate twenty five (25) years from the date hereof. This Consent may, upon agreement of the parties, be extended for an additional twenty five (25) year period. Any application for extension shall be filed by the Consentee, in writing, with the Area Manager. Any application for extension must be filed not less than one hundred and eighty (180) days prior to termination of this Consent.

4. EXCEPTIONS AND RESERVATIONS:

(a) The United States and/or Reclamation reserves the right of its/their officers, agents and employees to at all times have unrestricted access and ingress to, passage over and egress from all of the Use Areas to make investigations of all kinds, dig test pits and drill test holes, to survey for and construct reclamation and irrigation works and other structures incident to federal reclamation projects.

(b) The rights granted hereunder shall not be exclusive in character and the United States and/or Reclamation reserves to itself, its successors and assigns, the right against the Consentee to use any or all of the Use Areas, which are or may be crossed, or upon which irrigation and drainage facilities and works of Reclamation have been constructed, and to construct, reconstruct, operate and maintain therein and thereon dams, dikes, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant irrigation and drainage structures which may be needed or useful in connection with

or as a part of canals, laterals and other irrigation and drainage facilities without any payment by Reclamation, its successors or assigns for the exercise of such right. The Consentee agrees that if the construction, reconstruction, installation, operation or maintenance of any or all of such works of the United States and/or Reclamation, on or across the Use Areas described above, should be made more expensive by reason of the existence of the Waterline, such additional expense may be estimated by Reclamation whose estimate shall be final and binding upon the parties hereto, and within thirty (30) days after demand is made upon the Consentee for payment of any such sums, the Consentee shall make payment thereof to the United States and/or Reclamation or its successors or assigns constructing such works across, over, under or upon the Use Areas.

(c) Reclamation reserves the right to inspect the Consentee's, or its assigns under the terms of this Consent, Waterline, both during the progress of construction and upon completion thereof.

(d) Jurisdiction of and supervision by Reclamation over the Use Areas is not surrendered or subordinated by issuance of this Consent and the United States and/or Reclamation reserves the right to issue additional Consent or other agreements for compatible uses of the Use Areas.

5. INDEMNITY: The Consentee hereby agrees to hold harmless and indemnify the United States and/or Reclamation, its/their employees, agents, successors or assigns from and against any claims, demands, costs, losses, causes of action, damages or liability of whatsoever kind or nature arising out of or resulting from acts of negligence of the Consentee, its officers, agents, employees or contractors in the utilization by the Consentee of the rights granted to it pursuant to this Consent. Additionally, except for acts of negligence, the Consentee releases the United States and/or Reclamation, its/their officers, employees, successors and assigns from any and all liability for damage arising from injury to persons or damage to structures, equipment, improvements or works of the Consentee resulting from the construction, operation or maintenance of any of the works of the United States and/or Reclamation. Provided, however, that nothing contained in this clause shall be deemed to modify or limit any liability which may be imposed by the Federal Tort Claims Act, 28 U.S.C, § 2617 et seq. (1970).

6. TERMINATION: This Consent shall terminate and all rights of the Consentee hereunder shall cease upon the following:

(a) At the expiration of the term as provided by Article 3; or

(b) Upon mutual, written agreement by the parties hereto; or

(c) At any time by Reclamation upon six (6) months written notice to the Consentee; or

(d) After failure of the Consentee to observe any of the conditions of this Consent, and on the tenth day following service of written notice on the Consentee of termination because of failure to observe such conditions; or

(e) Upon a determination by Reclamation that any activity by the Consentee in or upon the Use Areas is or was illegal.

7. MISCELLANEOUS CONDITIONS:

(a) The Consentee, at its sole expense, shall construct, install, use and maintain the Waterline in conformity with all applicable regulations of Federal, State and local regulatory agencies, including but not limited to, those relating to pollution and environmental control.

(b) All construction, use and maintenance activities undertaken pursuant to this Consent shall be in conformity with the specifications approved in advance by the Area Manager and shall be conducted by the Consentee at all times in a manner satisfactory to the Area Manager.

(c) The Consentee shall at all times keep the Use Areas, including construction areas used by the Consentee, free from accumulations of waste materials or rubbish.

(d) During construction and use of the Use Areas, the Consentee shall carry out proper and efficient measures wherever and as often as necessary to reduce nuisance by dust, and to prevent dust which has originated from its operations from damaging any other properties or causing a nuisance to persons.

(e) The Consentee shall reimburse the United States and/or Reclamation for any and all costs and expenses incurred in the defense of any action which challenges the Consentee's use of the Use Areas.

(f) The Consentee shall not use the Use Areas or permit the use thereof for any purpose except as set forth herein.

(g) Upon termination of this Consent for any reason, the Consentee may be required, at the option of the United States and/or Reclamation, to remove the Waterline placed in or upon the Use Areas and shall restore the Use Areas to a condition satisfactory to the Area Manager. If the Consentee fails to remove the Waterline within sixty (60) days after termination of this Consent, the Area Manager may, on behalf of the United States and/or Reclamation, deny and

prohibit any or all public access to the Use Areas and/or the Waterline or remove the Waterline at the expense of the Consentee, and the Consentee shall promptly pay the United States and/or Reclamation for removal of the Waterline and restoration of the Use Areas upon receipt of billing.

(h) The Consentee shall provide a construction schedule and 72-hours notice to Reclamation prior to start of construction. Said 72-hours notice shall be provided to Reclamation's Technical Services Group Manager at telephone No. 928-343-8100 so that an inspector can be on-site during construction activities.

(i) Upon completion of installation of Waterline, Consentee shall furnish Reclamation with as-built drawings depicting the location of said Waterline, as installed.

8. OFFICIALS NOT TO BENEFIT: No Member of or Delegate to Congress or Resident Commissioner, and no officer, agent or employee of the Department of the Interior, shall be admitted to any share or part of this Consent or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this Consent if made with a corporation or contractor for its general benefit.

9. COVENANT AGAINST CONTINGENT FEES: The Consentee warrants that no person or agency has been employed or retained to solicit or secure this Consent upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established agencies maintained by the Consentee for the purpose of securing business. For breach or violation of this warranty, the United States and/or Reclamation shall have the right to annul this Consent without liability or in its discretion to require the Consentee to pay, in addition to the right-of-use consideration, if any, the full amount of such commission, percentage, brokerage or contingent fee.

10. DISCOVERY OF CULTURAL RESOURCES: The Consentee shall immediately provide an oral notification to Reclamation of the discovery of any and all antiquities or other objects of archaeological, cultural, historic or scientific interest on Reclamation lands. The Consentee shall follow up with a written report of their finding(s) to Reclamation within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects and artifacts discovered as a result of activities authorized under this Consent. The Consentee shall immediately cease the activity in the area of the discovery, make a reasonable effort to protect such discovery and wait for written approval from Reclamation before resuming the activity. Protective and mitigative measures specified by Reclamation shall be the responsibility of the Consentee.

11. HAZARDOUS MATERIALS:

(a) The Consentee may not allow contamination or pollution of lands, waters or project works of the United States and/or Reclamation for which the Consentee has the responsibility for care, operation and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties.

(b) The Consentee shall comply with all applicable Federal, State and local law and regulations and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or project works of the United States and/or Reclamation.

(c) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act. In addition it shall include thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers or any other pollutants.

(d) Upon discovery of any event which may or does result in contamination or pollution of lands, water or project works of the United States and/or Reclamation, the Consentee shall initiate emergency measures to protect health and safety and the environment if necessary and shall provide notice of such discovery with full details of the actions to Reclamation's Environmental Planning and Compliance Group Manager at telephone No. 928-343-8100. Additionally, all spills regardless of size, shall be reported to Reclamation's Environmental Planning and Compliance Group Manager. Such notice shall be within a reasonable time period but not to exceed 24 hours from the time of discovery if it is an emergency and the first working day if it is a non-emergency.

(e) Violation of any of the provisions of this Article, upon which the Consentee does not take immediate corrective action, may, as determined by Reclamation, constitute grounds for termination of this Consent and shall make the Consentee liable for the cost of full and complete remediation and/or restoration of any resources or facilities of the United States and/or Reclamation that are adversely affected as a result of the violation.

(f) The Consentee agrees to include the provisions contained in paragraphs (a) through (e) of this Article in any subcontract or third party contract it may enter into pursuant to this Consent.

(g) Reclamation agrees to provide information necessary for the Consentee using reasonable diligence, to comply with the provisions of this Article.

12. CLEAN AIR AND WATER: The Consentee agrees as follows:

(a) To comply with all Federal, state, and local requirements of the Clean Air Act (CAA) and the Clean Water Act (CWA); and

(b) To obtain written permission from Reclamation prior to conducting any activities that require permits, plans, or certificates under the CAA or the CWA; and

(c) To provide Reclamation with a copy of any correspondence between the Consentee and any regulatory agency concerning CAA or CWA compliance, including, but not limited to, copies of permit applications, permits, reports, notices of violation or enforcement actions; and

(d) To take immediate and effective action to correct any violation related to the CAA or the CWA. Provide Reclamation with a narrative description of the violation, the actions taken by the Consentee, the date the violation began, the date that the Consentee became aware of the violation and the date that the Consentee returned to compliance; and

(e) To take action to comply with any changes to the CAA and the CWA within the schedule required by the regulation, rule or guidance.

13. NOTICES:

(a) Any notices required by this Article shall be served by certified mail addressed to the respective addresses given herein and the mailing of any such notice properly enclosed, addressed, stamped and certified, shall be considered service.

(b) Any notice, demand or request required or authorized by this Consent to be given or made to or upon the United States and/or Reclamation shall be deemed properly given or made if delivered or mailed postage-prepaid, to the Area Manager, Yuma Area Office, Bureau of Reclamation, 7301 Calle Agua Salada, Yuma, Arizona 85364.

(c) Any notice, demand or request required or authorized by this Consent to be given or made to or upon the Consentee shall be deemed properly given or made if delivered or mailed postage-prepaid, to the City of San Luis, P.O. Box 1170, San Luis, Arizona, 85340-1170.

(d) The designation of the person to or upon whom any notice, demand or request is to be given or made, or the address of such person may be changed at any time by notice given in the same manner as provided in this Article for other notices.

14. NO WARRANTY: Reclamation makes no warranty, express or implied, as to the extent or validity of the grant contained herein.

IN WITNESS WHEREOF, the parties hereto have signed their names to this CONSENT AGREEMENT to become effective the day and year first above written.

THE UNITED STATES OF AMERICA

By: _____
Christopher M. Wallis, Director
Resource Management Office
Yuma Area Office
Lower Colorado Region
Bureau of Reclamation

Date: 4/4/2011

CITY OF SAN LUIS

By: _____

Title: Director of Public Works

Date: Sept 15, 2010

ACKNOWLEDGMENT

State of Arizona)
) ss.
County of Yuma)

On this 15th day of September, 2010, before me,

Melissa Lopez, a Notary Public in and for said County and State

personally appeared John Starkey, Public Works Director
Name Title

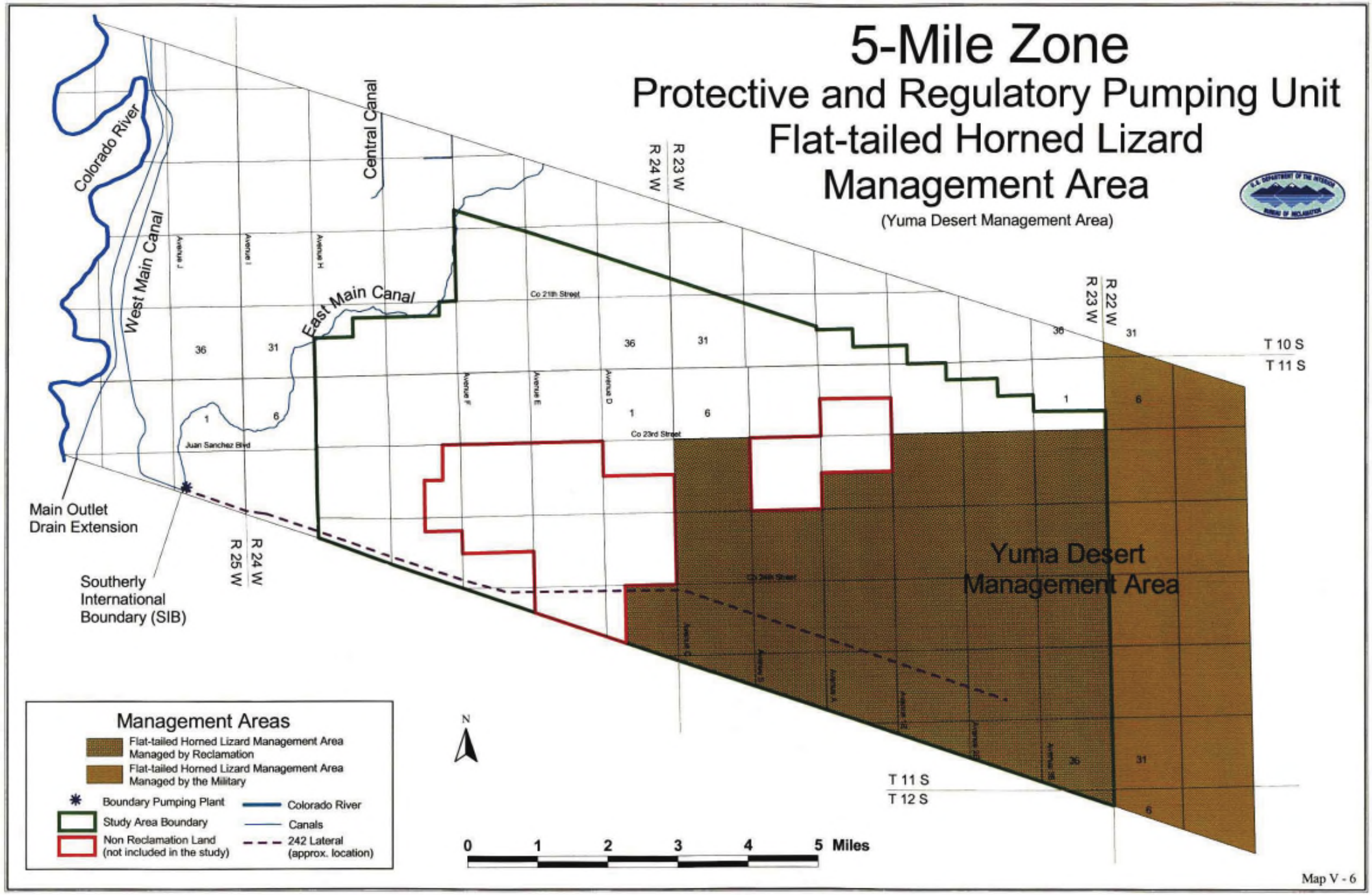
known to me to be the person described in the foregoing instrument, and acknowledged to me that he executed the same on behalf of the City of San Luis, Arizona, in the capacity therein stated and for the purpose therein contained.

Melissa Lopez
Notary Public in and for the
County of Yuma, State of Arizona

OFFICIAL SEAL
Melissa Lopez
Notary Public - Arizona
Yuma County
My Commission Expires 5/10/2014

My Commission Expires: 5/10/2014

5-Mile Zone
Protective and Regulatory Pumping Unit
Flat-tailed Horned Lizard Management Area
(Yuma Desert Management Area)

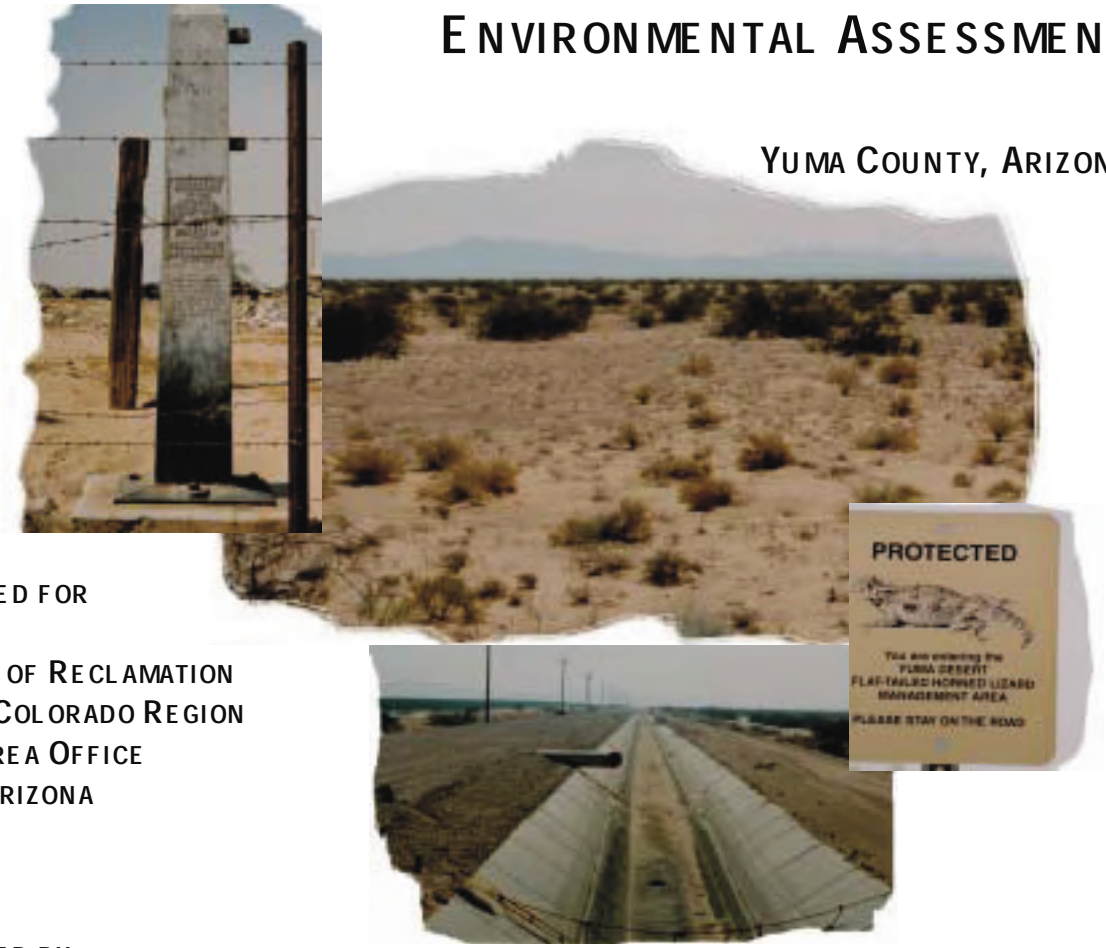


Management Areas
- Flat-tailed Horned Lizard Management Area Managed by Reclamation
- Flat-tailed Horned Lizard Management Area Managed by the Military
- Boundary Pumping Plant
- Study Area Boundary
- Non Reclamation Land (not included in the study)
- Colorado River
- Canals
- 242 Lateral (approx. location)

Map V - 6

5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/ Environmental Assessment

Yuma County, Arizona



Prepared for

Bureau of Reclamation
Lower Colorado Region
Yuma Area Office
Yuma, Arizona

Prepared by

Bureau of Reclamation
Technical Service Center
Denver, Colorado

April 2004

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/ Environmental Assessment

Yuma County, Arizona

April 2004

For further information contact:
Bureau of Reclamation
Yuma Area Office
7301 Calle Aqua Salada
Yuma AZ 85364-9763

Finding of No Significant Impact

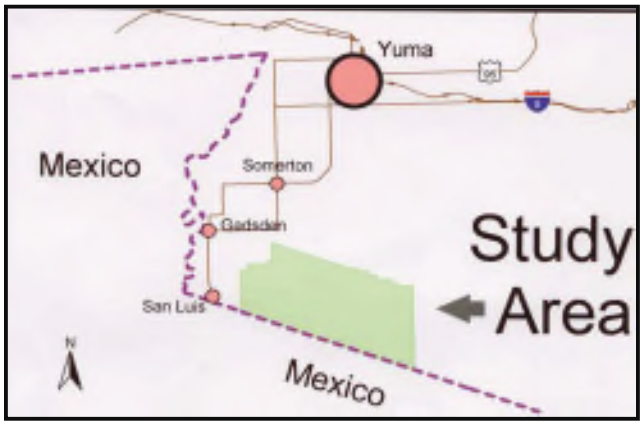
5-Mile Zone Protective and Regulatory
Pumping Unit Resource Management Plan
Yuma, Arizona

INTRODUCTION

This finding of no significant impact (FONSI) describes the Bureau of Reclamation's (Reclamation) environmental conclusions regarding a proposal to implement a resource management plan (RMP) in the 5-mile-zone. Reclamation prepared the *5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/Environmental Assessment* (RMP/EA) to evaluate the potential environmental effects of four alternatives, including a no action alternative in accordance with the provisions of the National Environmental Policy Act (NEPA). This FONSI is a separate companion document to the final RMP/EA.

Because the alternatives developed for the RMP portion of the document are general in nature, the environmental assessment (EA) portion of the document (NEPA portion) is programmatic in nature. Thus, Reclamation will complete site-specific NEPA compliance that is tiered to the final RMP/EA and this FONSI before implementation of any ground-disturbing actions covered under the RMP.

The 5-mile zone is a 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State. In 1944, the United States and Mexico signed a treaty (Treaty) requiring the United States to annually deliver 1.5 million acre-feet of Colorado River water to Mexico. In August 1973, to resolve salinity problems, the two countries reached a permanent solution in the form of Minute No. 242 of the International Boundary and Water Commission (IBWC Minute 242). IBWC Minute 242 includes the provision that the United States shall deliver approximately 140,000 acre-feet of water to Mexico annually at the southern international boundary to partially satisfy its Treaty obligations and that each country shall limit groundwater pumping within 5 miles of the international boundary near San Luis, Arizona, to 160,000 acre-feet annually. In June 1974, the Congress passed the Colorado River Basin Salinity Control Act, Public Law (P.L.) 93-320, to enable the United States to comply with its obligations under IBWC Minute 242. Section 103(a) of this act authorized the United States to construct, operate, and maintain well fields within the 5-mile zone that are capable of providing sufficient water to Mexico. These well fields are located on Reclamation lands commonly called Reclamation's 5-mile zone Protective and Regulatory Pumping Unit (PRPU).



Location and Boundary of the Study Area.

The study area includes those lands within the 5-mile zone that are east of Avenue H and are under the jurisdiction of Reclamation. Other lands within the 5-mile zone are owned or managed by the Bureau of Land Management, State of Arizona, city of San Luis, or private landowners and are not considered in this RMP/EA.

PURPOSE AND NEED

The purpose of the RMP is to establish a 10-year plan detailing the management framework to conserve, protect, enhance, develop, and use the natural and cultural resources within the study area.

The RMP is needed to provide decisionmakers with consistent direction and guidance ensuring that management of the natural and cultural resources within the study area is compatible with the authorized purposes of Title I of the Colorado River Basin Salinity Control Act of 1974, P.L. 93-320, as amended by P.L. 96-336 and IBWC Minute 242. Further, the RMP is needed to provide decisionmakers and planners with consistent direction and guidance in resolving land and water use issues and concerns within the study area related to conflicts between the need to accommodate development in San Luis, Arizona, address increasing public demand, and the management of cultural and natural resources.

ALTERNATIVES CONSIDERED

Reclamation developed three action alternatives (i.e., alternatives that prescribe a change in resource management in the study area). In addition to the action alternatives, Reclamation also formulated a No Action Alternative, as required by the Council on Environmental Quality regulations implementing NEPA. The No Action Alternative describes the management of the study area if Reclamation does not implement an RMP for the 5-mile zone.

Four alternatives were considered in detail: the No Action Alternative (Alternative A), Natural Resources Conservation/Protection Alternative (Alternative B), Recreation, Community, and Commercial Development Alternative (Alternative C), and Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D).

Preferred Alternative

The Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D) was selected as the preferred alternative. Under the preferred alternative, Reclamation resource management policies and practices within the study area would change. Reclamation will authorize limited use and consider limited land exchanges/transfers within the study area to accommodate limited recreation, community, and commercial activities. These uses will be limited to maintain Reclamation's capability to meet water deliveries to Mexico, in accordance with Treaty obligations, and conserve flat-tailed horned lizard habitat, pursuant to the *2003 Flat-Tailed Horned Lizard Rangewide Management Strategy*. Chapter IV of the RMP/EA provides a detailed description of Alternative D.

ENVIRONMENTAL COMMITMENTS

Because the EA portion of the RMP is programmatic in nature, Reclamation recognized the difficulty of establishing site- or project-specific environmental commitments to avoid and mitigate, as appropriate, potential impacts to cultural and natural resources in the study area that may be associated with implementation of the RMP under Alternative D. Therefore, Reclamation developed and included comprehensive guidance and principles for establishing environmental commitments for inclusion in site- or project-specific NEPA documents that will be tiered to the final RMP/EA. Details pertaining to environmental commitments are included as a separate section in the RMP/EA and includes guidance specific to the following resource areas.

- Implement control measures to minimize impacts on **Air Quality**.
- Prevent **Soil** erosion related to proposed projects.
- Implement controls, limit **Land Use** conflicts, and avoid adverse impacts to cultural and natural resources.
- Monitor **Groundwater** levels and quality and establish best management practices, as needed, to avoid over withdrawals and degradation.
- Implement measures to support protection and recovery of the **Flat-Tailed Horned Lizard** and other **Special Status Species**, including consultation under the provisions of the **Fish and Wildlife Coordination Act** and the **Endangered Species Act**.
- Consider carrying capacity, strict design criteria, potential user conflicts, and bilingual concerns prior to development of **Recreation** facilities.
- Consult with the State Historic Preservation Officer and Indian tribes, and conduct **Cultural Resources** surveys prior to implementation of project specific activities.
- Based on consultation, determine measures to avoid impacts to **Indian Sacred Sites** and avoid, mitigate, or compensate for any adverse impacts to **Indian Trust Assets**.

SCOPING AND PUBLIC REVIEW

Throughout the development of this RMP/EA, Reclamation made a concerted effort to involve interested parties, including agencies, Indian tribes, special interest groups, and individuals, in the planning for the environmental, land, recreation, and wildlife resources within the study area.

The public scoping process for this RMP/EA included individual agency meetings and several open house forums. Press releases announcing the open houses were sent to local media. Bilingual assistance was available at the open houses, and Spanish documentation was provided during the public scoping process, when requested.

At each open house, Reclamation provided pertinent information to the public and solicited public issues and concerns about the existing and future management of the study area. Reclamation used the input garnered from public and interested agencies to formulate the four alternatives considered. Once the alternatives were developed, Reclamation sent descriptions to those on the mailing list and held an open house to seek further input. Reclamation considered all comments received during initial scoping and development of the alternatives.

On August 25, 2003, the draft RMP/EA was sent to those on the mailing list for review and comment. A detailed description of the public scoping process and proceedings are described in chapter 1, and copies of comment letters are included as an appendix to the RMP/EA. Comments received on the draft RMP/EA were considered in preparing the final RMP/EA. The final RMP/EA will be available on the internet and mailed to those on the distribution list. A news release announcing its availability will be sent to local media.

Reclamation will provide for future public involvement opportunities associated with implementing some of the management actions in the RMP through the PRPU study area working group and public involvement activities associated with future RMP-related NEPA compliance requirements.

COORDINATION

In the course of preparing the RMP/EA, Reclamation conducted consultation and coordination in accordance with the following laws and requirements. Chapter I of the RMP/EA provides detailed information pertaining to specific coordination efforts.

- National Historic Preservation Act of 1966, as amended
- Fish and Wildlife Coordination Act of 1958, as amended, and Endangered Species Act of 1973, as amended
- Indian Trust Assets
- Adjacent Landowners

FINDING

Reclamation analyzed, and the EA portion of the RMP/EA documented, the potential environmental and social impacts of the proposed action on the following: air quality, noise, soils, land use and transportation, groundwater, vegetation and wildlife, special status species, recreation, visual resources, economics, cultural resources, Indian sacred sites, Indian trust assets, and environmental justice. The results of the analysis determined that implementation of the 5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan, as described under the Natural Resources Conservation/Protection Alternative (Alternative D), would not have significant impacts on the human and natural environment.

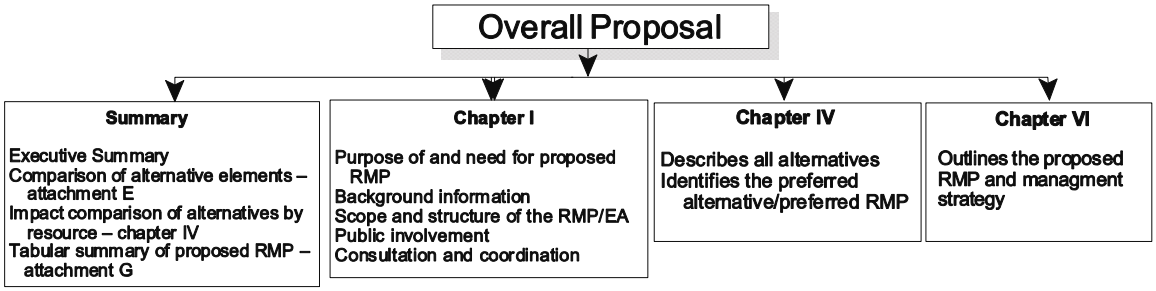
Approved: Jim Cherry 3-18-04

Jim Cherry, Area Manager
Yuma Area Office

Date

How to Read This Resource Management Plan/ Environmental Assessment

This resource management plan (RMP)/ environmental assessment (EA) is an integrated planning and National Environmental Policy Act compliance document. The schematic below will help you locate the information you are most interested in.



Affected Environment or Existing Conditions

Chapter V describes the existing physical and biological resources and environmental factors within the study area:

- Climate
- Air Quality
- Noise
- Topography
- Geology
- Soils
- Land Use and Transportation
- Groundwater
- Vegetation and Wildlife
- Special Status Species
- Recreation
- Visual Resources
- Economics
- Cultural Resources
- Indian Sacred Sites
- Indian Trust Assets
- Environmental Justice

Impacts

Chapter V also describes the potential effects of the No Action Alternative as well as the three proposed action alternatives on the resources and factors.

Cumulative impacts, mitigation measures, and residual impacts have been identified in chapter V, if appropriate.

Supporting Information

Chapter II

Management responsibilities of involved agencies

Chapter III

Planning process, issues, opportunities, and constraints

Other Sections

Abbreviations/Acronyms
Environmental Commitments
List of Preparers
Bibliography
Glossary of Terms
Distribution List
Attachments

Frequently Asked Questions

Who do I contact for more information? See the transmittal letter sent with this document.

What does an acronym (like NEPA) mean? See the list of abbreviations and acronyms before the "Contents."

Where can I find a certain topic? Use the "Contents" at the beginning of the document.

Why doesn't this look like a typical environmental compliance document? Because it is an integrated document that has both planning chapters and environmental compliance chapters contained under the same cover.

Executive Summary

The Bureau of Reclamation (Reclamation) prepared this resource management plan and environmental assessment (RMP/EA) for certain Reclamation lands within the 5-mile zone, a 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State. The Southerly International Boundary (SIB) between the United States and Mexico forms the 5-mile zone's southern boundary. The 5-mile zone's northern boundary parallels its southern boundary. From its western boundary, formed by the limitrophe section of the international boundary,[1] the 5-mile zone extends 13 miles southeast to the boundary of the Barry M. Goldwater Range.

Specifically, this planning effort addresses those lands within the 5-mile zone that are east of Avenue H and are under the jurisdiction of Reclamation (study area). The study area is commonly called Reclamation's Protective and Regulatory Pumping Unit (PRPU) and encompasses approximately 30,200 acres. Other lands within the 5-mile zone are owned or managed by the Bureau of Land Management (BLM), State of Arizona, city of San Luis, or private landowners. The city of San Luis is located in the southwestern portion of the 5-mile zone.

BLM will address, in a separate resource management plan, the Reclamation lands that it manages along the Colorado River.

PROPOSED FEDERAL ACTION

Preparation and implementation of an RMP is a Federal action that is intended to direct the management of resources within the study area to maximize overall public and resource benefits for the next 10 years. The National Environmental Policy Act (NEPA) requires Federal agencies to consider the potential effect(s) of a Federal action on the environment before implementing the proposed action. Therefore, Reclamation used a planning process and an appropriate level of environmental analysis to develop this RMP/EA. Once Reclamation adopts the RMP/EA, it will be used as the framework to manage lands within the study area.

PURPOSE OF AND NEED FOR ACTION

The purpose of this RMP is to establish a 10-year plan detailing the management framework to conserve, protect, enhance, develop, and use the natural and cultural resources within the study area.

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[1] "Limitrophe" refers to the international boundary between the United States and Mexico formed by the Colorado River.

The RMP is needed to do the following:

- Provide decisionmakers with consistent direction and guidance to successfully manage the natural and cultural resources within the study area.
- Ensure management of the natural and cultural resources are compatible with the authorized purposes of Title I of the Colorado River Basin Salinity Control Act of 1974, Public Law 93-320, as amended by Public Law 96-336.
- Resolve land and water use issues and concerns within the study area related to the growth of the city of San Luis, Arizona, and surrounding area.
- Address the increasing demand for public use of the resources within the study area while protecting and enhancing the natural and cultural resources.

AUTHORITY

Title 28 of Public Law 102-575, Section 2805 (106 Statute 4690, Reclamation Recreation Management Act of October 30, 1992) provides Reclamation with authority to prepare resource management plans.

PUBLIC INVOLVEMENT

Throughout the development of this RMP/EA, Reclamation made a concerted effort to involve interested parties, including agencies, special interest groups, and individuals, in planning for the environmental, land, recreation, and wildlife resources within the study area.

CONSULTATION AND COORDINATION

Reclamation also conducted agency consultation and coordination in the course of developing this document, including consultations required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations; the Fish and Wildlife Coordination Act of 1958, as amended; and the Endangered Species Act of 1973, as amended. Reclamation also consulted with the Bureau of Indian Affairs and area tribes about Indian trust assets within the study area. In addition, Reclamation contacted several adjacent landowners and gathered information about existing and future uses of those lands.

RESPONSIBILITIES OF DIFFERENT MANAGEMENT ENTITIES IN THE STUDY AREA

Reclamation maintains primary jurisdiction of the lands and associated resources within the study area; however, other entities may have some limited involvement in managing the study area. Some of these entities include the following.

International Boundary and Water Commission

The International Boundary and Water Commission (IBWC) is responsible for the demarcation of all international boundaries and any water or boundary issues. The IBWC is responsible for annual reports that address the amount of water pumped from Reclamation wells within the study area, as well as the amount of water pumped from wells by other entities and individuals within the study area.

United States Border Patrol

The primary mission of the United States Border Patrol is the detection and apprehension of illegal aliens and smugglers of aliens at or near the international land boundary.

Arizona Game and Fish Department

The Arizona Game and Fish Department (AGFD) has management authority of the State's wildlife, which is held in trust for the citizens of the State of Arizona.

Yuma Area Water Resources Management Group

The Yuma Area Water Resources Management Group (YAWRMG) includes representatives from major water entitlement holders, suppliers, and managers in the greater Yuma area. The group includes irrigation districts, municipalities, and governmental agencies, such as Reclamation. YAWRMG's objective is to more effectively manage and use the water resources available to the greater Yuma area while meeting treaty water quality and salinity requirements with Mexico.

Flat-Tailed Horned Lizard Interagency Coordinating Committee

This committee developed a Flat-Tailed Horned Lizard Management Strategy (Rangewide Management Strategy) (last revised in May 2003) for the flat-tailed horned lizard in the United States. Reclamation manages the approximately 16,000 acres of flat-tailed horned lizard critical habitat (Yuma Desert Management Area) within the study area pursuant to this Rangewide Management Strategy.

ADJACENT LAND USES

Federal, State, and local government entities manage lands adjacent to and near the study area. BLM, the U.S. Air Force, and the U.S. Navy administer Federal lands adjacent to and near the study area. BLM manages the lands for multiple use and is responsible for managing a wide variety of renewable and nonrenewable resources. As an agency, some of the resources it manages are soils, water, grazing, minerals, wildlife species and habitat, recreation, off-highway vehicles, and heritage resources. The Air Force and the Navy administer lands that primarily support national defense purposes. They administer other lands to manage and protect natural and cultural resources.

The State of Arizona administers several sections of lands adjacent to or within the study area. These lands are used primarily for open space, recreation activities such as hunting, and for agriculture through leases with private parties.

Local government entities, such as the city of San Luis, city or county of Yuma, or private nonprofit organizations, such as the Greater Yuma Port Authority, manage other lands adjacent to the study area. These lands are used primarily for residential and industrial uses while maintaining adequate open space for public recreation.

LAND USE PLANNING PROCESS

Reclamation followed an established land use planning process to prepare this RMP/EA. This process focuses on resolving issues that arise over the use and management of public lands and resources. A planning issue can be defined as an unrealized opportunity, an unresolved conflict or problem, an effort to implement a new management program as a result of new initiatives or laws and regulations, or a resource or public use value being lost. Not all issues are related to resource management; therefore, an RMP/EA cannot resolve all issues; some must be resolved administratively.

For this RMP/EA, Reclamation identified issues concerning the conflicting demands for consumptive and non-consumptive uses of the land. The primary challenge is to protect natural and cultural resources while allowing uses that have a minimum effect on these resources. Reclamation used three areas of investigation to identify planning issues, opportunities, and constraints:

- Public involvement
- Collection and evaluation of existing resource data
- Review of its internal programs and policies

Similar issues were grouped into issue categories. This RMP/EA addresses the following seven issue categories:

- Land use

- Water use
- Partnerships
- Natural and cultural resources management
- Public information and education
- Recreation management
- Health and safety

MANAGEMENT OPPORTUNITIES

Management opportunities exist within the study area to protect, enhance, and interpret the natural resources; to provide a range of recreation opportunities and facilities, while not adversely affecting existing natural resources; and to evaluate, protect, and interpret cultural resources for public education and enjoyment. Partnership, interpretation, and cost-share funding opportunities are also available.

MANAGEMENT CONSTRAINTS

When agencies address management changes and other actions, they are constrained by their respective legislative authorities, budgets, personnel, current policies, and environmental limitations. The ability of land management agencies to manage environmental and recreational resources will always depend on maintaining sufficient personnel and on the ability of the agencies to obtain adequate funding to operate and maintain facilities and programs, as well as to protect and enhance existing opportunities and resources.

ALTERNATIVES

Reclamation developed three action alternatives (i.e., alternatives that prescribe a change in resource management in the study area). In addition to the action alternatives, Reclamation also formulated a No Action Alternative, as required by the Council on Environmental Quality regulations implementing NEPA. The No Action Alternative describes the management of the study area if an RMP were not implemented.

Under Alternative A (No Action Alternative), Reclamation resource management policies and practices within the study area would not change. Management actions to implement programs and policies would occur on a case-by-case basis to meet Federal, State, and local laws and regulations. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Land use authorizations, such as licenses, leases, and permits, would be issued, as currently, on a case-by-case basis.

Under Alternative B (Natural Resources Conservation/ Protection Alternative), Reclamation resource management policies and practices within the study area would change. Management actions would be implemented that would protect and enhance natural and cultural resources within the study area. In particular, flat-tailed horned lizard habitat protection would be maximized, pursuant to the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Existing second-party land uses would be scrutinized and eliminated when possible. Public access and recreational use within the study area would be limited to benefit natural and cultural resources. Recreational off-highway vehicle (OHV) use would be eliminated.

Under Alternative C (Recreation, Community, and Commercial Development Alternative), Reclamation resource management policies and practices within the study area would change. Public access and recreational use within the study area would be maximized. Opportunities for nature study, hiking, wildlife observation, camping and day use, and OHV use would be provided to the greatest extent possible, while adhering to the guidance and direction contained in the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Licenses, leases, permits, and other land use authorizations would be issued when compatible with public use of Reclamation lands. Areas deemed appropriate for community expansion, such as utility corridors, transportation routes, community open space, airport, landfills, sewage disposal sites, and recreation and leisure facilities, would be accommodated, as appropriate. Land exchanges or transfers within the study area would be encouraged.

Under Alternative D (Natural Resources Conservation/ Protection with Limited Recreation, Community, and Commercial Development), Reclamation resource management policies and practices within the study area would change. Land use authorizations would be issued on a limited basis for recreation, community, and commercial developments while maintaining Reclamation's capability to meet its water delivery obligations to Mexico, protecting the natural and cultural resources, and conserving flat-tailed horned lizard habitat, pursuant to the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Land exchanges or transfers within the study area would be considered on a limited basis either to protect or enhance the natural or cultural resources in the eastern portion of the study area or to accommodate recreation, community, or commercial developments in the western portion of the study area.

EFFECTS OF THE ALTERNATIVES

No Action Alternative (Alternative A)

Under Alternative A (No Action Alternative), existing air quality conditions would continue. Continued unrestricted OHV use and new developments (roads and facilities) could lead to increased noise and increased wind erosion of soils.

Land use authorizations would continue to be issued on a case-by-case basis, which could lead to conflicting land uses; allow social, physical, environmental, or facility carrying capacities to be exceeded; adversely affect natural or cultural resources, or adversely affect Reclamation's ability to protect PRPU project purposes. Unrestricted OHV use would result in continued adverse effects. Construction of primary roads would be limited to those already under consideration and would meet the public's need and demand for access.

Under Alternative A, if groundwater were used to meet the water needs of new developments, the aquifer could be lowered. However, the quantities needed should not adversely affect Reclamation's ability to meet its water delivery obligations to Mexico, unless total pumpage for the 5-mile zone approaches 160,000 acre-feet per year, the limit stipulated by Minute No. 242 of the International Boundary and Water Commission. Moreover, if the water supply is obtained from outside the study area, groundwater within the study area should not be affected.

Wildlife and vegetation would continue to experience habitat loss and degradation, and special status species would continue to experience direct injuries, habitat loss, and degradation.

Public demand for developed and urban recreation facilities and opportunities would go unmet. Additionally, the quality of the recreational experience for those visitors seeking solitude and nature study most likely would decline, and opportunities to interpret the desert environment to further the appreciation and protection would go unrealized. Visual quality could be expected to gradually degrade. New development would continue to foster economic growth.

Adverse effects on cultural resources that might be occurring under existing, largely unregulated land uses would continue. Under normal circumstances, Indian sacred sites would not be affected. However, unauthorized public use would still have the potential to adversely affect these sites. Indian trust assets would not be affected.

Existing environmental justice conditions in the area would continue.

Natural Resources Conservation/Protection (Alternative B)

Alternative B would provide the maximum benefits for air quality among all the alternatives because of increased vegetative cover, fewer roads, and less development, leading to fewer airborne particulates. Noise levels would decrease because recreational OHV use would be eliminated and less development would be allowed.

The effects on soils would be the same as under Alternative A, except that eliminating recreational OHV use would decrease wind erosion of soil in denuded areas.

Fewer overall land uses would be allowed, and the community need for land uses and recreation would be less accommodated than under the other alternatives. Authorized land uses would be compatible with natural and cultural resources and should not adversely affect them.

Alternative B would provide for no secondary road construction and maintenance, and public demand for access would be minimally met.

Effects on groundwater availability would be similar to Alternative A. If the Hillander "C" tract were to be exchanged or transferred and removed from agricultural production, groundwater quality in the area would improve.

Alternative B would provide maximum benefits for vegetation and wildlife because of improved habitat protection and restoration, and the factors that cause mortalities and injuries of special status species would be reduced because of habitat protection and enhancement measures.

Public demand for developed, dispersed, and urban recreation facilities and opportunities, including OHV use, would go unmet. Many recreation users could be displaced to other areas. Interpretation and management of natural and cultural resources would emphasize proper use of the resources and protect resources by restricting access. This alternative would best protect the visual quality of the study area.

Land transfers or exchanges could result in decreased agricultural production and, thus, could adversely affect the agricultural sector of the economy. Eliminating existing land use authorizations could adversely affect the regional economy, depending on the type of authorization.

Alternative B would benefit cultural resources and Indian sacred sites because eliminating recreational OHV use would reduce unauthorized incursions onto the land. Intensive surveys for cultural resources also would be required. Indian trust assets would not be affected.

Any decrease in agricultural production could adversely affect minority farm workers. Water stations could benefit illegal immigrants, as well as others needing water in the study area.

Recreation, Community, and Commercial Development (Alternative C)

Alternative C would result in the greatest potential adverse effect on air quality among all the alternatives because of development of more unsurfaced roads and parking areas and increased industrial and vehicular emissions.

Alternative C also would have the greatest adverse effect on noise levels among all the alternatives because of development of new facilities and increased vehicle use of new and existing roads and OHV areas.

The effects on soils would be the same as under Alternative A; in addition, increased protection would be needed to prevent soil erosion during construction of facilities.

The comprehensive land use strategy under Alternative C would maximize recreation, community, or commercial development, which would provide the maximum benefit to nearby communities. Less land would be protected for natural and cultural resources. Primary and secondary road development would be allowed within the study area, which would allow public demand and need for access to be fully met.

If new developments rely on groundwater, groundwater availability potentially could decrease, and groundwater quality could be adversely affected. However, if the Hillander "C" tract were to be exchanged or transferred and removed from agricultural production, groundwater quality in the area would improve.

Vegetation and wildlife would be adversely affected under Alternative C because the factors that cause mortalities, injuries, habitat loss, and degradation would significantly increase.

Public demand for all types of recreation facilities and opportunities, including urban recreation and open space, would be most fully met. However, users seeking solitude, OHV users, and hunters could be displaced to other areas. Carrying capacities may be exceeded to the point that user conflicts may increase. This alternative would have the greatest adverse effect on visual quality among all the alternatives.

The comprehensive land use strategy would encourage commercial development but provide management guidance, which would provide more security for would-be investors than Alternative A and would benefit the commercial and recreation services sectors of the economy. Land transfers or exchanges and new land use authorizations could adversely affect the agricultural sector of the economy. However, these adverse effects could be offset by gains to the commercial and recreation services sectors of the economy.

Although regulated, OHV use still could result in incursions onto the land which could adversely affect cultural resources and Indian sacred sites. However, these adverse effects could be offset by intensive surveys for cultural resources and an OHV use plan. Effects on Indian trust assets would be the same as under Alternative A.

Effects on environmental justice would be similar to those under Alternative B. In addition, there would be potential for short-term employment for minority or low-income individuals.

Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D) (Preferred Alternative)

Alternative D would have a greater adverse effect on air quality than Alternative B but a less adverse effect than Alternative C. Alternative D would provide for less construction

of unsurfaced roads for recreational access and community and commercial development than Alternative C but more than for Alternative B. Limited development also would mean that adverse effects on noise levels would be less than under Alternative C.

The effect on soils would be the same as under Alternative C except that eliminating recreational OHV use would decrease wind erosion of the soil in denuded areas.

The comprehensive land use strategy under Alternative D would emphasize limited recreation, community, and commercial development throughout the study area, which would benefit nearby communities slightly less than Alternative C but more than Alternative B.

Construction of primary roads and the effects of this construction would be the same as under Alternatives A and B. Secondary roads would be constructed to provide access to campgrounds, day use facilities, and trailheads. Therefore, the environmental effects resulting from the construction of secondary roads would be greater than under Alternatives A or B and the same as under Alternative C. Public demand and need for access would be met.

The effects on groundwater availability would be less than under Alternative C and greater than under Alternatives A and B. The effects on groundwater quality would be the same as under Alternatives B and C.

Alternative D would substantially improve habitat protection and enhancement and would substantially reduce the factors that cause mortalities and injuries, as well as habitat loss and degradation.

Public demand for most types of recreation facilities and opportunities would be partially met, including the demand for urban recreation and open space. Some recreationists could be displaced. Alternative D would have less of an adverse effect on visual resources than Alternative C because fewer recreation and land use facilities would be developed, resulting in fewer intrusions on the natural landscape but a greater adverse effect than Alternatives A or B. Rehabilitation of closed OHV use areas would enhance visual quality.

The effect of Alternative D on the economy of the study area would be similar to that of Alternative C, except that net gains in the commercial and recreation service sectors of the economy may be less.

The effect on cultural resources and Indian sacred sites would be the same as under Alternative B. The effects on Indian trust assets would be the same as under Alternative A.

The effects on environmental justice would be the same as under Alternative C.

PLAN SELECTION

Reclamation followed a formal planning process in preparing this planning and environmental compliance document. After analyzing the four alternatives (or management plans), Reclamation selected Alternative D (Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development) as the preferred management plan. The management actions should be implemented within the 10-year planning period of the RMP; however, implementation depends on, among other things, cooperation of other involved entities, cost-sharing efforts, available funding, and the success of the proposed study area working group in resolving conflicts and providing valuable input to Reclamation in its effort to prioritize the actions for funding and implementation.

Reclamation has the primary stewardship responsibility to manage the lands under its jurisdiction in accordance with existing laws, regulations, policies, and guidelines. A primary step in the planning process was to identify goals and objectives and associated management actions needed to resolve identified problems, as well as to identify actions and opportunities that would not conflict with existing laws, regulations, policies, and guidelines. In addition, many of the goals and objectives and actions were formulated in response to basic land management principles and concepts.

The basic challenge was to select those combinations of goals, objectives, and management actions that were widely accepted by the public and agency personnel, and that could be implemented without serious conflicts, within the environmental resource limitations, within the planning life of the RMP, and consistent with existing laws, regulations, policies, and guidelines, as well as with PRPU project purposes.

The RMP assumes that Reclamation will follow existing and future Federal laws, regulations, and Executive orders when managing lands within the study area.

Acronyms and Abbreviations

Act	Colorado River Basin Salinity Control Act of 1974, as amended
ADEQ	Arizona Department of Environmental Quality
ADOT	Arizona Department of Transportation
AGFD	Arizona Game and Fish Department
APE	Area of potential effect
ASH	Area Service Highway
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BMGR	Barry M. Goldwater Range
Border Patrol	U.S. Border Patrol
CA	Conservation Agreement
CD	Compact disc
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CSP	Commercial Services Plan
DHS	Department of Homeland Security
District	Hillander "C" Irrigation District
DM 613	*Departmental Manual 613*
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FWCA	Fish and Wildlife Coordination Act
GIS	Geographic Information System
GSA	General Services Administration
GYPA	Greater Yuma Port Authority, Inc.
IBWC	International Boundary and Water Commission
IBWC 242 Minute	Minute No. 242 of the International Boundary and Water Commission
INA	Immigration and Nationality Act
Land Use Plan	Lower Colorado River Land Use Plan
MA	Management area
MCAS	Marine Corps Air Station
mg/L	Milligrams per liter
MLWA	Military Lands Withdrawal Act
NAFTA	North American Free Trade Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OHV	Off-highway vehicle
OIG	Office of the Inspector General
O&M	Operation and maintenance
P.L.	Public Law
ppm	Parts per million
PRPU	Protective and Regulatory Pumping Unit
Rangewide Management Strategy	2003 Flat-Tailed Horned Lizard Rangewide Management Strategy
Reclamation	Bureau of Reclamation
RMP/EA	Resource management plan/ environmental assessment
Service	U.S. Fish and Wildlife Service
SHPO	State Historic Preservation Officer
SIB	Southerly International Boundary
SIP	State Implementation Plan
SR195	State Route 195
Stat.	Statute
study area	Protective and Regulatory Pumping Unit
TDS	total dissolved solids
TEA-21	Transportation Equity Act for the 21st Century
team	A Reclamation interdisciplinary team
toolbox	Toolbox for the Great Outdoors
treaty	1944 Water Treaty
T&E	Threatened and endangered
U.S.C.	United States Code
YAWRMG	Yuma Area Water Resources Management Group
YMPO	Yuma Metropolitan Planning Organization

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Environmental Commitments

Air Quality

- Paving or surfacing primary and secondary roads and parking areas to prevent dust will help reduce airborne particulates throughout the study area. Additionally, requiring dust abatement measures during construction activities and revegetating disturbed areas, including areas disturbed by off-highway vehicle (OHV) use, will reduce airborne particulates.

Soils

- Plant native vegetation to prevent soil erosion of disturbed areas caused by construction activities. Consider soil characteristics and suitability when planning developments

Land Use

- All land use permits will contain specific stipulations to protect existing resources, decrease potential conflicts with adjacent landowners, and prevent land use conflicts within the study area. Additionally, any developments within the Yuma Desert Management Area will require special mitigation to avoid adverse effects or loss of unique desert habitat and mitigate for habitat losses and/or impacts to flat-tailed horned lizard habitat.

Groundwater

- Careful monitoring of groundwater levels and groundwater quality will be needed to evaluate current impacts and to project or estimate future groundwater levels and quality. If projected groundwater levels or groundwater quality approach unacceptable limits, appropriate mitigation will be to find an alternate surface water supply to replace all, or at least a sufficient portion of, the pumped groundwater to prevent an unacceptable drop of groundwater levels or degradation of groundwater quality.

FLAT-TAILED HORNED LIZARD AND OTHER SPECIAL STATUS SPECIES

The following environmental commitments (from the mitigation section of the Flat-Tailed Horned Lizard Rangewide Management Strategy [Rangewide Management Strategy]) apply specifically to protection and recovery of the flat-tailed horned lizard, but they also benefit a wide range of Sonoran Desert plant and wildlife species. This includes consultation under the provisions of the Fish and Wildlife Coordination Act and the Endangered Species Act.

- To the extent possible, surface-disturbing projects shall be located outside of the Yuma Desert Management Area, and shall be timed to minimize mortality. If a project must be located with the Yuma Desert Management Area, effort shall be made to locate the project in a previously disturbed area or in an area where habitat quality is poor. A survey of the project site shall be conducted prior to construction in order to assist in locating the project.

- Prior to project initiation, an individual shall be designated as a field contact representative. This person shall have the authority to ensure compliance with protective measures for the flat-tailed horned lizard and will be the primary agency contact dealing with these measures. The field contact representative shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.

- All project work areas shall be clearly flagged or similarly marked at the outer boundaries to define the limit of work activities. All construction and restoration workers shall restrict their activities and vehicles to areas that have been flagged to eliminate adverse impacts to the flat-tailed horned lizard and its habitat. All workers shall be instructed that their activities are restricted to flagged and cleared areas.

- Within flat-tailed horned lizard habitat, the area of disturbance of vegetation and soils shall be the minimum required for the project. If possible, a maximum disturbance allowable should be specified based on project specifics. Vegetation clearing and grading shall be minimized. Equipment and vehicles shall use existing surfaces or previously disturbed areas wherever possible. Disturbance of shrubs and surface soils due to stockpiling shall be minimized.

- Existing roads shall be used for travel and equipment storage wherever possible.

- Where possible, newly created access routes shall be restricted by constructing barricades, erecting fences with locked gates at road intersections and/or by posting signs. The project proponent shall maintain, including monitoring, all control structures and facilities for the life of the project and until habitat restoration is completed.

- A biological monitor, authorized by Arizona Game and Fish Department, shall be present in each area of active surface disturbance throughout the work day

from initial clearing through habitat restoration, except where the project is completely fenced and cleared of flat-tailed horned lizards by a qualified biologist authorized by Arizona Game and Fish Department. The monitor shall perform the following functions:

- Develop and implement a worker education program. Wallet-cards summarizing this information shall be provided to all construction and maintenance personnel. The education program shall include the biology and status of the flat-tailed horned lizard; protection measures designed to reduce potential impacts; flag designated work areas; follow reporting procedures if flat-tailed horned lizard s are encountered; and emphasize importance of exercising care when commuting to and from the project area to reduce mortality of flat-tailed horned lizards.

- Ensure that all project-related activities comply with these measures. The biological monitor shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.

- Examine areas of active surface disturbance periodically (at least hourly when surface temperatures exceed 85degrees Fahrenheit) for the presence of flat-tailed horned lizards. All hazardous sites such as open pipeline trenches, holes or other deep excavations shall be inspected for flat-tailed horned lizards prior to backfilling.

- Work with the project supervisor to take necessary steps to avoid disturbance to flat-tailed horned lizards and their habitat. If avoiding disturbance to a flat-tailed horned lizard is not possible, or if a flat-tailed horned lizard is found trapped in an excavation, the affected lizard shall be captured by hand and relocated.

- Sites of permanent or long-term (more than 1 year) projects in the Yuma Desert Management Area where continuing activities are planned and where flat-tailed horned lizard mortality could occur, may be enclosed with flat-tailed horned lizard barrier fencing to prevent lizards from wandering onto the project site where they may be subject to collection, death or injury. Barrier fencing should be in accordance with the standards outlined in Appendix 7 of the Rangewide Management Strategy.

- The project proponent shall develop a project-specific habitat restoration plan to be approved by Reclamation. The plan shall consider and include as appropriate the following methods: replacement of topsoil, seedbed preparation, fertilization, seeding of native species, noxious weed control and additional erosion control (see Habitat Rehabilitation, page 69 of the Rangewide Management Strategy). The objective of restoration is to return the disturbed areas to a condition that will perpetuate previous land use. Restoration shall include eliminating any hazards to flat-tailed horned lizards created by construction, such as holes and trenches in which lizards might become trapped. Disturbance of existing perennial shrubs during restoration shall be minimized, even if such shrubs have been crushed by construction activities.

- Construction of new paved roads shall include a lizard barrier fence on each side of the road that is exposed to occupied flat-tailed horned lizard habitat. Exceptions may occur in accordance with the following evaluation, to be applied separately to each side of the road. This prescription may also be applied to canals or other fragmenting projects.
- Side is made nonviable for flat-tailed horned lizards even if connected to the other site:
  - Compensate for the entirety of the fragmented parcel.
- Side is viable only of connected to the other site:
  - Compensate for entirety of fragmented parcel, or
  - Provide fencing and effective culverts or underpasses that will maintain connectivity.

Specifications for barrier fences is provided in Appendix 7 of the Rangewide Management Strategy. The flat-tailed horned lizard interagency coordinating committee will make the determination of flat-tailed horned lizard population viability based on the size, configuration and habitat condition of the isolated parcel, threats from adjacent lands and existing scientific evidence of edge effects on flat-tailed horned lizard.

Compensation

Pursuant to Title 43 Code of Federal Regulations and the Federal Land Policy and Management Act of 1976, actions that result in flat-tailed horned lizard habitat loss may be permitted. To mitigate such losses both within and outside MAs, compensation is charged if residual effects would occur after all reasonable on-site mitigation has been applied. Guidance for determining when compensation is required and determining compensation is in the Rangewide Management Strategy, pages 62 to 66.

Measures for Other Special Status Species

- Surveys for special status plants and animals that may potentially occur on the Yuma 5-mile zone, as listed in table V-1, shall be conducted in the proposed project area prior to authorizing any ground disturbing activities.
- Every effort shall be made to avoid disturbance to any special status species or habitat that may be located. Consultation with the U.S. Fish and Wildlife Service should be initiated.

RECREATION

- Recreation facility development will complement the surrounding landscape as much as practical and will follow strict design and construction criteria, guidelines, and standards.

- Carrying capacity limits and user demand will be properly determined before major facilities are developed.
- Bilingual regulatory and informational signage will be posted throughout the study area to inform the public of the rules and regulations governing the use of the federally owned lands within the study area.
- Visitor use will be monitored to identify potential user conflicts and corrective actions to be taken if conflicts are identified.

CULTURAL RESOURCES

Reclamation will do the following:

- In consultation with the State Historic Preservation Officer and area Indian tribes—and based on the Class I survey—develop a research design for conducting Class II or III surveys (1) to determine areas of high or low potential for cultural resources, including traditional cultural properties, (2) to determine sources of impacts, and (3) to define additional investigation or protective actions appropriate for each site. The plan will serve to support requests for funding to implement necessary actions.
- Conduct intensive surveys of areas with high potential for cultural resources and/or any areas scheduled for ground-disturbing or potentially ground-disturbing activities to locate cultural resources. During ground-disturbing activities, Reclamation will make every effort to avoid significant cultural resources.
- During construction, if cultural resources are discovered, ensure that work in the immediate areas ceases until a qualified archeologist evaluates the site, takes appropriate measures, and consults with the State Historic Preservation Officer.
- Ensure that any project-specific agreements regarding cultural resources are included as specifications in construction contracts and inform construction contractors about the presence of cultural resources within or near the project area and about their protection under Federal and State laws.
- When granting easements on or across Reclamation-owned lands, review the proposal for potential effects on cultural resources and ensure that the entity receiving the easement complies with all applicable cultural resource laws for any activities within the boundaries of the easement.

Specific mitigation cannot be identified until the intensive surveys are completed to determine if cultural resources are present that are eligible for the *Federal Register*. The following mitigation strategies presume that one or more archeological sites or traditional cultural properties will be determined eligible for the *Federal Register* and will be affected by the proposed action. The exact nature of mitigation will be determined in consultation with the State Historic Preservation Officer and others, as appropriate, and documented in a memorandum of agreement with the consulting and interested parties.

- Periodically monitor *Federal Register*-eligible or unevaluated sites to assess impacts and the need for investigative or protection action.
- Place protective materials over portions of sites affected by erosion or trail construction or use to prevent additional disturbance.
- Recover site data through systematic surface collection or excavation and provide resulting reports to the professional community and interested public.
- Further consult with area tribes about appropriate actions to protect endangered traditional cultural properties sites and implement those actions where reasonable and feasible.
- Incorporate information about cultural resources into brochures and other educational materials created for use in the study area.

INDIAN SACRED SITES

Executive Order 13007 does not authorize agencies to mitigate for the impact of their actions on Indian sacred sites. However, it does direct agencies to avoid adverse impacts when possible. If consultations determine that adverse impacts will occur from implementation of the proposed action, then Reclamation will seek means to avoid these adverse impacts.

INDIAN TRUST ASSETS

If consultations determine that adverse impacts will occur from implementation of the proposed action, Reclamation will seek means to avoid these impacts. If adverse impacts cannot be avoided, then Reclamation will provide appropriate mitigation or compensation.

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Glossary

5-mile zone: The 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State.

5-mile zone study area: Those lands within the 5-mile zone that are east of Avenue E and under the jurisdiction of Reclamation.

acre-foot: Amount of water needed to cover 1 acre with 1 foot of water.

Affected environment: Existing biological, physical, social, and economic conditions of an area subject to change, both directly and indirectly, as the result of a proposed human action.

Air quality: Measure of the health-related and visual characteristics of the air, often derived from quantitative measurements of the concentrations of specific injurious or contaminating substances.

Aquifer: Underground water-bearing geologic formation or structure.

Archaic: In American archeology, a cultural stage following the earliest known human occupation in the New World (about 5,500 B.C. to A.D. 100). This stage was characterized by a generalized hunting and gathering lifestyle and seasonal movement to take advantage of a variety of resources.

Artifact: A human-made object.

Climate: Average conditions of the weather over a number of years.

Cone of influence (cone of depression): The depression, roughly conical in shape, produced in the water table by the pumping of water from a well.

Cooperative Agreement: Formal document that states the obligations of Reclamation to one or more other parties.

Corridor: Narrow strip of land reserved for location of transmission lines, pipelines, and service roads.

Council on Environmental Quality (CEQ): Establishes regulations for implementing the procedural provisions of the National Environmental Policy Act.

Crime Witness Protection Program: A program originally created by the Bonneville Power Administration (BPA) to protect transmission systems, substations, facilities, property, and personnel. The BPA administers the Bureau of Reclamation's program through an agreement signed in October 1998. The program offers cash awards up to $1,000 for information leading to the arrest and conviction of persons committing crimes. Signs posted at facilities direct informants to call a toll-free number to report suspicious or criminal activity.

Cultural resource(s): Any building, site, district, structure, or object significant in history, architecture, archeology, culture, or science.

Desired Future Condition: The future condition of the study area that results from achieving the goals and objectives identified in the Resource Management Plan.

Environment: All biological, chemical, social, and physical factors to which organisms are exposed. The surroundings that affect the growth and development of an organism.

Environmental analysis: Systematic process for consideration of environment factors in land management actions.

Environmental assessment (EA): A National Environmental Policy Act compliance document used to determine if an action would have a significant effect on the human environment. If not, a finding of no significant impact is written. If so, an environmental impact statement is written

Erosion: Surface displacement of soil caused by weathering, dissolution, abrasion, or other transporting.

Executive order: A written directive of the President of the United States.

Finding of no significant impact (FONSI): A National Environmental Policy Act compliance document which affirms that an environmental assessment found that alternatives were evaluated and a proposed action would have no significant impact on the human environment.

Geographic Information System: A digital geographic database used to analyze and store data.

Geology: The science that deals with the physical history of the earth, the rocks of which it is comprised, and the physical changes which the earth has undergone or is undergoing.

Goal: A brief statement describing the end result of implementing a management action or series of actions. A goal can also be considered a desired future condition which the Bureau of Reclamation wishes to achieve within the management area.

Groundwater: Generally, all subsurface water as distinct from surface water; specifically, that part of the subsurface water in the saturated zone where the water is under pressure greater than atmospheric.

Habitat: The area or type of environment in which a plant or animal normally lives or occurs.

Groundwater mound: A portion of an unconfined aquifer with a water table elevated above that of the surrounding aquifer. It is often the result of a relatively high rate of recharge (for example, from infiltrating irrigation water) to the aquifer at the location of the mound.

Objective: A brief statement or series of statements that briefly describe an action that will achieve a specific goal identified in a Resource Management Plan.

Protective and Regulatory Pumping Unit (PRPU): The well field authorized by Section 103(a) of Public Law 93-320.

Qualitative: Having to do with quality or qualities. Descriptive of kind, type or direction as opposed to size, magnitude, or degree.

Quantitative: Having to do with quantity, capable of being measured. Descriptive of size, magnitude, or degree.

Right-of-way: A vested property right given to another entity for the use of a specified piece of land for specific purposes.

Sacred site: Any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred.

Site: In archeology, any location of past human activity.

Total dissolved solids (TDS): A quantitative measure of the residual mineral dissolved in water that remains after the evaporation of a solution. Usually expressed in milligrams per liter or parts per million. Total amount of dissolved material, organic and inorganic, contained in water.

Unconfined aquifer: An aquifer with continuous layers of materials of relatively high permeability extending from the land surface to the base of the aquifer. The upper surface of an unconfined aquifer is the water table.

Well field: Area containing one or more wells that produces usable amounts of water.

Xeriscape: Landscaping that does not require a lot of water.

Yuma Desert Management Area: 16,000 acres within the 5-mile zone study area that Reclamation manages for the flat-tailed horned lizard and as described in the 2003 Flat-Tailed Horned Lizard Management Strategy.

Distribution List

CONGRESSIONAL DELEGATION

U.S. Senators

John Kyl
John McCain

U.S. Representative

Raul Grijalva, Arizona District 7

ARIZONA STATE LEGISLATURE

Senator Robert Cannell, District 24
Representative Amanda Aquirre, District 24
Representative James R. Carruthers, District 24

All locations are in the State of Arizona, unless otherwise indicated.

INDIAN TRIBES

All locations are in the State of Arizona, unless otherwise indicated.

Ak-Chin Indian Community, Maricopa
Campo Band of Mission Indians, Campo, California
Chemehuevi Tribal Council, Lake Havasu, California
Cocopah Indian Community, Somerton
Colorado River Indian Tribes, Parker
Fort Mcdowell Mohave-Apache Community, Fountain Hills
Fort Mojave Indian Tribe, Needles, California
Fort Yuma Quechan Tribe, Yuma
Gila River Indian Community, Sacaton
Hopi Indian Tribe, Kykotsmovi
Hualapai Indian Tribe, Peach Springs
Pueblo of Zuni, Zuni, New Mexico
Salt River Pima-Maricopa Indian Community, Scottsdale
San Carlos Apache Tribe, San Carlos

Tohono O'Odham Nation, Sells
Viejas Tribal Council, Alpine, California
Yavapai Prescott Indian Tribe, Prescott

FEDERAL, STATE, AND LOCAL AGENCIES

Federal

Department of Agriculture
- Natural Resource Conservation Service, Phoenix, Yuma

Department of the Interior
- Bureau of Indian Affairs, Yuma
- Bureau of Land Management, Yuma
- Fish and Wildlife Service, Phoenix
- Geological Survey, Tucson, Yuma

Drug Enforcement Administration, Yuma

Department of Homeland Security
- Immigration and Naturalization Service, Laguna Niguel, California
  - Border Patrol, Yuma,

Marine Corps
- Marine Corps Air Station, Yuma

Treasury Department
- Customs Service, Tucson,
  - San Luis Port-of-Entry, San Luis

State of Arizona

Department of Corrections, Phoenix, Yuma
Department of Environmental Quality, Phoenix
Department of Game and Fish, Yuma
Department of Transportation, Phoenix, Yuma
Department of Water Resources, Phoenix

State of California

Colorado River Board, Glendale, California

State of Nevada

Colorado River Commission, Las Vegas, Nevada

Yuma County

Board of Supervisors, Yuma
Department of Development Services, Yuma
Department of Public Works, Yuma
Planning and Zoning Commission, Yuma

City of San Luis

City Administrator
Economic Development Commission
Public Works Department
Police Department

City of Somerton

Administrator

City of Yuma

Department of Community Development
Department of Economic Development
Department of Parks and Recreation
Department of Public Works
Office of the City Administrator

Libraries

San Luis Branch Library, San Luis
Somerton Branch Library, Somerton
Yuma Library, Yuma

Interested Organizations and Individuals

Arizona Public Service Company, Yuma
Barkley Family Liquidating Trust, Yuma
Border Ranches LLC, Yuma
Citizens Title and Trust, Yuma
Colvin, John, Yuma
Cuming Farms Inc., Yuma

Duran, Robert C. and Barbara, Somerton,
George, Terri, Yuma
Griffin Family Ltd. Partnership, Somerton
Griffin Ranches Inc., Somerton
Harrison, William and Leslie, Yuma,
Hawk, Michal Marie and Tim, San Diego, California
Hillander "C" Irrigation District, Yuma
Hughes, Earl and Ima, Gadsden
Hughes, Kelly E. and Sharon C., Gadsden
Kaffer, Mary, Yuma
Loo, David, New York, New York
McDonald, Herbert and Lois, Somerton
Morris, Clinton and Vera, Yuma
Natural Resource Conservation Districts, Yuma
Peach, John J., Yuma
Power Engineers, Boise, Idaho
Quinteo, Enrique, San Luis
Redger, Steven, Yuma
Requena, Leonard A., Inverness, Florida
Rodriguez, Pedro, San Luis
Sam Group Investment Co., Yuma
San Luis Port LLC, Yuma
Schafer, Robert,Yuma
Seven Star Ltd. Corp., Yuma
Simpkins, Jennifer, Phoenix
United States International Boundary and Water Commission, Yuma, and El Paso, Texas
Vasquez, Pedro M., Yuma
Von Verde Ltd., Yuma
Von Verde Ltd Partnership, Yuma
Von Verde Packing House Ltd., Yuma
Mrs. West, Yuma
Yuma County Water Users' Association, Yuma
Yuma Mesa Irrigation and Drainage District, Yuma
Yuma Metropolitan Planning Organization, Yuma
Yuma Natural Resource Conservation District, Yuma

A CULTURAL RESOURCES SURVEY OF A 1.5 MILE LONG BY 130' WIDE CORRIDOR FOR A 16" WATER MAIN ON BUREAU OF RECLAMATION WITHDRAWN LANDS, CITY OF SAN LUIS, YUMA COUNTY, ARIZONA

Bureau of Reclamation Report Number: LC-AZ-09-08

Prepared for the City of San Luis, Arizona

Submitted to:

Renee Kolvet
Environmental Protection Specialist/Archaeologist
Bureau of Reclamation
Lower Colorado Regional Office (Attn: LC-2630)
P. O. Box 61470
Boulder City NV 89006-1470

Prepared by:

Jon M. Shumaker, Archaeologist
1928 W. St. Exupery Drive
Anthem, AZ 85086

Project 2009-1

July 30, 2009
Revised 8/12/09

ABSTRACT

Report Title: "A Cultural Resources Survey of a 1.5 Mile Long by 130' Wide Corridor for a 16" Water Main on Bureau of Reclamation Withdrawn Lands, City of San Luis, Yuma County, Arizona"

Date: July 30, 2009

Agency: U. S. Department of Interior, Bureau of Reclamation

Land Owner/Manager: Bureau of Land Management Lands Withdrawn by Bureau of Reclamation

Project Funding: City of San Luis

Bureau of Reclamation ARPA Permit/Project/Report Number: LC-AZ-09-08

Project Description: The proposed project involves the construction of a buried 16" water main within a 66' wide ROW on Reclamation-withdrawn lands.

Location: San Luis, Yuma County, Arizona. Located in portions of T11S, R24W, Sections 8, 9, 16, and 17, Gila & Salt River Baseline & Meridian, found on USGS 7.5' quadrangles South of Somerton and Gadsden

Acreage Surveyed: ~23.8

Sites, Previous/New: 0/0

Eligible Properties: 0

Ineligible Properties: 0

Recommendations: It is recommended this project be allowed to proceed with a finding of "no historic properties affected." Any changes in scope that might extend outside the current survey project area should be reviewed and surveyed if necessary by a qualified archaeologist. Should any previously unidentified prehistoric or historic cultural remains be encountered during any phase of the construction of this project, work in the immediate vicinity of the discovery should cease, steps should be taken to secure the protection of the remains, and Ms. Renee Kolvet, Environmental Protection Specialist/Archaeologist, Bureau of Reclamation, 702-293-8443 (Phone), rkolvet@usbr.gov (E-mail) should be notified immediately in order to make arrangements for the proper treatment of the remains.

INTRODUCTION AND BACKGROUND

The City of San Luis, Arizona is planning to construct a new approximately 1.5 mile long by 16" diameter buried water main within a 66' Right-of-Way (ROW) corridor across lands withdrawn and managed by the U. S. Department of Interior's Bureau of Reclamation (Reclamation). As this project would be an undertaking subject to review under Section 106 of the National Historic Preservation Act, Reclamation is requiring a Class III intensive 100% pedestrian cultural resources survey of the proposed project area.

Project Location

The project area is found on the USGS 7.5' "Gadsden" and "South of Somerton" quadrangles (Yuma County, Arizona), in T11S, R24W, along section lines of Sections 8, 9, 16, and 17 (See Figure 1). The project can be described as being mostly east-west along the County 24th St. alignment between Avenue H and Avenue F½, with a short approximately 190 meter long north-south portion on the western end of the project area along the eastern side of Ave. H. Approximately ½ mile of the eastern end of the project is an in-use sandy dirt road.

UTM endpoint locations for the project are the following (all points Zone 11, Datum is NAD 27 CONUS, and were shot with a WAAS-enabled Garmin Foretrex 101 GPS unit):

Northern Terminus of N-S Leg:	N3595883	E711285
Sothern Terminus of N-S Leg/Western Terminus E-W Leg:	N3595695	E711290
Eastern Terminus E-W Leg:	N3595746	E713742

Project Description

The proposed project is described as an approximately 1.5 mile long, 16' diameter buried water main, to be built within a 66' linear ROW corridor mostly along the County 24th St. alignment. Any staging or laydown areas would be within the 66' ROW or on existing paved or disturbed areas.

Project Area

The Area of Potential Affect for the water main project is the 66' wide linear ROW corridor. At some time in the future, a formal road may be constructed within a 100' wide corridor that would be centered on the current ROW corridor. Survey coverage during the current project was sufficiently wide to cover both APEs.

ENVIRONMENT

The project area is located just north of and within approximately ½ to one mile of the U. S. Mexico border at the edge of the City of San Luis AZ. At either end of the project area are housing developments that have been recently built or are currently under construction.

The project area is located within the Yuma Desert, a hot, dry, barren area that is part of the Lower Colorado River Valley Subdivision of the Sonoran Desert Scrub biotic community (Brown and Lowe 1994) (Brown, ed. 1994). This is one of the hottest and driest parts of the Sonoran Desert. Plant growth is typically fairly open and plant communities are not very complex, reflecting intense competition for scarce water resources (Brown, ed. 1994).

Geologically the region is part of the Basin and Range physiographic province (Kamilli and Richards 1998).

The project area itself consists of very soft, sandy soils, with numerous small hillocks, and is dominated by a single plant species: creosote bush (*Larrea tridentata*) (Kearney and Peebles 1951). The vegetation is quite sparse. Many of the hillocks are perforated by numerous rodent holes. Altitude of the project area is roughly 140 feet above mean sea level.

Virtually no wildlife was observed during the survey, probably due to the intense heat and humidity. The single exception was a possible Desert Iguana (*Dipsosaurus dorsalis*) (Stebbins 2003) observed disappearing into a burrow.

Ground visibility for the survey was quite excellent, virtually 100%. Roughly the eastern half of the E-W segment of the survey corridor is within an in-use unpaved road. Much of the rest of area was partially disturbed by off-road vehicle tracks. A moderate scatter of modern trash covers virtually the entire area, and is likely associated with border activity due to the Spanish language labeling on most items. Discarded foam blocks with associated ties, used by undocumented immigrants and smugglers to mask their footprints on drag roads, were observed in a couple of locations along the survey corridor. The Border Patrol is quite active in the entire area as the border is only one-half to one mile away. Agents were observed dragging not only all dirt roads but also the sides of roads and trails. Dragging involves pulling several tires behind a truck, creating a smoothed dirt surface where fresh footprints from migrants and/or smugglers are easily seen. On the freshly smoothed road surface, it is intuitive that any new footprints observed would have been made since the last time the road was dragged.

CONTEXT

Culture History

Little is known of the prehistory of the Yuma Desert. Slightly more is known about the surrounding areas.

Humans are believed to have been in this region for more than 10,000 years, though recent research suggests this date may at some point be pushed back. Nevertheless the story of the human presence in Arizona as it is currently understood begins with what is called the Paleo-Indian period, roughly 11,500 to 9000 years before the present time. Little is known about these people beyond their finely crafted stone projectile points, sometimes found in association with the remains of large, extinct mammals. They were believed to have been mobile hunter-gatherers and represented one of the earliest waves of immigrants into the Americas (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997) (Sheridan 1995) (Wagoner 1975).

A change occurred around 7000 years ago, marked by a warming in climate, the disappearance of the large Pleistocene mega-fauna perhaps partly due to overhunting, and notable changes in the subsistence technology of people living in the region (Martin 2005) (Mabry 1998) Reid and Whittlesey 1997) Cordell 1997) (Martin and Klein, eds. 1984) (Martin 1967). This is referred to as the Archaic period when aboriginal populations increased, subsistence strategies diversified, and resource procurement was more closely linked with seasonal changes (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997).

The Archaic period culminated in the rise of agriculture in the American Southwest during what is called the Early Agricultural period from around 2200 to roughly 1500 years before the present time. Agriculture led to increased sedentism in areas that favored such a strategy, while other groups relied upon a seasonal migration route in their procurement of subsistence resources (Vierra, ed. 2005) (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997) (Huckell 1996) (Sheridan 1995).

Another significant transition at the end of this period was the discovery of how to manufacture pottery. Social complexity grew across the American Southwest as agriculture, pottery, and trade facilitated the growth of larger and more permanent communities and the development of more complex belief systems as characterized in material culture.

Patayan is the name given to a poorly understood group during the prehistoric ceramic period. Patayan peoples are believed to have inhabited the upper and lower Colorado River region in western Arizona as well as small portions of southeastern California and northern Baja California in Mexico, including the current project area. McGuire and Schiffer (eds. 1982) and Stone (1987) have provided valuable albeit somewhat dated context studies and Class I cultural resource overviews of the Patayan.

A common language group referred to as Yuman defines several distinct groups that are believed to have inhabited the riverine habitats along the lower Colorado and lower Gila Rivers. What little archaeological work that has been done in and around the area and the little material culture described suggests that the historic Yumans lived lightly on the ground with minimal material culture in a fashion similar to their ancestors. The current project area borders closely on the aboriginal lands of the Cocopah, a Yuman group that lived along the Colorado River and in the

Colorado Delta region. They still retain a presence in the region, living near the current project are on reservation lands set aside by the Federal government.

The period from A. D. 1450 to around 1520 or later is referred to as the Protohistoric period. Significant changes in Native American population levels occurred, perhaps related to drought, migration, disease, or a combination of these things. It is a poorly understood period in Arizona history (Gilpin and Phillips n.d.). The arrival of the Spanish in the Southwest began the period of written history for which we have a fairly good record of events in the region (Kessell 2002). Anglo-Americans began arriving en masse during and just after the California Gold Rush (Stein 1994) (Sheridan 1995) (Gilpin and Phillips n.d.) (Wagoner 1970, 1975). The current project area came under American control with the signing of the Gadsden Treaty in 1853. A valuable summary of general Yuman history and more specifically Cocopah history and material culture along with a list of basic references can be found in Ortiz, ed. (1983).

San Luis, Arizona was founded in 1930 with the opening of a border crossing and it was incorporated in 1979. It is an important industrial, agricultural, and commercial area along with its cross-border sister San Luis Rio Colorado, Sonora, Mexico. San Luis is where civil rights leader, labor leader, and Medal of Freedom winner Cesar Chavez passed away in his sleep in the home of a retired farm worker at the age of 66 on April 23, 1993 (Stavans, ed. 2008).

Previous Research

Records examined for this project include those from AZSite (Arizona's cultural resources database), the General Land Office (GLO) Cadastral Survey Plat Images from the Bureau of Land Management (BLM) State Office, and the BLM Field Office in Yuma.

Additionally, archaeologist Shumaker visited the Cocopah Tribal Museum. A brief discussion with Jill McCormack, the Cocopah Tribe's Cultural Resource Manager, indicated that the Cocopah Tribe has no cultural resource concerns within or near the current survey location, and the tribe is not aware of any Traditional Cultural Properties (TCPs) or Sacred Sites that would be affected by this project.

An area of one mile surrounding the current project area was checked for previous cultural resource surveys and the presence of previously recorded historic properties. According to AZSite, the area immediately west of and adjacent to the current project area had been previously surveyed and no historic properties were identified. Two additional surveys were located roughly one mile north. AZSite indicated that the three survey records were on file at BLM Yuma. However, upon investigation, BLM Yuma staff was unable to locate the previous three survey reports, though internal maps suggested and seemed to confirm the surveys had been done and no sites were found near the current project area, which is consistent with the AZSite records. These three BLM survey areas are indicated on Figure 1.

A north-south linear survey crossing the current project area was done along the section line between Sections 8, 9, 16, and 17 by SWCA for El Paso Natural Gas in 1992. No historic properties were reported within or near the current project area (McQuestion and others 1992)

Another linear survey was performed along the U. S.-Mexico border and south of the current project area by Dames & Moore in 1995 for a new 34.5 kV power line. No historic properties were reported near the current project area (Darrington and Bruder 1995).

SURVEY RESULTS

Survey Methodology

On the morning of June 25, 2009, archaeologist Jon Shumaker performed a Class III intensive pedestrian cultural resources survey of the entire project area. The work was done under Bureau of Reclamation ARPA/Permit/Project Report # LC-AZ-09-08. Weather was partly cloudy, hot, and humid. Land surveyors had recently surveyed and staked, with wooden lathe and orange flagging, the centerline of the project corridor. The entire 1.5 mile long project area was covered by a single 20 meter-wide pedestrian transect passing in each direction on either side of the centerline for a total survey corridor width of 40 meters. The entirety of the ROW was carefully examined for the presence of prehistoric and historic artifacts, features, and historic properties/archaeological sites. The western portion of the main E-W segment was moderately disturbed desert habitat, while the eastern portion is also heavily disturbed because it is within or adjacent to an in-use sandy dirt road.

Historic Property Information

No historic properties/archaeological sites were found as a result of this survey.

Isolated Occurrences

No isolated occurrences (IOs) were found as a result of this survey.

SUMMARY AND RECOMMENDATIONS

The entire project area APE was thoroughly examined for the presence of historic properties/archaeological sites as well as prehistoric and historic artifacts or features. No historic properties were found as a result of the current survey. The project area is quite barren, and much of the ground surface is disturbed as a result of border-related activities.

It is recommended that this project be allowed to proceed with a finding of "no historic properties affected."

Any changes in the scope of this project that extend beyond the boundaries of the current survey area should be thoroughly reviewed and surveyed if necessary by a qualified archaeologist. Should any previously unidentified prehistoric or historic cultural remains be encountered during

any phase of the construction of this project, work in the immediate vicinity of the discovery should cease, steps should be taken to secure the protection of the remains, and Ms. Renee Kolvet, Environmental Protection Specialist/Archaeologist, Bureau of Reclamation, 702-293-8443 (Phone), rkolvet@usbr.gov (E-mail) should be notified immediately in order to make arrangements for the proper treatment of the remains.

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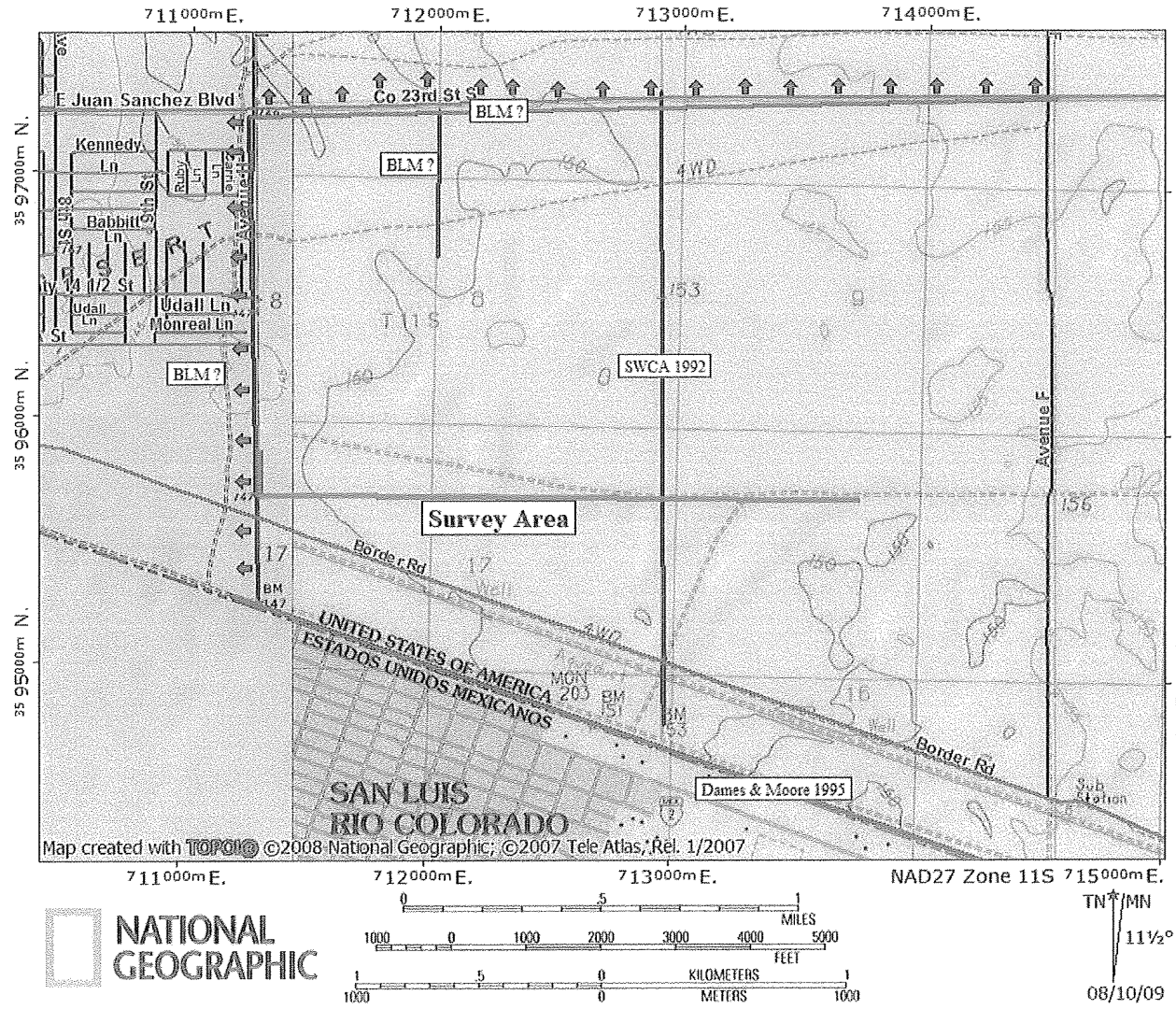
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"Figure 1--San Luis Water Main Cultural Resource Survey"



KEY

Current Survey Area

↑ Previous Surveys, Survey Areas



Figure 2. Looking South Along N-S Leg Toward U.S.-Mexico Border



Figure 3. Looking East Along E-W Segment



Figure 4. Looking West Along E-W Leg



Figure 5. Reclamation Marker

STANDARD FORM 299 (REV. 3/2020)

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES ON FEDERAL LANDS AND PROPERTY

FORM APPROVED
OMB Control Number: 0596-0249
Expiration Date: 2/28/2023

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application for an authorization (easement, right-of-way, lease, license or permit), the applicant should completely review this package, including instructions, and schedule a pre-application meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the pre-application meeting.

Application Number

Date Filed

1. Name and address of applicant

City of San Luis
Attn: Eulogio Vera, P.E.
Director of Public Works
1090 East Union Avenue
P.O. Box 1170
San Luis, Arizona 85349

2. Name and address of authorized agent if different from item 1

James V. Davey, P.E.
James Davey and Associates, Inc.
1025 W. 24th Street, Ste. #2
Yuma, Arizona 85364

3. Applicant telephone number and email:
(928) 341-8577, (928) 941-6505
evera@sanluizaz.gov

Authorized agent telephone number and email:
(928) 782-7926
jdavey@jdacivil.com

4. As applicant are you? *(check one)*

- a. ☐ Individual
- b. ☐ Corporation*
- c. ☐ Partnership/Association*
- d. ☐ State Government/State Agency
- e. ☑ Local Government
- f. ☐ Federal Agency

** If checked, complete supplemental page*

5. Specify what application is for: *(check one)*

- a. ☑ New authorization
- b. ☐ Renewing existing authorization number
- c. ☐ Amend existing authorization number
- d. ☐ Assign existing authorization number
- e. ☐ Existing use for which no authorization has been received *
- f. ☐ Other*

** If checked, provide details under item 7*

6. If an individual, or partnership, are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description *(describe in detail)*: (a) Type of use or occupancy, *(e.g., canal, pipeline, road, telecommunications);* (b) related structures and facilities; (c) physical specifications *(Length, width, grading, etc.*); (d) term of days/years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for activity/construction *(Attach additional sheets, if additional space is needed.)*

The project consists of construction of a paved roadway along County 24th Street from Avenue H (City 10th Avenue) to Avenue F-1/2 (City 16th Avenue), and also along Avenue H from County 24th Street north to the City 10th Avenue existing pavement, along Avenue F-1/2 from County 24th Street to the City 16th Avenue existing pavement, and along County 24th Street from Avenue F-1/2 to the County 24th Street existing pavement just east of Avenue F-1/2. This roadway is a critical part of the City of San Luis roadway infrastructure system in that it will provide a secondary direct roadway corridor connecting the separate portions of the City of San Luis, the east side of San Luis at Avenue F-1/2 to the west side of San Luis at Avenue H. (See attached sheet.)

8. Attach a map covering area and show location of project proposal.

9. State or Local government approval: ☐ Attached ☐ Applied for ☑ Not Required

10. Nonrefundable application fee: ☐ Attached ☐ Not required ☑ To be determined by agency

11. Does project cross international boundary or affect international waterways? ☐ Yes ☑ No *(if "yes," indicate on map)*

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

The City of San Luis will fund the construction, operation, and perform any future roadway maintenance.

13a. Describe other alternative locations considered.

Another alternative roadway route considered was along County 23-1/2 Street from Avenue F-1/2 to Avenue H, Sections 8 and 9 east-west mid-section lines all in T. 11 S., R. 24 W., G.&S.R.B.&M.

b. Why were these alternatives not selected?

Other alternatives, for example along County 23-1/2 Street were not considered practical due to the lack of right of way, as they would increase land disturbance, and as they would not provide all-weather access to the City's existing 16-inch watermain.

c. Give explanation as to why it is necessary to use or occupy Federal assets (lands or buildings).

The alternative selected crossing Reclamation withdrawn lands along County 24th Street between Avenue F-1/2 to Avenue H is a more direct route along Section lines connecting the east side of San Luis to the west side of San Luis and has access to the City's existing 16-inch watermain.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. *(Specify number, date, code, or name)*

The roadway will be installed in an existing 66' road right-of-way per Bureau of Land Management's "Public Land Order A6389 – Modification of Reclamation Withdrawals to Permit Grant of Right-of-way". This document is recorded as docket 908, page 591 in the Yuma County Recorders Office and also published in the Federal Register (Vol. 41., No. 6, March 22, 1976).

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

See attached sheet.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

This project is in an area of growing population of the City of San Luis. An assured roadway system is needed for the increasing number of residential and commercial developments in the east part of the project area and this pavement roadway will provide the needed direct roadway route connecting the now separate portions of the City of San Luis.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability; and, (g) historic or archaeological resources or properties.

See attached sheet.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

See attached sheet.

19. State whether any hazardous material, as defined in this paragraph, would be used, produced, transported or stored on or in a federal building or federal lands or would be used in connection with the proposed use or occupancy. "Hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include (or in the case of approval provided after this permit is issued, shall be amended to include) specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

No hazardous material will be used, transported or stored on or within the right-of-way, or used in the construction, operation, and maintenance of this roadway.

20. Name all the Federal Department(s)/Agency(ies) where this application is being filed.

Not Applicable.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant | Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation utility systems telecommunication installations facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.

2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.

3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.

4. Systems for the transmission and distribution of electric energy.

5. Wired and wireless systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.

6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.

7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847
(or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

National Park Service (NPS)
Alaska Regional Office
240 West 5th Avenue
Anchorage, Alaska 99501
Telephone: (907) 644-3510

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Officer, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation, utility systems, telecommunication installations and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.

8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.

9, 10, and 12 The responsible agency will provide additional instructions.

13 Providing information on alternate locations in as much detail as possible, discussing why certain locations were rejected and why it is necessary to use Federal assets will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate locations as related to current technology and economics.

14 The responsible agency will provide instructions.

15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.

16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION

Disclosure of the information is voluntary. If all the information is not provided, the proposal or application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from proponents and applicants requesting a right-of-way, permit, license, lease, or certification for use of Federal assets. The Federal agencies use this information to evaluate a proponent's or applicant's proposal to use Federal assets.

BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0249. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The authority to collect this information is derived from 47 U.S.C. 1455(c)(3) and 16 U.S.C. 3210.

USDA NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
I - PRIVATE CORPORATIONS	ATTACHED	FILED *
a. Articles of Incorporation	☐	☐
b. Corporation Bylaws	☐	☐
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	☐	☐
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	☐	☐
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	☐	☐
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	☐	☐
b. Proof of organization	☐	☐
c. Copy of Bylaws	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	☐	☐
b. If one partner is authorized to sign, resolution authorizing action is	☐	☐
c. Name and address of each participant, partner, association, or other	☐	☐
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐

***** If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information *(e.g., number, date, code, name)*. If not on file or current, attach the requested information.

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS,
TELECOMMUNICATIONS AND FACILITIES
ON FEDERAL LANDS AND PROPERTY

Additional Sheet

7. Construction duration will be 4 months and need to commence in the spring of 2022. The roadway project will be constructed per the project plans and contract documents/specifications, City of San Luis Supplemental to the Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, the City of Yuma Construction Standard Details Drawings, and the MAG Uniform Standard Specifications and Details for Public Works Construction (Specifications). The new road will consist of a 1.957 miles 2-lane paved road (3" AC over 12" ABC), 8' wide ABC roadway shoulders, and with street lighting along the entire roadway corridor. This roadway will be used year-round and the term of years is perpetual.

The roadway will be constructed in the existing City of San Luis road right-of-way located on reclamation withdrawn lands in Sections 7, 8, 9,16, and 17, T.11 S., R.24 W., G.&S.R.B&.M. per Bureau of Land Management Public Land Order No. A-6389. The project area currently has a gravel roadway constructed on it used to maintain and operate an existing City of San Luis 16-inch watermain (Bureau of Reclamation Contract 09-07-34-L1632, attached). The City of San Luis hereby requests a permit for roadway construction with street lighting within the existing road right-of-way in for the following areas:

-The east 33' of Lots 1 and 6 of Section 7, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The west 33' and south 33' of Lot 4, south 33' of the SE1/4 of the SW1/4, and the south 33' SE1/4 of Section 8, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The south 33' of the SW of Section 9, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The north 33' of NW of Section 16, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The north 33' of the NE1/4, north 33' of the NE1/4 of the NW1/4, north 33' and west 33' of Lot 1 of Section 17, T. 11 S., R. 24 W., G.&S.R.B.&M.

-The north 33' of the NE of Section 16, T. 11 S., R. 24 W., G.&S.R.B.&M. per Docket 702, Page 107, and as recognized as existing right of way per USBR acquisition per Docket 941, Page 335 as recorded in Yuma County Recorder's Office, Yuma County, Arizona, (attached).

15. The purpose of the proposed project is to construct a 2-lane paved roadway with street lighting across federal property for the benefit of the City of San Luis, Arizona community along County 24th Street from Avenue H to Avenue F-1/2. The roadway will connect now separate portions of the City of San Luis, have all-weather access to the City's existing 16-inch watermain for operation and maintenance purposes, thus providing improved efficiency of the City's entire roadway and water infrastructure systems.

The City of San Luis roadway system does not have a direct roadway route connecting the east side of San Luis with the west side of San Luis other than the existing heavy traffic County 23rd Street (Cesar Chavez Blvd) 1-mile north of the proposed project. As the east side of San Luis

commercial and residential continue to develop, there is the increase need to provide the community with a secondary and more direct route between the east and west portions of San Luis along the southernmost Section line (County 24th Street alignment).

The City of San Luis will construct, operate, and maintain the roadway.

The engineer's construction cost estimate for the proposed roadway is $2,133, 463. The next best alternative engineers' construction cost estimate was also about $2,000,000 but was along less desirable County 23-1/2 Street from Avenue H to Avenue F-1/2 (Sections 8 and 9 east-west mid-section lines all in T. 11 S., R. 24 W., G.&S.R.B.&M.).

17. There are no known environmental effects due to the construction of this roadway. The roadway will be constructed over the City's existing 16-inch watermain operation and maintenance ABC roadway along County 24th Street from Avenue H to Avenue F-1/2. See attached Cultural Resources Survey. The proposed paved roadway will consist of relatively flat roadway longitudinal grades matching the existing surrounding grades, have lineal onsite drainage, and street lighting with underground conduit along the roadway corridor. Currently, there is no natural vegetation along this roadway corridor, therefore construction would not affect the current area conditions. This project construction duration will be about 4 months and Storm Water Pollution Prevention and dust control measures will be applied.

18. There will be no probable effects to populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species due to the construction of project. The project area is within the boundary limits of the USBR environment study called "5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/Environmental Assessment" (attached are this environmental study's Finding of No Significant Impact (FONSI) and Executive Summary. The County 24th Street – Avenue H to Avenue F-1/2 roadway project area is outside of the flat-tailed horned lizard (FTHL) management area (see attached Flat-tailed Horned Lizard Management Area Map V – 6).

State of Arizona } ss
County of Yuma }

I hereby certify that the within instrument was filed and recorded at the request of Yuma Co.

1972 MAY 18 AM 11 28

in Docket 702

on Page 107

Witness my hand and official seal the day and year above noted

CARA N. SETTS
County Recorder

By H. Valdez
Deputy

9856

DOCKET 702 PAGE 107

EASEMENT

COMES NOW THE UNDERSIGNED owner of record of the hereinafter described real property situated in Yuma County, State of Arizona, for good and valuable consideration, hereby grants, conveys and transfers unto the COUNTY OF YUMA a permanent easement and right-of-way for the purpose of the construction and maintenance of a road or highway and public utility services over, under, upon and across a strip of land 33 feet in width, described as follows:

The East thirty-three (33) feet of Lot Four (4); the North half of the Southeast Quarter (N½SE¼); AND the Northeast Quarter (NE¼)
AND
The North thirty-three (33) feet of the Northeast Quarter (NE¼) all in Section Sixteen (16), Township Eleven (11) South, Range Twenty-four (24) West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

Above is a non exclusive easement and subject to easements of record.

To have and to hold the said easement and right-of-way unto the COUNTY OF YUMA forever; the undersigned hereby covenants with the COUNTY OF YUMA that it is lawfully seised and possessed on the aforedescribed tract or parcel of land and that it has a good and lawful right to grant this easement and right-of-way.

IN WITNESS WHEREOF, the undersigned has hereunto set hands this 20th day of April, 1972.

Chester E. Brabyn, Trustee
Chester E. Brabyn

Helen M. Brabyn, Trustee
Helen M. Brabyn

Philip M. Brabyn
Philip M. Brabyn

Jane Brabyn TenEyck
Jane Brabyn TenEyck

STATE OF ARIZONA)
) ss.
COUNTY OF YUMA)

SUBSCRIBED AND SWORN to before me this 24th day of April, 1972, by Chester E. Brabyn and Helen M. Brabyn, Trustees for Chester E. Brabyn and Helen M. Brabyn, Trustors under a Declaration of Trust dated 8/21/63; Philip M. Brabyn and June Brabyn TenEyck.

Shirley M. Bogle
Notary Public

My Commission Expires:
2-23-73

Ave. F & 24th St.

33120

14-06-303-3644

WARRANTY DEED

THIS INDENTURE, made this 17th day of September 1976, by CHESTER E. BRABYN and HELEN M. BRABYN, Trustees for CHESTER E. BRABYN and HELEN M. BRABYN, Trustors, PHILIP M. BRABYN, husband of MARIAN T. BRABYN, as his sole and separate property, JANE B. KING, AKA JANE BRABYN TEN EYCK, wife of CLARK L. KING, as her sole and separate property, hereinafter collectively referred to as "Grantor;" and THE UNITED STATES OF AMERICA and its assigns, hereinafter styled the "United States;"

WITNESSETH: That the Grantor for and in consideration of the sum of One Hundred Ten Thousand and No Hundredths Dollars ($110,000.00) lawful money of the United States of America to it in hand paid in pursuance of the provisions of the Act of June 17, 1902 (32 Stat. 388), Act of Congress approved July 30, 1947 (61 Stat. 628), and Act of Congress approved June 24, 1974 (88 Stat. 266), and acts amendatory thereof or supplementary thereto, by the United States, and further pursuant to the provisions of that certain Land Purchase Contract No. 14-06-303-3644 executed by Chester E. Brabyn and Helen M. Brabyn, Trustees for Chester E. Brabyn ad Helen M. Brabyn, Trustors, Philip M. Brabyn, husband of Marian T. Brabyn, as his sole and separate property, Jane B. King, aka Jane Brabyn Ten Eyck, wife of Clark L. King, as her sole and separate property, and the United States of America,

have granted, bargained and sold, conveyed and confirmed and by these presents does grant, bargain, and sell, convey and confirm unto the United States and to its assigns forever all that real property situate, lying and being in the County of Yuma, State of Arizona, to wit:

The East half of Fractional Section 16,
Township 11 South, Range 24 West, of the
Gila and Salt River Base and Meridian.

Subject to the easement or rights-of-way existing or of record in favor of the public or third parties, and subject to mineral rights, if any, vested in third parties.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have to hold, all and singular the said premises, together with the appurtenances, unto the United States and to its assigns forever.

And the Grantor and its successors do hereby covenant that they will defend the premises and the quiet and peaceful possession thereof unto the United States, and to its assigns, against the acts and deed of the Grantor and every person whomsoever lawfully claiming to claim the same.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first written.

Chester E. Brabyn, Trustee-Grantor

Chester E. Brabyn, Trustee-Grantor

Helen M. Brabyn, Trustee-Grantor

Helen M. Brabyn, Trustee-Grantor

Philip M. Brabyn

Philip M. Brabyn, Grantor

Marian T. Brabyn

Marian T. Brabyn, wife of Philip M. Brabyn

Jane B. King (Jane Brabyn Ten Eyck)

Jane B. King, AKA Jane Brabyn Ten Eyck, Grantor

Clark L. King

Clark L. King, husband of Jane B. Brabyn

14-06-303-3644

TO 1944 CA (8-74)

(Individual)

EXET 941 PAGE 338

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA
COUNTY OF Orange } SS.

On September 17, 1976 before me, the undersigned, a Notary Public in and for said State, personally appeared Jane B. King and Clark L. King - - -

, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature Peggy J. Nichols

STAPLE HERE

OFFICIAL SEAL
PEGGY J. NICHOLS
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires May 20, 1978

(This area for official notarial seal)

STATE OF CALIFORNIA
COUNTY OF San Diego } SS.

On September 17, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared Philip N. Brabyn

known to me to be the person(s) whose name(s) is subscribed to the within Instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

(Seal)

OFFICIAL SEAL
BETTIE LOU SJOBERG
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires August 27, 1979

Bettie Lou Sjoberg
(Notary Public's Signature)

08320-2 3-74* 25 P.S. Individual Notarial Acknowledgment

TO 1944 CA (8-74)

(Individual)

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA
COUNTY OF San Diego } SS.

On September 17, 1976 before me, the undersigned, a Notary Public in and for said State, personally appeared Marian T. Brabyn///

, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

WITNESS my hand and official seal.

STAPLE HERE

Signature Patricia Coleman
PATRICIA COLEMAN

OFFICIAL SEAL
PATRICIA COLEMAN
NOTARY PUBLIC - CALIFORNIA
Principal Office, San Diego Co. Calif.
My Commission Exp. Mar. 1, 1980

(This area for official notarial seal)

Staple

STATE OF CALIFORNIA
COUNTY OF Orange } SS.

On September 17, 1976 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Chester E. Brabyn and Helen M. Brabyn

, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

Terry L. Prince

Terry L. Prince
Name (Typed or Printed)
Notary Public in and for said County and State

FOR NOTARY SEAL OR STAMP

OFFICIAL SEAL
TERRY L. PRINCE
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My Commission Expires JUL 29, 1977

Misc.-185 (C.S.) - Ack. Individual (Rev. 9-68)

Staple

AFFIDAVIT

To: State of Arizona, County of Yuma

We the undersigned, Chester E. Brabyn and Helen M. Brabyn, being first duly sworn upon oath, depose and say:

1) That we are the Trustors and Trustees of the Chester E. Brabyn and Helen M. Brabyn Trust dated August 21, 1976.

2) That the names and addresses of the beneficiaries of said trust are as follows:

Chester E. Brabyn
4515 Fairfield Drive
Corona del Mar, California 92625

Helen M. Brabyn
4515 Fairfield Drive
Corona del Mar, California 92625

3) That this affidavit is made for the purpose of satisfying the requirements of Arizona revised statutes, sec. 33-401.

Further your affiants sayeth not.

Dated this seventeenth day of September, 1976.

Subscribed and sworn to before me this September 17 day of September, 1976 by

Chester E. Brabyn, Trustee
Chester E. Brabyn

Helen M. Brabyn Trustee
Helen M. Brabyn

Notary Public

AFFIDAVIT

To: State of Arizona, County of Yuma

We the undersigned, Chester E. Brabyn and Helen M. Brabyn, being first duly sworn upon oath, depose and say:

1) That we are the Trustors and Trustees of the Chester E. Brabyn and Helen M. Brabyn Trust dated August 21, 1976.

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Helen M. Brabyn
4515 Fairfield Drive
Corona del Mar, California 92625

3) That this affidavit is made for the purpose of satisfying the requirements of Arizona revised statutes, sec. 33-401.

Further your affiants sayeth not.

Dated this seventeenth day of September, 1976.

Subscribed and sworn to before me this September 17 day of September, 1976 by

Chester E. Brabyn, Trustee
Chester E. Brabyn

Helen M. Brabyn, Trustee
Helen M. Brabyn

Notary Public

STATE OF CALIFORNIA
COUNTY OF Orange } ss.

On sept. 17, 1976 before me, the undersigned, a Notary Public in and for said County and State, personally appeared

X Chester E. Brabyn and
Helen M. Brabyn

known to me to be the person s whose name s are subscribed to the within instrument and acknowledged that they executed the same.

Terry L. Prince
Terry L. Prince

Name (Typed or Printed)
Notary Public in and for said County and State

Misc.-105 (G.S.) Ack. Individual (Rev. 9-68) Single

FOR NOTARY SEAL OR STAMP

OFFICIAL SEAL
TERRY L. PRINCE
NOTARY PUBLIC-CALIFORNIA
ORANGE COUNTY
My Commission Expires July 24, 1977

State of Arizona
County of Yuma } ss 26559

I hereby certify that the within instrument was filed and recorded at the request of

ARIZONA TITLE & TRUST CO. OF YUMA

2016 NOV 17 PM 4 38

in Docket 941 Page 340

Witness my hand and official seal the day and year aforesaid.

CARA N. [illegible]
County Recorder

By R. Valdez
Deputy

Fee 1.00

YUMA COUNTY RECORDER
ARIZONA

ORIGINAL

Contract No. 09-07-34-L1632

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
LOWER COLORADO REGION
YUMA AREA OFFICE
YUMA, ARIZONA

COLORADO RIVER BASIN SALINITY CONTROL PROJECT
PROTECTIVE AND REGULATORY
PUMPING UNIT, TITLE 1 DIVISION

CONSENT AGREEMENT

THIS CONSENT AGREEMENT (Consent), is made this 4th day of April, 20 11, pursuant to provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388); the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), as amended August 18, 1950 (64 Stat. 463); and acts amendatory thereof or supplementary thereto; and provisions of 43 C.F.R § 429, between the United States of America, acting through the Bureau of Reclamation, hereinafter referred to as "Reclamation," represented by the officer executing this Consent, hereinafter referred to as the "Area Manager," and the City of San Luis, hereinafter referred to as the "Consentee,"

WITNESSETH:

WHEREAS, the Consentee seeks use authorization from Reclamation to construct, reconstruct, install, operate and maintain a 16-inch waterline, within, on and/or across certain rights-of-way which Reclamation acquired for the Project; and

WHEREAS, the granting of such use authorization by Reclamation and the exercise of such use authorization by the Consentee under the terms and conditions herein provided will be compatible with the purposes for which the rights-of-way are administered on behalf of the United States by Reclamation.

NOW, THEREFORE, Subject to the conditions hereinafter set forth, Reclamation does hereby grant to the Consentee use authorization to construct, install, operate and maintain said Waterline within, on and/or across, the rights-of-way hereinafter described. The parties hereto agree as follows:

1. DESCRIPTION OF IMPROVEMENTS AND ASSOCIATED USE AREAS:

Said waterline, to be located, within portions of sections 8, 16 and 17, Township 11 South, Range 24 West, Gila and Salt River Meridian, Yuma County, Arizona.

The Consentee's 16-inch waterline herein described shall hereinafter be referred to, collectively, as the "Waterline." The Reclamation rights-of-way herein described and defined shall hereinafter be referred to, collectively, as the "Use Areas."

2. ASSIGNMENT: This Consent is personal, revocable and nontransferable and shall not be construed as granting to the Consentee any right, title or interest in the Use Areas or any other property, facilities or works of the United States and/or Reclamation.

3. TERM: This Consent, unless terminated sooner as provided by Article 6 hereof, shall terminate twenty five (25) years from the date hereof. This Consent may, upon agreement of the parties, be extended for an additional twenty five (25) year period. Any application for extension shall be filed by the Consentee, in writing, with the Area Manager. Any application for extension must be filed not less than one hundred and eighty (180) days prior to termination of this Consent.

4. EXCEPTIONS AND RESERVATIONS:

(a) The United States and/or Reclamation reserves the right of its/their officers, agents and employees to at all times have unrestricted access and ingress to, passage over and egress from all of the Use Areas to make investigations of all kinds, dig test pits and drill test holes, to survey for and construct reclamation and irrigation works and other structures incident to federal reclamation projects.

(b) The rights granted hereunder shall not be exclusive in character and the United States and/or Reclamation reserves to itself, its successors and assigns, the right against the Consentee to use any or all of the Use Areas, which are or may be crossed, or upon which irrigation and drainage facilities and works of Reclamation have been constructed, and to construct, reconstruct, operate and maintain therein and thereon dams, dikes, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant irrigation and drainage structures which may be needed or useful in connection with

or as a part of canals, laterals and other irrigation and drainage facilities without any payment by Reclamation, its successors or assigns for the exercise of such right. The Consentee agrees that if the construction, reconstruction, installation, operation or maintenance of any or all of such works of the United States and/or Reclamation, on or across the Use Areas described above, should be made more expensive by reason of the existence of the Waterline, such additional expense may be estimated by Reclamation whose estimate shall be final and binding upon the parties hereto, and within thirty (30) days after demand is made upon the Consentee for payment of any such sums, the Consentee shall make payment thereof to the United States and/or Reclamation or its successors or assigns constructing such works across, over, under or upon the Use Areas.

(c) Reclamation reserves the right to inspect the Consentee's, or its assigns under the terms of this Consent, Waterline, both during the progress of construction and upon completion thereof.

(d) Jurisdiction of and supervision by Reclamation over the Use Areas is not surrendered or subordinated by issuance of this Consent and the United States and/or Reclamation reserves the right to issue additional Consent or other agreements for compatible uses of the Use Areas.

5. INDEMNITY: The Consentee hereby agrees to hold harmless and indemnify the United States and/or Reclamation, its/their employees, agents, successors or assigns from and against any claims, demands, costs, losses, causes of action, damages or liability of whatsoever kind or nature arising out of or resulting from acts of negligence of the Consentee, its officers, agents, employees or contractors in the utilization by the Consentee of the rights granted to it pursuant to this Consent. Additionally, except for acts of negligence, the Consentee releases the United States and/or Reclamation, its/their officers, employees, successors and assigns from any and all liability for damage arising from injury to persons or damage to structures, equipment, improvements or works of the Consentee resulting from the construction, operation or maintenance of any of the works of the United States and/or Reclamation. Provided, however, that nothing contained in this clause shall be deemed to modify or limit any liability which may be imposed by the Federal Tort Claims Act, 28 U.S.C, § 2617 et seq. (1970).

6. TERMINATION: This Consent shall terminate and all rights of the Consentee hereunder shall cease upon the following:

(a) At the expiration of the term as provided by Article 3; or

(b) Upon mutual, written agreement by the parties hereto; or

(c) At any time by Reclamation upon six (6) months written notice to the Consentee; or

(d) After failure of the Consentee to observe any of the conditions of this Consent, and on the tenth day following service of written notice on the Consentee of termination because of failure to observe such conditions; or

(e) Upon a determination by Reclamation that any activity by the Consentee in or upon the Use Areas is or was illegal.

7. MISCELLANEOUS CONDITIONS:

(a) The Consentee, at its sole expense, shall construct, install, use and maintain the Waterline in conformity with all applicable regulations of Federal, State and local regulatory agencies, including but not limited to, those relating to pollution and environmental control.

(b) All construction, use and maintenance activities undertaken pursuant to this Consent shall be in conformity with the specifications approved in advance by the Area Manager and shall be conducted by the Consentee at all times in a manner satisfactory to the Area Manager.

(c) The Consentee shall at all times keep the Use Areas, including construction areas used by the Consentee, free from accumulations of waste materials or rubbish.

(d) During construction and use of the Use Areas, the Consentee shall carry out proper and efficient measures wherever and as often as necessary to reduce nuisance by dust, and to prevent dust which has originated from its operations from damaging any other properties or causing a nuisance to persons.

(e) The Consentee shall reimburse the United States and/or Reclamation for any and all costs and expenses incurred in the defense of any action which challenges the Consentee's use of the Use Areas.

(f) The Consentee shall not use the Use Areas or permit the use thereof for any purpose except as set forth herein.

(g) Upon termination of this Consent for any reason, the Consentee may be required, at the option of the United States and/or Reclamation, to remove the Waterline placed in or upon the Use Areas and shall restore the Use Areas to a condition satisfactory to the Area Manager. If the Consentee fails to remove the Waterline within sixty (60) days after termination of this Consent, the Area Manager may, on behalf of the United States and/or Reclamation, deny and

prohibit any or all public access to the Use Areas and/or the Waterline or remove the Waterline at the expense of the Consentee, and the Consentee shall promptly pay the United States and/or Reclamation for removal of the Waterline and restoration of the Use Areas upon receipt of billing.

(h) The Consentee shall provide a construction schedule and 72-hours notice to Reclamation prior to start of construction. Said 72-hours notice shall be provided to Reclamation's Technical Services Group Manager at telephone No. 928-343-8100 so that an inspector can be on-site during construction activities.

(i) Upon completion of installation of Waterline, Consentee shall furnish Reclamation with as-built drawings depicting the location of said Waterline, as installed.

8. OFFICIALS NOT TO BENEFIT: No Member of or Delegate to Congress or Resident Commissioner, and no officer, agent or employee of the Department of the Interior, shall be admitted to any share or part of this Consent or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this Consent if made with a corporation or contractor for its general benefit.

9. COVENANT AGAINST CONTINGENT FEES: The Consentee warrants that no person or agency has been employed or retained to solicit or secure this Consent upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established agencies maintained by the Consentee for the purpose of securing business. For breach or violation of this warranty, the United States and/or Reclamation shall have the right to annul this Consent without liability or in its discretion to require the Consentee to pay, in addition to the right-of-use consideration, if any, the full amount of such commission, percentage, brokerage or contingent fee.

10. DISCOVERY OF CULTURAL RESOURCES: The Consentee shall immediately provide an oral notification to Reclamation of the discovery of any and all antiquities or other objects of archaeological, cultural, historic or scientific interest on Reclamation lands. The Consentee shall follow up with a written report of their finding(s) to Reclamation within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects and artifacts discovered as a result of activities authorized under this Consent. The Consentee shall immediately cease the activity in the area of the discovery, make a reasonable effort to protect such discovery and wait for written approval from Reclamation before resuming the activity. Protective and mitigative measures specified by Reclamation shall be the responsibility of the Consentee.

11. HAZARDOUS MATERIALS:

(a) The Consentee may not allow contamination or pollution of lands, waters or project works of the United States and/or Reclamation for which the Consentee has the responsibility for care, operation and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties.

(b) The Consentee shall comply with all applicable Federal, State and local law and regulations and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or project works of the United States and/or Reclamation.

(c) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act. In addition it shall include thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers or any other pollutants.

(d) Upon discovery of any event which may or does result in contamination or pollution of lands, water or project works of the United States and/or Reclamation, the Consentee shall initiate emergency measures to protect health and safety and the environment if necessary and shall provide notice of such discovery with full details of the actions to Reclamation's Environmental Planning and Compliance Group Manager at telephone No. 928-343-8100. Additionally, all spills regardless of size, shall be reported to Reclamation's Environmental Planning and Compliance Group Manager. Such notice shall be within a reasonable time period but not to exceed 24 hours from the time of discovery if it is an emergency and the first working day if it is a non-emergency.

(e) Violation of any of the provisions of this Article, upon which the Consentee does not take immediate corrective action, may, as determined by Reclamation, constitute grounds for termination of this Consent and shall make the Consentee liable for the cost of full and complete remediation and/or restoration of any resources or facilities of the United States and/or Reclamation that are adversely affected as a result of the violation.

(f) The Consentee agrees to include the provisions contained in paragraphs (a) through (e) of this Article in any subcontract or third party contract it may enter into pursuant to this Consent.

(g) Reclamation agrees to provide information necessary for the Consentee using reasonable diligence, to comply with the provisions of this Article.

12. CLEAN AIR AND WATER: The Consentee agrees as follows:

(a) To comply with all Federal, state, and local requirements of the Clean Air Act (CAA) and the Clean Water Act (CWA); and

(b) To obtain written permission from Reclamation prior to conducting any activities that require permits, plans, or certificates under the CAA or the CWA; and

(c) To provide Reclamation with a copy of any correspondence between the Consentee and any regulatory agency concerning CAA or CWA compliance, including, but not limited to, copies of permit applications, permits, reports, notices of violation or enforcement actions; and

(d) To take immediate and effective action to correct any violation related to the CAA or the CWA. Provide Reclamation with a narrative description of the violation, the actions taken by the Consentee, the date the violation began, the date that the Consentee became aware of the violation and the date that the Consentee returned to compliance; and

(e) To take action to comply with any changes to the CAA and the CWA within the schedule required by the regulation, rule or guidance.

13. NOTICES:

(a) Any notices required by this Article shall be served by certified mail addressed to the respective addresses given herein and the mailing of any such notice properly enclosed, addressed, stamped and certified, shall be considered service.

(b) Any notice, demand or request required or authorized by this Consent to be given or made to or upon the United States and/or Reclamation shall be deemed properly given or made if delivered or mailed postage-prepaid, to the Area Manager, Yuma Area Office, Bureau of Reclamation, 7301 Calle Agua Salada, Yuma, Arizona 85364.

(c) Any notice, demand or request required or authorized by this Consent to be given or made to or upon the Consentee shall be deemed properly given or made if delivered or mailed postage-prepaid, to the City of San Luis, P.O. Box 1170, San Luis, Arizona, 85340-1170.

(d) The designation of the person to or upon whom any notice, demand or request is to be given or made, or the address of such person may be changed at any time by notice given in the same manner as provided in this Article for other notices.

14. NO WARRANTY: Reclamation makes no warranty, express or implied, as to the extent or validity of the grant contained herein.

IN WITNESS WHEREOF, the parties hereto have signed their names to this CONSENT AGREEMENT to become effective the day and year first above written.

THE UNITED STATES OF AMERICA

By: _____
Christopher M. Wallis, Director
Resource Management Office
Yuma Area Office
Lower Colorado Region
Bureau of Reclamation

Date: 4/4/2011

CITY OF SAN LUIS

By: _____

Title: Director of Public Works

Date: Sept 15, 2010

ACKNOWLEDGMENT

State of Arizona)
) ss.
County of Yuma)

On this 15th day of September, 2010, before me,

Melissa Lopez, a Notary Public in and for said County and State

personally appeared John Starkey, Public Works Director
Name Title

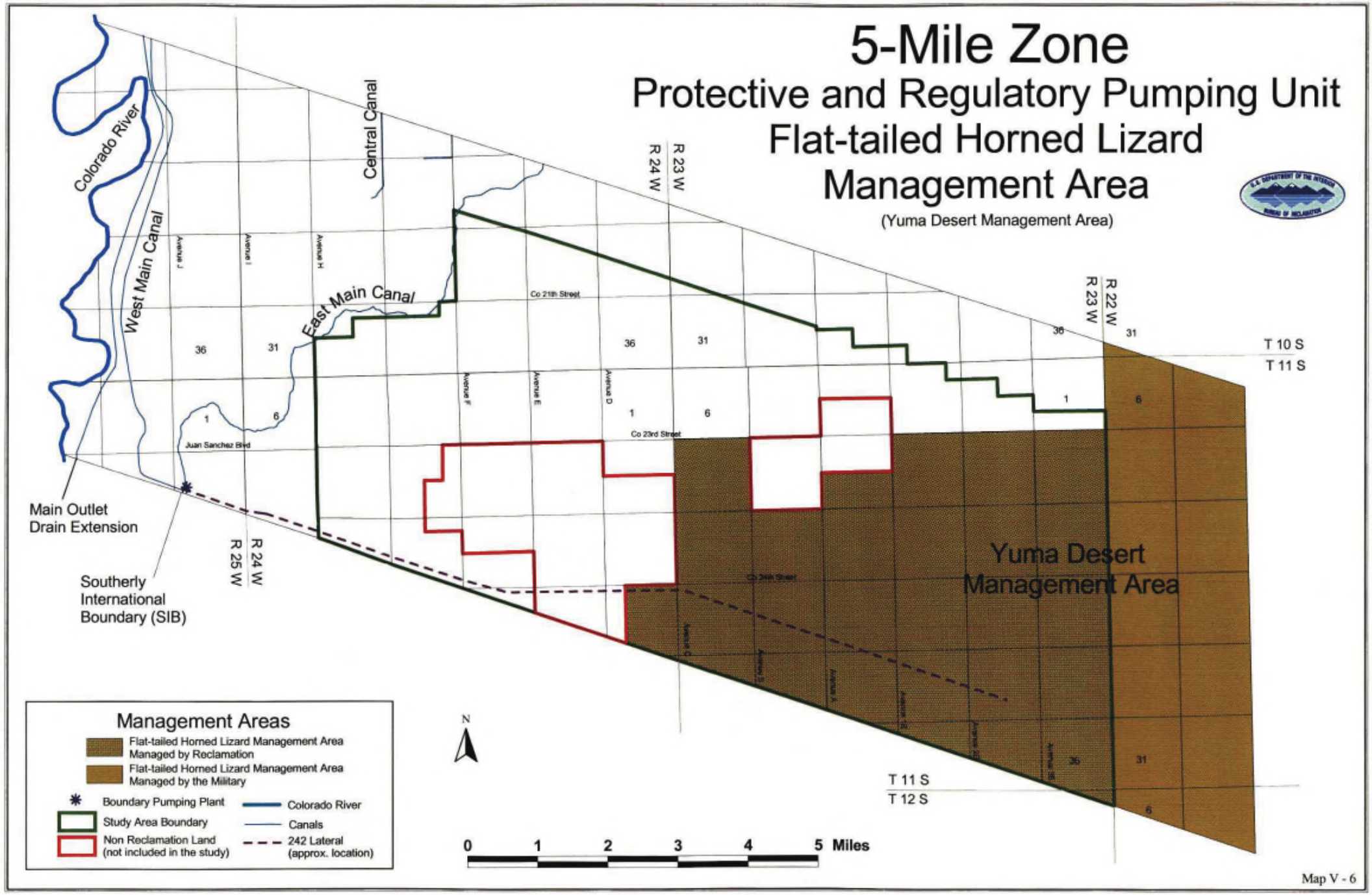
known to me to be the person described in the foregoing instrument, and acknowledged to me that he executed the same on behalf of the City of San Luis, Arizona, in the capacity therein stated and for the purpose therein contained.

Melissa Lopez
Notary Public in and for the
County of Yuma, State of Arizona

OFFICIAL SEAL
Melissa Lopez
Notary Public - Arizona
Yuma County
My Commission Expires 5/10/2014

My Commission Expires: 5/10/2014

5-Mile Zone
Protective and Regulatory Pumping Unit
Flat-tailed Horned Lizard Management Area
(Yuma Desert Management Area)

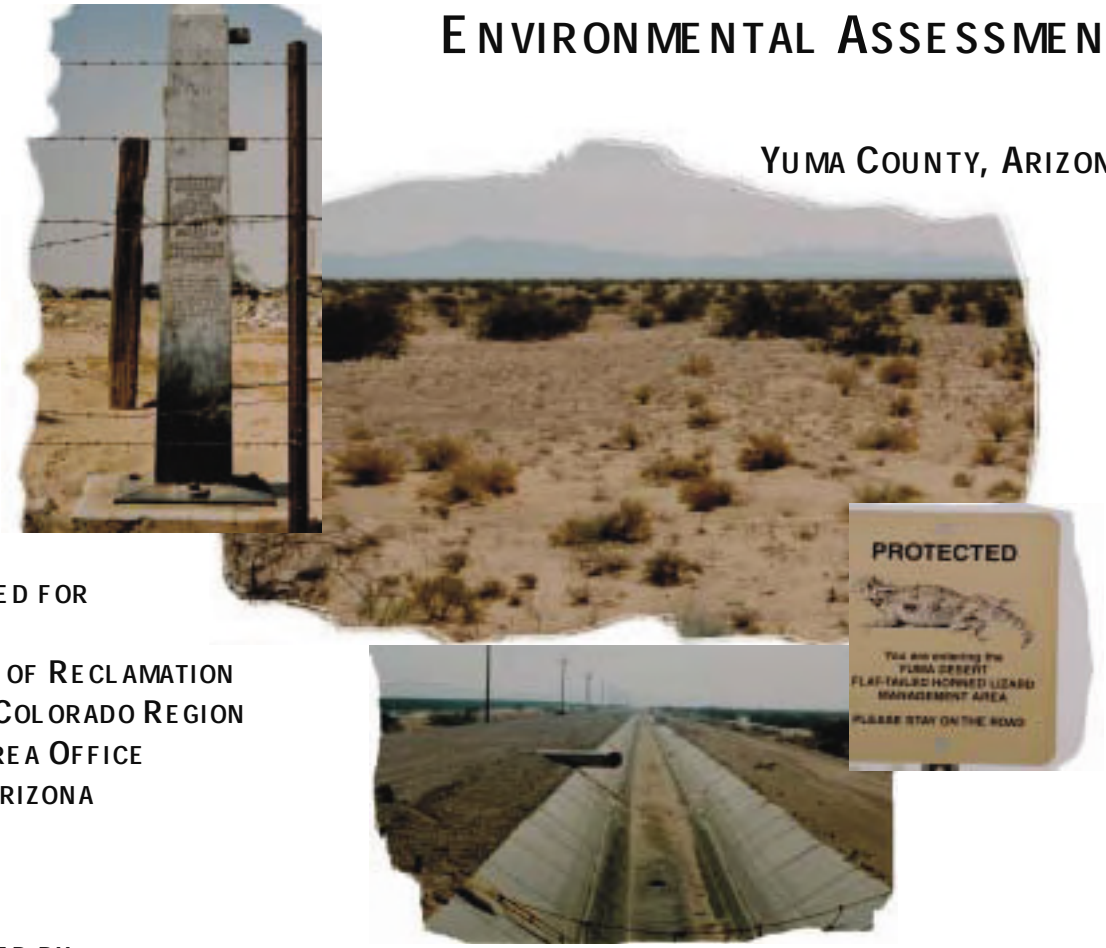


Management Areas
- Flat-tailed Horned Lizard Management Area Managed by Reclamation
- Flat-tailed Horned Lizard Management Area Managed by the Military
- Boundary Pumping Plant
- Study Area Boundary
- Non Reclamation Land (not included in the study)
- Colorado River
- Canals
- 242 Lateral (approx. location)

Map V - 6

5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/ Environmental Assessment

Yuma County, Arizona



Prepared for

Bureau of Reclamation
Lower Colorado Region
Yuma Area Office
Yuma, Arizona

Prepared by

Bureau of Reclamation
Technical Service Center
Denver, Colorado

April 2004

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/ Environmental Assessment

Yuma County, Arizona

April 2004

For further information contact:
Bureau of Reclamation
Yuma Area Office
7301 Calle Aqua Salada
Yuma AZ 85364-9763

Finding of No Significant Impact

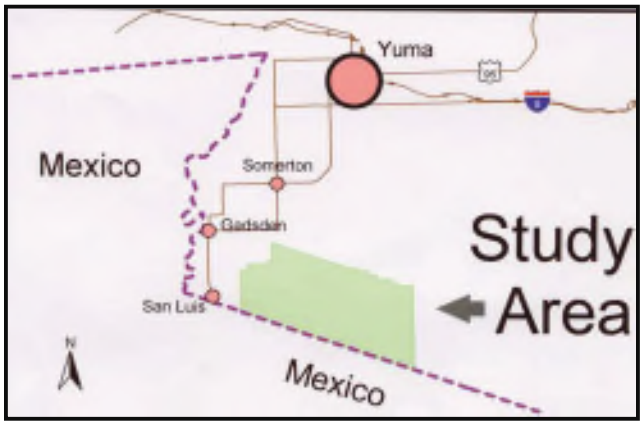
5-Mile Zone Protective and Regulatory
Pumping Unit Resource Management Plan
Yuma, Arizona

INTRODUCTION

This finding of no significant impact (FONSI) describes the Bureau of Reclamation's (Reclamation) environmental conclusions regarding a proposal to implement a resource management plan (RMP) in the 5-mile-zone. Reclamation prepared the *5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan/Environmental Assessment* (RMP/EA) to evaluate the potential environmental effects of four alternatives, including a no action alternative in accordance with the provisions of the National Environmental Policy Act (NEPA). This FONSI is a separate companion document to the final RMP/EA.

Because the alternatives developed for the RMP portion of the document are general in nature, the environmental assessment (EA) portion of the document (NEPA portion) is programmatic in nature. Thus, Reclamation will complete site-specific NEPA compliance that is tiered to the final RMP/EA and this FONSI before implementation of any ground-disturbing actions covered under the RMP.

The 5-mile zone is a 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State. In 1944, the United States and Mexico signed a treaty (Treaty) requiring the United States to annually deliver 1.5 million acre-feet of Colorado River water to Mexico. In August 1973, to resolve salinity problems, the two countries reached a permanent solution in the form of Minute No. 242 of the International Boundary and Water Commission (IBWC Minute 242). IBWC Minute 242 includes the provision that the United States shall deliver approximately 140,000 acre-feet of water to Mexico annually at the southern international boundary to partially satisfy its Treaty obligations and that each country shall limit groundwater pumping within 5 miles of the international boundary near San Luis, Arizona, to 160,000 acre-feet annually. In June 1974, the Congress passed the Colorado River Basin Salinity Control Act, Public Law (P.L.) 93-320, to enable the United States to comply with its obligations under IBWC Minute 242. Section 103(a) of this act authorized the United States to construct, operate, and maintain well fields within the 5-mile zone that are capable of providing sufficient water to Mexico. These well fields are located on Reclamation lands commonly called Reclamation's 5-mile zone Protective and Regulatory Pumping Unit (PRPU).



Location and Boundary of the Study Area.

The study area includes those lands within the 5-mile zone that are east of Avenue H and are under the jurisdiction of Reclamation. Other lands within the 5-mile zone are owned or managed by the Bureau of Land Management, State of Arizona, city of San Luis, or private landowners and are not considered in this RMP/EA.

PURPOSE AND NEED

The purpose of the RMP is to establish a 10-year plan detailing the management framework to conserve, protect, enhance, develop, and use the natural and cultural resources within the study area.

The RMP is needed to provide decisionmakers with consistent direction and guidance ensuring that management of the natural and cultural resources within the study area is compatible with the authorized purposes of Title I of the Colorado River Basin Salinity Control Act of 1974, P.L. 93-320, as amended by P.L. 96-336 and IBWC Minute 242. Further, the RMP is needed to provide decisionmakers and planners with consistent direction and guidance in resolving land and water use issues and concerns within the study area related to conflicts between the need to accommodate development in San Luis, Arizona, address increasing public demand, and the management of cultural and natural resources.

ALTERNATIVES CONSIDERED

Reclamation developed three action alternatives (i.e., alternatives that prescribe a change in resource management in the study area). In addition to the action alternatives, Reclamation also formulated a No Action Alternative, as required by the Council on Environmental Quality regulations implementing NEPA. The No Action Alternative describes the management of the study area if Reclamation does not implement an RMP for the 5-mile zone.

Four alternatives were considered in detail: the No Action Alternative (Alternative A), Natural Resources Conservation/Protection Alternative (Alternative B), Recreation, Community, and Commercial Development Alternative (Alternative C), and Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D).

Preferred Alternative

The Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D) was selected as the preferred alternative. Under the preferred alternative, Reclamation resource management policies and practices within the study area would change. Reclamation will authorize limited use and consider limited land exchanges/transfers within the study area to accommodate limited recreation, community, and commercial activities. These uses will be limited to maintain Reclamation's capability to meet water deliveries to Mexico, in accordance with Treaty obligations, and conserve flat-tailed horned lizard habitat, pursuant to the *2003 Flat-Tailed Horned Lizard Rangewide Management Strategy*. Chapter IV of the RMP/EA provides a detailed description of Alternative D.

ENVIRONMENTAL COMMITMENTS

Because the EA portion of the RMP is programmatic in nature, Reclamation recognized the difficulty of establishing site- or project-specific environmental commitments to avoid and mitigate, as appropriate, potential impacts to cultural and natural resources in the study area that may be associated with implementation of the RMP under Alternative D. Therefore, Reclamation developed and included comprehensive guidance and principles for establishing environmental commitments for inclusion in site- or project-specific NEPA documents that will be tiered to the final RMP/EA. Details pertaining to environmental commitments are included as a separate section in the RMP/EA and includes guidance specific to the following resource areas.

- Implement control measures to minimize impacts on **Air Quality**.
- Prevent **Soil** erosion related to proposed projects.
- Implement controls, limit **Land Use** conflicts, and avoid adverse impacts to cultural and natural resources.
- Monitor **Groundwater** levels and quality and establish best management practices, as needed, to avoid over withdrawals and degradation.
- Implement measures to support protection and recovery of the **Flat-Tailed Horned Lizard** and other **Special Status Species**, including consultation under the provisions of the **Fish and Wildlife Coordination Act** and the **Endangered Species Act**.
- Consider carrying capacity, strict design criteria, potential user conflicts, and bilingual concerns prior to development of **Recreation** facilities.
- Consult with the State Historic Preservation Officer and Indian tribes, and conduct **Cultural Resources** surveys prior to implementation of project specific activities.
- Based on consultation, determine measures to avoid impacts to **Indian Sacred Sites** and avoid, mitigate, or compensate for any adverse impacts to **Indian Trust Assets**.

SCOPING AND PUBLIC REVIEW

Throughout the development of this RMP/EA, Reclamation made a concerted effort to involve interested parties, including agencies, Indian tribes, special interest groups, and individuals, in the planning for the environmental, land, recreation, and wildlife resources within the study area.

The public scoping process for this RMP/EA included individual agency meetings and several open house forums. Press releases announcing the open houses were sent to local media. Bilingual assistance was available at the open houses, and Spanish documentation was provided during the public scoping process, when requested.

At each open house, Reclamation provided pertinent information to the public and solicited public issues and concerns about the existing and future management of the study area. Reclamation used the input garnered from public and interested agencies to formulate the four alternatives considered. Once the alternatives were developed, Reclamation sent descriptions to those on the mailing list and held an open house to seek further input. Reclamation considered all comments received during initial scoping and development of the alternatives.

On August 25, 2003, the draft RMP/EA was sent to those on the mailing list for review and comment. A detailed description of the public scoping process and proceedings are described in chapter 1, and copies of comment letters are included as an appendix to the RMP/EA. Comments received on the draft RMP/EA were considered in preparing the final RMP/EA. The final RMP/EA will be available on the internet and mailed to those on the distribution list. A news release announcing its availability will be sent to local media.

Reclamation will provide for future public involvement opportunities associated with implementing some of the management actions in the RMP through the PRPU study area working group and public involvement activities associated with future RMP-related NEPA compliance requirements.

COORDINATION

In the course of preparing the RMP/EA, Reclamation conducted consultation and coordination in accordance with the following laws and requirements. Chapter I of the RMP/EA provides detailed information pertaining to specific coordination efforts.

- National Historic Preservation Act of 1966, as amended
- Fish and Wildlife Coordination Act of 1958, as amended, and Endangered Species Act of 1973, as amended
- Indian Trust Assets
- Adjacent Landowners

FINDING

Reclamation analyzed, and the EA portion of the RMP/EA documented, the potential environmental and social impacts of the proposed action on the following: air quality, noise, soils, land use and transportation, groundwater, vegetation and wildlife, special status species, recreation, visual resources, economics, cultural resources, Indian sacred sites, Indian trust assets, and environmental justice. The results of the analysis determined that implementation of the 5-Mile Zone Protective and Regulatory Pumping Unit Resource Management Plan, as described under the Natural Resources Conservation/Protection Alternative (Alternative D), would not have significant impacts on the human and natural environment.

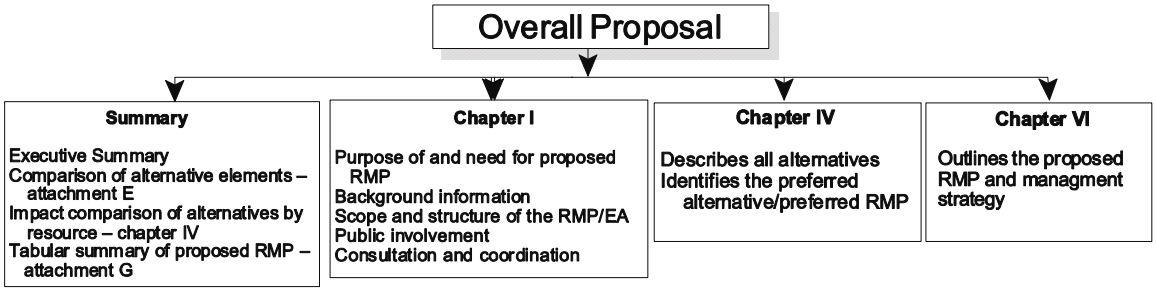
Approved: Jim Cherry 3-18-04

Jim Cherry, Area Manager
Yuma Area Office

Date

How to Read This Resource Management Plan/ Environmental Assessment

This resource management plan (RMP)/ environmental assessment (EA) is an integrated planning and National Environmental Policy Act compliance document. The schematic below will help you locate the information you are most interested in.



Affected Environment or Existing Conditions

Chapter V describes the existing physical and biological resources and environmental factors within the study area:

- Climate
- Air Quality
- Noise
- Topography
- Geology
- Soils
- Land Use and Transportation
- Groundwater
- Vegetation and Wildlife
- Special Status Species
- Recreation
- Visual Resources
- Economics
- Cultural Resources
- Indian Sacred Sites
- Indian Trust Assets
- Environmental Justice

Impacts

Chapter V also describes the potential effects of the No Action Alternative as well as the three proposed action alternatives on the resources and factors.

Cumulative impacts, mitigation measures, and residual impacts have been identified in chapter V, if appropriate.

Supporting Information

Chapter II

Management responsibilities of involved agencies

Chapter III

Planning process, issues, opportunities, and constraints

Other Sections

Abbreviations/Acronyms
Environmental Commitments
List of Preparers
Bibliography
Glossary of Terms
Distribution List
Attachments

Frequently Asked Questions

Who do I contact for more information? See the transmittal letter sent with this document.

What does an acronym (like NEPA) mean? See the list of abbreviations and acronyms before the "Contents."

Where can I find a certain topic? Use the "Contents" at the beginning of the document.

Why doesn't this look like a typical environmental compliance document? Because it is an integrated document that has both planning chapters and environmental compliance chapters contained under the same cover.

Executive Summary

The Bureau of Reclamation (Reclamation) prepared this resource management plan and environmental assessment (RMP/EA) for certain Reclamation lands within the 5-mile zone, a 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State. The Southerly International Boundary (SIB) between the United States and Mexico forms the 5-mile zone's southern boundary. The 5-mile zone's northern boundary parallels its southern boundary. From its western boundary, formed by the limitrophe section of the international boundary,[1] the 5-mile zone extends 13 miles southeast to the boundary of the Barry M. Goldwater Range.

Specifically, this planning effort addresses those lands within the 5-mile zone that are east of Avenue H and are under the jurisdiction of Reclamation (study area). The study area is commonly called Reclamation's Protective and Regulatory Pumping Unit (PRPU) and encompasses approximately 30,200 acres. Other lands within the 5-mile zone are owned or managed by the Bureau of Land Management (BLM), State of Arizona, city of San Luis, or private landowners. The city of San Luis is located in the southwestern portion of the 5-mile zone.

BLM will address, in a separate resource management plan, the Reclamation lands that it manages along the Colorado River.

PROPOSED FEDERAL ACTION

Preparation and implementation of an RMP is a Federal action that is intended to direct the management of resources within the study area to maximize overall public and resource benefits for the next 10 years. The National Environmental Policy Act (NEPA) requires Federal agencies to consider the potential effect(s) of a Federal action on the environment before implementing the proposed action. Therefore, Reclamation used a planning process and an appropriate level of environmental analysis to develop this RMP/EA. Once Reclamation adopts the RMP/EA, it will be used as the framework to manage lands within the study area.

PURPOSE OF AND NEED FOR ACTION

The purpose of this RMP is to establish a 10-year plan detailing the management framework to conserve, protect, enhance, develop, and use the natural and cultural resources within the study area.

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[1] "Limitrophe" refers to the international boundary between the United States and Mexico formed by the Colorado River.

The RMP is needed to do the following:

- Provide decisionmakers with consistent direction and guidance to successfully manage the natural and cultural resources within the study area.
- Ensure management of the natural and cultural resources are compatible with the authorized purposes of Title I of the Colorado River Basin Salinity Control Act of 1974, Public Law 93-320, as amended by Public Law 96-336.
- Resolve land and water use issues and concerns within the study area related to the growth of the city of San Luis, Arizona, and surrounding area.
- Address the increasing demand for public use of the resources within the study area while protecting and enhancing the natural and cultural resources.

AUTHORITY

Title 28 of Public Law 102-575, Section 2805 (106 Statute 4690, Reclamation Recreation Management Act of October 30, 1992) provides Reclamation with authority to prepare resource management plans.

PUBLIC INVOLVEMENT

Throughout the development of this RMP/EA, Reclamation made a concerted effort to involve interested parties, including agencies, special interest groups, and individuals, in planning for the environmental, land, recreation, and wildlife resources within the study area.

CONSULTATION AND COORDINATION

Reclamation also conducted agency consultation and coordination in the course of developing this document, including consultations required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations; the Fish and Wildlife Coordination Act of 1958, as amended; and the Endangered Species Act of 1973, as amended. Reclamation also consulted with the Bureau of Indian Affairs and area tribes about Indian trust assets within the study area. In addition, Reclamation contacted several adjacent landowners and gathered information about existing and future uses of those lands.

RESPONSIBILITIES OF DIFFERENT MANAGEMENT ENTITIES IN THE STUDY AREA

Reclamation maintains primary jurisdiction of the lands and associated resources within the study area; however, other entities may have some limited involvement in managing the study area. Some of these entities include the following.

International Boundary and Water Commission

The International Boundary and Water Commission (IBWC) is responsible for the demarcation of all international boundaries and any water or boundary issues. The IBWC is responsible for annual reports that address the amount of water pumped from Reclamation wells within the study area, as well as the amount of water pumped from wells by other entities and individuals within the study area.

United States Border Patrol

The primary mission of the United States Border Patrol is the detection and apprehension of illegal aliens and smugglers of aliens at or near the international land boundary.

Arizona Game and Fish Department

The Arizona Game and Fish Department (AGFD) has management authority of the State's wildlife, which is held in trust for the citizens of the State of Arizona.

Yuma Area Water Resources Management Group

The Yuma Area Water Resources Management Group (YAWRMG) includes representatives from major water entitlement holders, suppliers, and managers in the greater Yuma area. The group includes irrigation districts, municipalities, and governmental agencies, such as Reclamation. YAWRMG's objective is to more effectively manage and use the water resources available to the greater Yuma area while meeting treaty water quality and salinity requirements with Mexico.

Flat-Tailed Horned Lizard Interagency Coordinating Committee

This committee developed a Flat-Tailed Horned Lizard Management Strategy (Rangewide Management Strategy) (last revised in May 2003) for the flat-tailed horned lizard in the United States. Reclamation manages the approximately 16,000 acres of flat-tailed horned lizard critical habitat (Yuma Desert Management Area) within the study area pursuant to this Rangewide Management Strategy.

ADJACENT LAND USES

Federal, State, and local government entities manage lands adjacent to and near the study area. BLM, the U.S. Air Force, and the U.S. Navy administer Federal lands adjacent to and near the study area. BLM manages the lands for multiple use and is responsible for managing a wide variety of renewable and nonrenewable resources. As an agency, some of the resources it manages are soils, water, grazing, minerals, wildlife species and habitat, recreation, off-highway vehicles, and heritage resources. The Air Force and the Navy administer lands that primarily support national defense purposes. They administer other lands to manage and protect natural and cultural resources.

The State of Arizona administers several sections of lands adjacent to or within the study area. These lands are used primarily for open space, recreation activities such as hunting, and for agriculture through leases with private parties.

Local government entities, such as the city of San Luis, city or county of Yuma, or private nonprofit organizations, such as the Greater Yuma Port Authority, manage other lands adjacent to the study area. These lands are used primarily for residential and industrial uses while maintaining adequate open space for public recreation.

LAND USE PLANNING PROCESS

Reclamation followed an established land use planning process to prepare this RMP/EA. This process focuses on resolving issues that arise over the use and management of public lands and resources. A planning issue can be defined as an unrealized opportunity, an unresolved conflict or problem, an effort to implement a new management program as a result of new initiatives or laws and regulations, or a resource or public use value being lost. Not all issues are related to resource management; therefore, an RMP/EA cannot resolve all issues; some must be resolved administratively.

For this RMP/EA, Reclamation identified issues concerning the conflicting demands for consumptive and non-consumptive uses of the land. The primary challenge is to protect natural and cultural resources while allowing uses that have a minimum effect on these resources. Reclamation used three areas of investigation to identify planning issues, opportunities, and constraints:

- Public involvement
- Collection and evaluation of existing resource data
- Review of its internal programs and policies

Similar issues were grouped into issue categories. This RMP/EA addresses the following seven issue categories:

- Land use

- Water use
- Partnerships
- Natural and cultural resources management
- Public information and education
- Recreation management
- Health and safety

MANAGEMENT OPPORTUNITIES

Management opportunities exist within the study area to protect, enhance, and interpret the natural resources; to provide a range of recreation opportunities and facilities, while not adversely affecting existing natural resources; and to evaluate, protect, and interpret cultural resources for public education and enjoyment. Partnership, interpretation, and cost-share funding opportunities are also available.

MANAGEMENT CONSTRAINTS

When agencies address management changes and other actions, they are constrained by their respective legislative authorities, budgets, personnel, current policies, and environmental limitations. The ability of land management agencies to manage environmental and recreational resources will always depend on maintaining sufficient personnel and on the ability of the agencies to obtain adequate funding to operate and maintain facilities and programs, as well as to protect and enhance existing opportunities and resources.

ALTERNATIVES

Reclamation developed three action alternatives (i.e., alternatives that prescribe a change in resource management in the study area). In addition to the action alternatives, Reclamation also formulated a No Action Alternative, as required by the Council on Environmental Quality regulations implementing NEPA. The No Action Alternative describes the management of the study area if an RMP were not implemented.

Under Alternative A (No Action Alternative), Reclamation resource management policies and practices within the study area would not change. Management actions to implement programs and policies would occur on a case-by-case basis to meet Federal, State, and local laws and regulations. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Land use authorizations, such as licenses, leases, and permits, would be issued, as currently, on a case-by-case basis.

Under Alternative B (Natural Resources Conservation/ Protection Alternative), Reclamation resource management policies and practices within the study area would change. Management actions would be implemented that would protect and enhance natural and cultural resources within the study area. In particular, flat-tailed horned lizard habitat protection would be maximized, pursuant to the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Existing second-party land uses would be scrutinized and eliminated when possible. Public access and recreational use within the study area would be limited to benefit natural and cultural resources. Recreational off-highway vehicle (OHV) use would be eliminated.

Under Alternative C (Recreation, Community, and Commercial Development Alternative), Reclamation resource management policies and practices within the study area would change. Public access and recreational use within the study area would be maximized. Opportunities for nature study, hiking, wildlife observation, camping and day use, and OHV use would be provided to the greatest extent possible, while adhering to the guidance and direction contained in the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Reclamation's capability to meet its water delivery obligations to Mexico would be maintained. Licenses, leases, permits, and other land use authorizations would be issued when compatible with public use of Reclamation lands. Areas deemed appropriate for community expansion, such as utility corridors, transportation routes, community open space, airport, landfills, sewage disposal sites, and recreation and leisure facilities, would be accommodated, as appropriate. Land exchanges or transfers within the study area would be encouraged.

Under Alternative D (Natural Resources Conservation/ Protection with Limited Recreation, Community, and Commercial Development), Reclamation resource management policies and practices within the study area would change. Land use authorizations would be issued on a limited basis for recreation, community, and commercial developments while maintaining Reclamation's capability to meet its water delivery obligations to Mexico, protecting the natural and cultural resources, and conserving flat-tailed horned lizard habitat, pursuant to the 2003 Flat-Tailed Horned Lizard Rangewide Management Strategy. Land exchanges or transfers within the study area would be considered on a limited basis either to protect or enhance the natural or cultural resources in the eastern portion of the study area or to accommodate recreation, community, or commercial developments in the western portion of the study area.

EFFECTS OF THE ALTERNATIVES

No Action Alternative (Alternative A)

Under Alternative A (No Action Alternative), existing air quality conditions would continue. Continued unrestricted OHV use and new developments (roads and facilities) could lead to increased noise and increased wind erosion of soils.

Land use authorizations would continue to be issued on a case-by-case basis, which could lead to conflicting land uses; allow social, physical, environmental, or facility carrying capacities to be exceeded; adversely affect natural or cultural resources, or adversely affect Reclamation's ability to protect PRPU project purposes. Unrestricted OHV use would result in continued adverse effects. Construction of primary roads would be limited to those already under consideration and would meet the public's need and demand for access.

Under Alternative A, if groundwater were used to meet the water needs of new developments, the aquifer could be lowered. However, the quantities needed should not adversely affect Reclamation's ability to meet its water delivery obligations to Mexico, unless total pumpage for the 5-mile zone approaches 160,000 acre-feet per year, the limit stipulated by Minute No. 242 of the International Boundary and Water Commission. Moreover, if the water supply is obtained from outside the study area, groundwater within the study area should not be affected.

Wildlife and vegetation would continue to experience habitat loss and degradation, and special status species would continue to experience direct injuries, habitat loss, and degradation.

Public demand for developed and urban recreation facilities and opportunities would go unmet. Additionally, the quality of the recreational experience for those visitors seeking solitude and nature study most likely would decline, and opportunities to interpret the desert environment to further the appreciation and protection would go unrealized. Visual quality could be expected to gradually degrade. New development would continue to foster economic growth.

Adverse effects on cultural resources that might be occurring under existing, largely unregulated land uses would continue. Under normal circumstances, Indian sacred sites would not be affected. However, unauthorized public use would still have the potential to adversely affect these sites. Indian trust assets would not be affected.

Existing environmental justice conditions in the area would continue.

Natural Resources Conservation/Protection (Alternative B)

Alternative B would provide the maximum benefits for air quality among all the alternatives because of increased vegetative cover, fewer roads, and less development, leading to fewer airborne particulates. Noise levels would decrease because recreational OHV use would be eliminated and less development would be allowed.

The effects on soils would be the same as under Alternative A, except that eliminating recreational OHV use would decrease wind erosion of soil in denuded areas.

Fewer overall land uses would be allowed, and the community need for land uses and recreation would be less accommodated than under the other alternatives. Authorized land uses would be compatible with natural and cultural resources and should not adversely affect them.

Alternative B would provide for no secondary road construction and maintenance, and public demand for access would be minimally met.

Effects on groundwater availability would be similar to Alternative A. If the Hillander "C" tract were to be exchanged or transferred and removed from agricultural production, groundwater quality in the area would improve.

Alternative B would provide maximum benefits for vegetation and wildlife because of improved habitat protection and restoration, and the factors that cause mortalities and injuries of special status species would be reduced because of habitat protection and enhancement measures.

Public demand for developed, dispersed, and urban recreation facilities and opportunities, including OHV use, would go unmet. Many recreation users could be displaced to other areas. Interpretation and management of natural and cultural resources would emphasize proper use of the resources and protect resources by restricting access. This alternative would best protect the visual quality of the study area.

Land transfers or exchanges could result in decreased agricultural production and, thus, could adversely affect the agricultural sector of the economy. Eliminating existing land use authorizations could adversely affect the regional economy, depending on the type of authorization.

Alternative B would benefit cultural resources and Indian sacred sites because eliminating recreational OHV use would reduce unauthorized incursions onto the land. Intensive surveys for cultural resources also would be required. Indian trust assets would not be affected.

Any decrease in agricultural production could adversely affect minority farm workers. Water stations could benefit illegal immigrants, as well as others needing water in the study area.

Recreation, Community, and Commercial Development (Alternative C)

Alternative C would result in the greatest potential adverse effect on air quality among all the alternatives because of development of more unsurfaced roads and parking areas and increased industrial and vehicular emissions.

Alternative C also would have the greatest adverse effect on noise levels among all the alternatives because of development of new facilities and increased vehicle use of new and existing roads and OHV areas.

The effects on soils would be the same as under Alternative A; in addition, increased protection would be needed to prevent soil erosion during construction of facilities.

The comprehensive land use strategy under Alternative C would maximize recreation, community, or commercial development, which would provide the maximum benefit to nearby communities. Less land would be protected for natural and cultural resources. Primary and secondary road development would be allowed within the study area, which would allow public demand and need for access to be fully met.

If new developments rely on groundwater, groundwater availability potentially could decrease, and groundwater quality could be adversely affected. However, if the Hillander "C" tract were to be exchanged or transferred and removed from agricultural production, groundwater quality in the area would improve.

Vegetation and wildlife would be adversely affected under Alternative C because the factors that cause mortalities, injuries, habitat loss, and degradation would significantly increase.

Public demand for all types of recreation facilities and opportunities, including urban recreation and open space, would be most fully met. However, users seeking solitude, OHV users, and hunters could be displaced to other areas. Carrying capacities may be exceeded to the point that user conflicts may increase. This alternative would have the greatest adverse effect on visual quality among all the alternatives.

The comprehensive land use strategy would encourage commercial development but provide management guidance, which would provide more security for would-be investors than Alternative A and would benefit the commercial and recreation services sectors of the economy. Land transfers or exchanges and new land use authorizations could adversely affect the agricultural sector of the economy. However, these adverse effects could be offset by gains to the commercial and recreation services sectors of the economy.

Although regulated, OHV use still could result in incursions onto the land which could adversely affect cultural resources and Indian sacred sites. However, these adverse effects could be offset by intensive surveys for cultural resources and an OHV use plan. Effects on Indian trust assets would be the same as under Alternative A.

Effects on environmental justice would be similar to those under Alternative B. In addition, there would be potential for short-term employment for minority or low-income individuals.

Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development (Alternative D) (Preferred Alternative)

Alternative D would have a greater adverse effect on air quality than Alternative B but a less adverse effect than Alternative C. Alternative D would provide for less construction

of unsurfaced roads for recreational access and community and commercial development than Alternative C but more than for Alternative B. Limited development also would mean that adverse effects on noise levels would be less than under Alternative C.

The effect on soils would be the same as under Alternative C except that eliminating recreational OHV use would decrease wind erosion of the soil in denuded areas.

The comprehensive land use strategy under Alternative D would emphasize limited recreation, community, and commercial development throughout the study area, which would benefit nearby communities slightly less than Alternative C but more than Alternative B.

Construction of primary roads and the effects of this construction would be the same as under Alternatives A and B. Secondary roads would be constructed to provide access to campgrounds, day use facilities, and trailheads. Therefore, the environmental effects resulting from the construction of secondary roads would be greater than under Alternatives A or B and the same as under Alternative C. Public demand and need for access would be met.

The effects on groundwater availability would be less than under Alternative C and greater than under Alternatives A and B. The effects on groundwater quality would be the same as under Alternatives B and C.

Alternative D would substantially improve habitat protection and enhancement and would substantially reduce the factors that cause mortalities and injuries, as well as habitat loss and degradation.

Public demand for most types of recreation facilities and opportunities would be partially met, including the demand for urban recreation and open space. Some recreationists could be displaced. Alternative D would have less of an adverse effect on visual resources than Alternative C because fewer recreation and land use facilities would be developed, resulting in fewer intrusions on the natural landscape but a greater adverse effect than Alternatives A or B. Rehabilitation of closed OHV use areas would enhance visual quality.

The effect of Alternative D on the economy of the study area would be similar to that of Alternative C, except that net gains in the commercial and recreation service sectors of the economy may be less.

The effect on cultural resources and Indian sacred sites would be the same as under Alternative B. The effects on Indian trust assets would be the same as under Alternative A.

The effects on environmental justice would be the same as under Alternative C.

PLAN SELECTION

Reclamation followed a formal planning process in preparing this planning and environmental compliance document. After analyzing the four alternatives (or management plans), Reclamation selected Alternative D (Natural Resources Conservation/Protection with Limited Recreation, Community, and Commercial Development) as the preferred management plan. The management actions should be implemented within the 10-year planning period of the RMP; however, implementation depends on, among other things, cooperation of other involved entities, cost-sharing efforts, available funding, and the success of the proposed study area working group in resolving conflicts and providing valuable input to Reclamation in its effort to prioritize the actions for funding and implementation.

Reclamation has the primary stewardship responsibility to manage the lands under its jurisdiction in accordance with existing laws, regulations, policies, and guidelines. A primary step in the planning process was to identify goals and objectives and associated management actions needed to resolve identified problems, as well as to identify actions and opportunities that would not conflict with existing laws, regulations, policies, and guidelines. In addition, many of the goals and objectives and actions were formulated in response to basic land management principles and concepts.

The basic challenge was to select those combinations of goals, objectives, and management actions that were widely accepted by the public and agency personnel, and that could be implemented without serious conflicts, within the environmental resource limitations, within the planning life of the RMP, and consistent with existing laws, regulations, policies, and guidelines, as well as with PRPU project purposes.

The RMP assumes that Reclamation will follow existing and future Federal laws, regulations, and Executive orders when managing lands within the study area.

Acronyms and Abbreviations

Act	Colorado River Basin Salinity Control Act of 1974, as amended
ADEQ	Arizona Department of Environmental Quality
ADOT	Arizona Department of Transportation
AGFD	Arizona Game and Fish Department
APE	Area of potential effect
ASH	Area Service Highway
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BMGR	Barry M. Goldwater Range
Border Patrol	U.S. Border Patrol
CA	Conservation Agreement
CD	Compact disc
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CSP	Commercial Services Plan
DHS	Department of Homeland Security
District	Hillander "C" Irrigation District
DM 613	*Departmental Manual 613*
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FWCA	Fish and Wildlife Coordination Act
GIS	Geographic Information System
GSA	General Services Administration
GYPA	Greater Yuma Port Authority, Inc.
IBWC	International Boundary and Water Commission
IBWC 242 Minute	Minute No. 242 of the International Boundary and Water Commission
INA	Immigration and Nationality Act
Land Use Plan	Lower Colorado River Land Use Plan
MA	Management area
MCAS	Marine Corps Air Station
mg/L	Milligrams per liter
MLWA	Military Lands Withdrawal Act
NAFTA	North American Free Trade Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OHV	Off-highway vehicle
OIG	Office of the Inspector General
O&M	Operation and maintenance
P.L.	Public Law
ppm	Parts per million
PRPU	Protective and Regulatory Pumping Unit
Rangewide Management Strategy	2003 Flat-Tailed Horned Lizard Rangewide Management Strategy
Reclamation	Bureau of Reclamation
RMP/EA	Resource management plan/ environmental assessment
Service	U.S. Fish and Wildlife Service
SHPO	State Historic Preservation Officer
SIB	Southerly International Boundary
SIP	State Implementation Plan
SR195	State Route 195
Stat.	Statute
study area	Protective and Regulatory Pumping Unit
TDS	total dissolved solids
TEA-21	Transportation Equity Act for the 21st Century
team	A Reclamation interdisciplinary team
toolbox	Toolbox for the Great Outdoors
treaty	1944 Water Treaty
T&E	Threatened and endangered
U.S.C.	United States Code
YAWRMG	Yuma Area Water Resources Management Group
YMPO	Yuma Metropolitan Planning Organization

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Environmental Commitments

Air Quality

- Paving or surfacing primary and secondary roads and parking areas to prevent dust will help reduce airborne particulates throughout the study area. Additionally, requiring dust abatement measures during construction activities and revegetating disturbed areas, including areas disturbed by off-highway vehicle (OHV) use, will reduce airborne particulates.

Soils

- Plant native vegetation to prevent soil erosion of disturbed areas caused by construction activities. Consider soil characteristics and suitability when planning developments

Land Use

- All land use permits will contain specific stipulations to protect existing resources, decrease potential conflicts with adjacent landowners, and prevent land use conflicts within the study area. Additionally, any developments within the Yuma Desert Management Area will require special mitigation to avoid adverse effects or loss of unique desert habitat and mitigate for habitat losses and/or impacts to flat-tailed horned lizard habitat.

Groundwater

- Careful monitoring of groundwater levels and groundwater quality will be needed to evaluate current impacts and to project or estimate future groundwater levels and quality. If projected groundwater levels or groundwater quality approach unacceptable limits, appropriate mitigation will be to find an alternate surface water supply to replace all, or at least a sufficient portion of, the pumped groundwater to prevent an unacceptable drop of groundwater levels or degradation of groundwater quality.

FLAT-TAILED HORNED LIZARD AND OTHER SPECIAL STATUS SPECIES

The following environmental commitments (from the mitigation section of the Flat-Tailed Horned Lizard Rangewide Management Strategy [Rangewide Management Strategy]) apply specifically to protection and recovery of the flat-tailed horned lizard, but they also benefit a wide range of Sonoran Desert plant and wildlife species. This includes consultation under the provisions of the Fish and Wildlife Coordination Act and the Endangered Species Act.

- To the extent possible, surface-disturbing projects shall be located outside of the Yuma Desert Management Area, and shall be timed to minimize mortality. If a project must be located with the Yuma Desert Management Area, effort shall be made to locate the project in a previously disturbed area or in an area where habitat quality is poor. A survey of the project site shall be conducted prior to construction in order to assist in locating the project.

- Prior to project initiation, an individual shall be designated as a field contact representative. This person shall have the authority to ensure compliance with protective measures for the flat-tailed horned lizard and will be the primary agency contact dealing with these measures. The field contact representative shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.

- All project work areas shall be clearly flagged or similarly marked at the outer boundaries to define the limit of work activities. All construction and restoration workers shall restrict their activities and vehicles to areas that have been flagged to eliminate adverse impacts to the flat-tailed horned lizard and its habitat. All workers shall be instructed that their activities are restricted to flagged and cleared areas.

- Within flat-tailed horned lizard habitat, the area of disturbance of vegetation and soils shall be the minimum required for the project. If possible, a maximum disturbance allowable should be specified based on project specifics. Vegetation clearing and grading shall be minimized. Equipment and vehicles shall use existing surfaces or previously disturbed areas wherever possible. Disturbance of shrubs and surface soils due to stockpiling shall be minimized.

- Existing roads shall be used for travel and equipment storage wherever possible.

- Where possible, newly created access routes shall be restricted by constructing barricades, erecting fences with locked gates at road intersections and/or by posting signs. The project proponent shall maintain, including monitoring, all control structures and facilities for the life of the project and until habitat restoration is completed.

- A biological monitor, authorized by Arizona Game and Fish Department, shall be present in each area of active surface disturbance throughout the work day

from initial clearing through habitat restoration, except where the project is completely fenced and cleared of flat-tailed horned lizards by a qualified biologist authorized by Arizona Game and Fish Department. The monitor shall perform the following functions:

- Develop and implement a worker education program. Wallet-cards summarizing this information shall be provided to all construction and maintenance personnel. The education program shall include the biology and status of the flat-tailed horned lizard; protection measures designed to reduce potential impacts; flag designated work areas; follow reporting procedures if flat-tailed horned lizard s are encountered; and emphasize importance of exercising care when commuting to and from the project area to reduce mortality of flat-tailed horned lizards.

- Ensure that all project-related activities comply with these measures. The biological monitor shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.

- Examine areas of active surface disturbance periodically (at least hourly when surface temperatures exceed 85degrees Fahrenheit) for the presence of flat-tailed horned lizards. All hazardous sites such as open pipeline trenches, holes or other deep excavations shall be inspected for flat-tailed horned lizards prior to backfilling.

- Work with the project supervisor to take necessary steps to avoid disturbance to flat-tailed horned lizards and their habitat. If avoiding disturbance to a flat-tailed horned lizard is not possible, or if a flat-tailed horned lizard is found trapped in an excavation, the affected lizard shall be captured by hand and relocated.

- Sites of permanent or long-term (more than 1 year) projects in the Yuma Desert Management Area where continuing activities are planned and where flat-tailed horned lizard mortality could occur, may be enclosed with flat-tailed horned lizard barrier fencing to prevent lizards from wandering onto the project site where they may be subject to collection, death or injury. Barrier fencing should be in accordance with the standards outlined in Appendix 7 of the Rangewide Management Strategy.

- The project proponent shall develop a project-specific habitat restoration plan to be approved by Reclamation. The plan shall consider and include as appropriate the following methods: replacement of topsoil, seedbed preparation, fertilization, seeding of native species, noxious weed control and additional erosion control (see Habitat Rehabilitation, page 69 of the Rangewide Management Strategy). The objective of restoration is to return the disturbed areas to a condition that will perpetuate previous land use. Restoration shall include eliminating any hazards to flat-tailed horned lizards created by construction, such as holes and trenches in which lizards might become trapped. Disturbance of existing perennial shrubs during restoration shall be minimized, even if such shrubs have been crushed by construction activities.

- Construction of new paved roads shall include a lizard barrier fence on each side of the road that is exposed to occupied flat-tailed horned lizard habitat. Exceptions may occur in accordance with the following evaluation, to be applied separately to each side of the road. This prescription may also be applied to canals or other fragmenting projects.
- Side is made nonviable for flat-tailed horned lizards even if connected to the other site:
  - Compensate for the entirety of the fragmented parcel.
- Side is viable only of connected to the other site:
  - Compensate for entirety of fragmented parcel, or
  - Provide fencing and effective culverts or underpasses that will maintain connectivity.

Specifications for barrier fences is provided in Appendix 7 of the Rangewide Management Strategy. The flat-tailed horned lizard interagency coordinating committee will make the determination of flat-tailed horned lizard population viability based on the size, configuration and habitat condition of the isolated parcel, threats from adjacent lands and existing scientific evidence of edge effects on flat-tailed horned lizard.

Compensation

Pursuant to Title 43 Code of Federal Regulations and the Federal Land Policy and Management Act of 1976, actions that result in flat-tailed horned lizard habitat loss may be permitted. To mitigate such losses both within and outside MAs, compensation is charged if residual effects would occur after all reasonable on-site mitigation has been applied. Guidance for determining when compensation is required and determining compensation is in the Rangewide Management Strategy, pages 62 to 66.

Measures for Other Special Status Species

- Surveys for special status plants and animals that may potentially occur on the Yuma 5-mile zone, as listed in table V-1, shall be conducted in the proposed project area prior to authorizing any ground disturbing activities.
- Every effort shall be made to avoid disturbance to any special status species or habitat that may be located. Consultation with the U.S. Fish and Wildlife Service should be initiated.

RECREATION

- Recreation facility development will complement the surrounding landscape as much as practical and will follow strict design and construction criteria, guidelines, and standards.

- Carrying capacity limits and user demand will be properly determined before major facilities are developed.
- Bilingual regulatory and informational signage will be posted throughout the study area to inform the public of the rules and regulations governing the use of the federally owned lands within the study area.
- Visitor use will be monitored to identify potential user conflicts and corrective actions to be taken if conflicts are identified.

CULTURAL RESOURCES

Reclamation will do the following:

- In consultation with the State Historic Preservation Officer and area Indian tribes—and based on the Class I survey—develop a research design for conducting Class II or III surveys (1) to determine areas of high or low potential for cultural resources, including traditional cultural properties, (2) to determine sources of impacts, and (3) to define additional investigation or protective actions appropriate for each site. The plan will serve to support requests for funding to implement necessary actions.
- Conduct intensive surveys of areas with high potential for cultural resources and/or any areas scheduled for ground-disturbing or potentially ground-disturbing activities to locate cultural resources. During ground-disturbing activities, Reclamation will make every effort to avoid significant cultural resources.
- During construction, if cultural resources are discovered, ensure that work in the immediate areas ceases until a qualified archeologist evaluates the site, takes appropriate measures, and consults with the State Historic Preservation Officer.
- Ensure that any project-specific agreements regarding cultural resources are included as specifications in construction contracts and inform construction contractors about the presence of cultural resources within or near the project area and about their protection under Federal and State laws.
- When granting easements on or across Reclamation-owned lands, review the proposal for potential effects on cultural resources and ensure that the entity receiving the easement complies with all applicable cultural resource laws for any activities within the boundaries of the easement.

Specific mitigation cannot be identified until the intensive surveys are completed to determine if cultural resources are present that are eligible for the *Federal Register*. The following mitigation strategies presume that one or more archeological sites or traditional cultural properties will be determined eligible for the *Federal Register* and will be affected by the proposed action. The exact nature of mitigation will be determined in consultation with the State Historic Preservation Officer and others, as appropriate, and documented in a memorandum of agreement with the consulting and interested parties.

- Periodically monitor *Federal Register*-eligible or unevaluated sites to assess impacts and the need for investigative or protection action.
- Place protective materials over portions of sites affected by erosion or trail construction or use to prevent additional disturbance.
- Recover site data through systematic surface collection or excavation and provide resulting reports to the professional community and interested public.
- Further consult with area tribes about appropriate actions to protect endangered traditional cultural properties sites and implement those actions where reasonable and feasible.
- Incorporate information about cultural resources into brochures and other educational materials created for use in the study area.

INDIAN SACRED SITES

Executive Order 13007 does not authorize agencies to mitigate for the impact of their actions on Indian sacred sites. However, it does direct agencies to avoid adverse impacts when possible. If consultations determine that adverse impacts will occur from implementation of the proposed action, then Reclamation will seek means to avoid these adverse impacts.

INDIAN TRUST ASSETS

If consultations determine that adverse impacts will occur from implementation of the proposed action, Reclamation will seek means to avoid these impacts. If adverse impacts cannot be avoided, then Reclamation will provide appropriate mitigation or compensation.

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Glossary

5-mile zone: The 5-mile-wide, 13-mile-long strip of land about 10 miles south of Yuma, Arizona, in the extreme southwestern part of the State.

5-mile zone study area: Those lands within the 5-mile zone that are east of Avenue E and under the jurisdiction of Reclamation.

acre-foot: Amount of water needed to cover 1 acre with 1 foot of water.

Affected environment: Existing biological, physical, social, and economic conditions of an area subject to change, both directly and indirectly, as the result of a proposed human action.

Air quality: Measure of the health-related and visual characteristics of the air, often derived from quantitative measurements of the concentrations of specific injurious or contaminating substances.

Aquifer: Underground water-bearing geologic formation or structure.

Archaic: In American archeology, a cultural stage following the earliest known human occupation in the New World (about 5,500 B.C. to A.D. 100). This stage was characterized by a generalized hunting and gathering lifestyle and seasonal movement to take advantage of a variety of resources.

Artifact: A human-made object.

Climate: Average conditions of the weather over a number of years.

Cone of influence (cone of depression): The depression, roughly conical in shape, produced in the water table by the pumping of water from a well.

Cooperative Agreement: Formal document that states the obligations of Reclamation to one or more other parties.

Corridor: Narrow strip of land reserved for location of transmission lines, pipelines, and service roads.

Council on Environmental Quality (CEQ): Establishes regulations for implementing the procedural provisions of the National Environmental Policy Act.

Crime Witness Protection Program: A program originally created by the Bonneville Power Administration (BPA) to protect transmission systems, substations, facilities, property, and personnel. The BPA administers the Bureau of Reclamation's program through an agreement signed in October 1998. The program offers cash awards up to $1,000 for information leading to the arrest and conviction of persons committing crimes. Signs posted at facilities direct informants to call a toll-free number to report suspicious or criminal activity.

Cultural resource(s): Any building, site, district, structure, or object significant in history, architecture, archeology, culture, or science.

Desired Future Condition: The future condition of the study area that results from achieving the goals and objectives identified in the Resource Management Plan.

Environment: All biological, chemical, social, and physical factors to which organisms are exposed. The surroundings that affect the growth and development of an organism.

Environmental analysis: Systematic process for consideration of environment factors in land management actions.

Environmental assessment (EA): A National Environmental Policy Act compliance document used to determine if an action would have a significant effect on the human environment. If not, a finding of no significant impact is written. If so, an environmental impact statement is written

Erosion: Surface displacement of soil caused by weathering, dissolution, abrasion, or other transporting.

Executive order: A written directive of the President of the United States.

Finding of no significant impact (FONSI): A National Environmental Policy Act compliance document which affirms that an environmental assessment found that alternatives were evaluated and a proposed action would have no significant impact on the human environment.

Geographic Information System: A digital geographic database used to analyze and store data.

Geology: The science that deals with the physical history of the earth, the rocks of which it is comprised, and the physical changes which the earth has undergone or is undergoing.

Goal: A brief statement describing the end result of implementing a management action or series of actions. A goal can also be considered a desired future condition which the Bureau of Reclamation wishes to achieve within the management area.

Groundwater: Generally, all subsurface water as distinct from surface water; specifically, that part of the subsurface water in the saturated zone where the water is under pressure greater than atmospheric.

Habitat: The area or type of environment in which a plant or animal normally lives or occurs.

Groundwater mound: A portion of an unconfined aquifer with a water table elevated above that of the surrounding aquifer. It is often the result of a relatively high rate of recharge (for example, from infiltrating irrigation water) to the aquifer at the location of the mound.

Objective: A brief statement or series of statements that briefly describe an action that will achieve a specific goal identified in a Resource Management Plan.

Protective and Regulatory Pumping Unit (PRPU): The well field authorized by Section 103(a) of Public Law 93-320.

Qualitative: Having to do with quality or qualities. Descriptive of kind, type or direction as opposed to size, magnitude, or degree.

Quantitative: Having to do with quantity, capable of being measured. Descriptive of size, magnitude, or degree.

Right-of-way: A vested property right given to another entity for the use of a specified piece of land for specific purposes.

Sacred site: Any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred.

Site: In archeology, any location of past human activity.

Total dissolved solids (TDS): A quantitative measure of the residual mineral dissolved in water that remains after the evaporation of a solution. Usually expressed in milligrams per liter or parts per million. Total amount of dissolved material, organic and inorganic, contained in water.

Unconfined aquifer: An aquifer with continuous layers of materials of relatively high permeability extending from the land surface to the base of the aquifer. The upper surface of an unconfined aquifer is the water table.

Well field: Area containing one or more wells that produces usable amounts of water.

Xeriscape: Landscaping that does not require a lot of water.

Yuma Desert Management Area: 16,000 acres within the 5-mile zone study area that Reclamation manages for the flat-tailed horned lizard and as described in the 2003 Flat-Tailed Horned Lizard Management Strategy.

Distribution List

CONGRESSIONAL DELEGATION

U.S. Senators

John Kyl
John McCain

U.S. Representative

Raul Grijalva, Arizona District 7

ARIZONA STATE LEGISLATURE

Senator Robert Cannell, District 24
Representative Amanda Aquirre, District 24
Representative James R. Carruthers, District 24

All locations are in the State of Arizona, unless otherwise indicated.

INDIAN TRIBES

All locations are in the State of Arizona, unless otherwise indicated.

Ak-Chin Indian Community, Maricopa
Campo Band of Mission Indians, Campo, California
Chemehuevi Tribal Council, Lake Havasu, California
Cocopah Indian Community, Somerton
Colorado River Indian Tribes, Parker
Fort Mcdowell Mohave-Apache Community, Fountain Hills
Fort Mojave Indian Tribe, Needles, California
Fort Yuma Quechan Tribe, Yuma
Gila River Indian Community, Sacaton
Hopi Indian Tribe, Kykotsmovi
Hualapai Indian Tribe, Peach Springs
Pueblo of Zuni, Zuni, New Mexico
Salt River Pima-Maricopa Indian Community, Scottsdale
San Carlos Apache Tribe, San Carlos

Tohono O'Odham Nation, Sells
Viejas Tribal Council, Alpine, California
Yavapai Prescott Indian Tribe, Prescott

FEDERAL, STATE, AND LOCAL AGENCIES

Federal

Department of Agriculture
- Natural Resource Conservation Service, Phoenix, Yuma

Department of the Interior
- Bureau of Indian Affairs, Yuma
- Bureau of Land Management, Yuma
- Fish and Wildlife Service, Phoenix
- Geological Survey, Tucson, Yuma

Drug Enforcement Administration, Yuma

Department of Homeland Security
- Immigration and Naturalization Service, Laguna Niguel, California
  - Border Patrol, Yuma,

Marine Corps
- Marine Corps Air Station, Yuma

Treasury Department
- Customs Service, Tucson,
  - San Luis Port-of-Entry, San Luis

State of Arizona

Department of Corrections, Phoenix, Yuma
Department of Environmental Quality, Phoenix
Department of Game and Fish, Yuma
Department of Transportation, Phoenix, Yuma
Department of Water Resources, Phoenix

State of California

Colorado River Board, Glendale, California

State of Nevada

Colorado River Commission, Las Vegas, Nevada

Yuma County

Board of Supervisors, Yuma
Department of Development Services, Yuma
Department of Public Works, Yuma
Planning and Zoning Commission, Yuma

City of San Luis

City Administrator
Economic Development Commission
Public Works Department
Police Department

City of Somerton

Administrator

City of Yuma

Department of Community Development
Department of Economic Development
Department of Parks and Recreation
Department of Public Works
Office of the City Administrator

Libraries

San Luis Branch Library, San Luis
Somerton Branch Library, Somerton
Yuma Library, Yuma

Interested Organizations and Individuals

Arizona Public Service Company, Yuma
Barkley Family Liquidating Trust, Yuma
Border Ranches LLC, Yuma
Citizens Title and Trust, Yuma
Colvin, John, Yuma
Cuming Farms Inc., Yuma

Duran, Robert C. and Barbara, Somerton,
George, Terri, Yuma
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Hughes, Kelly E. and Sharon C., Gadsden
Kaffer, Mary, Yuma
Loo, David, New York, New York
McDonald, Herbert and Lois, Somerton
Morris, Clinton and Vera, Yuma
Natural Resource Conservation Districts, Yuma
Peach, John J., Yuma
Power Engineers, Boise, Idaho
Quinteo, Enrique, San Luis
Redger, Steven, Yuma
Requena, Leonard A., Inverness, Florida
Rodriguez, Pedro, San Luis
Sam Group Investment Co., Yuma
San Luis Port LLC, Yuma
Schafer, Robert,Yuma
Seven Star Ltd. Corp., Yuma
Simpkins, Jennifer, Phoenix
United States International Boundary and Water Commission, Yuma, and El Paso, Texas
Vasquez, Pedro M., Yuma
Von Verde Ltd., Yuma
Von Verde Ltd Partnership, Yuma
Von Verde Packing House Ltd., Yuma
Mrs. West, Yuma
Yuma County Water Users' Association, Yuma
Yuma Mesa Irrigation and Drainage District, Yuma
Yuma Metropolitan Planning Organization, Yuma
Yuma Natural Resource Conservation District, Yuma

A CULTURAL RESOURCES SURVEY OF A 1.5 MILE LONG BY 130' WIDE CORRIDOR FOR A 16" WATER MAIN ON BUREAU OF RECLAMATION WITHDRAWN LANDS, CITY OF SAN LUIS, YUMA COUNTY, ARIZONA

Bureau of Reclamation Report Number: LC-AZ-09-08

Prepared for the City of San Luis, Arizona

Submitted to:

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Prepared by:

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Project 2009-1

July 30, 2009
Revised 8/12/09

ABSTRACT

Report Title: "A Cultural Resources Survey of a 1.5 Mile Long by 130' Wide Corridor for a 16" Water Main on Bureau of Reclamation Withdrawn Lands, City of San Luis, Yuma County, Arizona"

Date: July 30, 2009

Agency: U. S. Department of Interior, Bureau of Reclamation

Land Owner/Manager: Bureau of Land Management Lands Withdrawn by Bureau of Reclamation

Project Funding: City of San Luis

Bureau of Reclamation ARPA Permit/Project/Report Number: LC-AZ-09-08

Project Description: The proposed project involves the construction of a buried 16" water main within a 66' wide ROW on Reclamation-withdrawn lands.

Location: San Luis, Yuma County, Arizona. Located in portions of T11S, R24W, Sections 8, 9, 16, and 17, Gila & Salt River Baseline & Meridian, found on USGS 7.5' quadrangles South of Somerton and Gadsden

Acreage Surveyed: ~23.8

Sites, Previous/New: 0/0

Eligible Properties: 0

Ineligible Properties: 0

Recommendations: It is recommended this project be allowed to proceed with a finding of "no historic properties affected." Any changes in scope that might extend outside the current survey project area should be reviewed and surveyed if necessary by a qualified archaeologist. Should any previously unidentified prehistoric or historic cultural remains be encountered during any phase of the construction of this project, work in the immediate vicinity of the discovery should cease, steps should be taken to secure the protection of the remains, and Ms. Renee Kolvet, Environmental Protection Specialist/Archaeologist, Bureau of Reclamation, 702-293-8443 (Phone), rkolvet@usbr.gov (E-mail) should be notified immediately in order to make arrangements for the proper treatment of the remains.

INTRODUCTION AND BACKGROUND

The City of San Luis, Arizona is planning to construct a new approximately 1.5 mile long by 16" diameter buried water main within a 66' Right-of-Way (ROW) corridor across lands withdrawn and managed by the U. S. Department of Interior's Bureau of Reclamation (Reclamation). As this project would be an undertaking subject to review under Section 106 of the National Historic Preservation Act, Reclamation is requiring a Class III intensive 100% pedestrian cultural resources survey of the proposed project area.

Project Location

The project area is found on the USGS 7.5' "Gadsden" and "South of Somerton" quadrangles (Yuma County, Arizona), in T11S, R24W, along section lines of Sections 8, 9, 16, and 17 (See Figure 1). The project can be described as being mostly east-west along the County 24th St. alignment between Avenue H and Avenue F½, with a short approximately 190 meter long north-south portion on the western end of the project area along the eastern side of Ave. H. Approximately ½ mile of the eastern end of the project is an in-use sandy dirt road.

UTM endpoint locations for the project are the following (all points Zone 11, Datum is NAD 27 CONUS, and were shot with a WAAS-enabled Garmin Foretrex 101 GPS unit):

Northern Terminus of N-S Leg:	N3595883	E711285
Sothern Terminus of N-S Leg/Western Terminus E-W Leg:	N3595695	E711290
Eastern Terminus E-W Leg:	N3595746	E713742

Project Description

The proposed project is described as an approximately 1.5 mile long, 16' diameter buried water main, to be built within a 66' linear ROW corridor mostly along the County 24th St. alignment. Any staging or laydown areas would be within the 66' ROW or on existing paved or disturbed areas.

Project Area

The Area of Potential Affect for the water main project is the 66' wide linear ROW corridor. At some time in the future, a formal road may be constructed within a 100' wide corridor that would be centered on the current ROW corridor. Survey coverage during the current project was sufficiently wide to cover both APEs.

ENVIRONMENT

The project area is located just north of and within approximately ½ to one mile of the U. S. Mexico border at the edge of the City of San Luis AZ. At either end of the project area are housing developments that have been recently built or are currently under construction.

The project area is located within the Yuma Desert, a hot, dry, barren area that is part of the Lower Colorado River Valley Subdivision of the Sonoran Desert Scrub biotic community (Brown and Lowe 1994) (Brown, ed. 1994). This is one of the hottest and driest parts of the Sonoran Desert. Plant growth is typically fairly open and plant communities are not very complex, reflecting intense competition for scarce water resources (Brown, ed. 1994).

Geologically the region is part of the Basin and Range physiographic province (Kamilli and Richards 1998).

The project area itself consists of very soft, sandy soils, with numerous small hillocks, and is dominated by a single plant species: creosote bush (*Larrea tridentata*) (Kearney and Peebles 1951). The vegetation is quite sparse. Many of the hillocks are perforated by numerous rodent holes. Altitude of the project area is roughly 140 feet above mean sea level.

Virtually no wildlife was observed during the survey, probably due to the intense heat and humidity. The single exception was a possible Desert Iguana (*Dipsosaurus dorsalis*) (Stebbins 2003) observed disappearing into a burrow.

Ground visibility for the survey was quite excellent, virtually 100%. Roughly the eastern half of the E-W segment of the survey corridor is within an in-use unpaved road. Much of the rest of area was partially disturbed by off-road vehicle tracks. A moderate scatter of modern trash covers virtually the entire area, and is likely associated with border activity due to the Spanish language labeling on most items. Discarded foam blocks with associated ties, used by undocumented immigrants and smugglers to mask their footprints on drag roads, were observed in a couple of locations along the survey corridor. The Border Patrol is quite active in the entire area as the border is only one-half to one mile away. Agents were observed dragging not only all dirt roads but also the sides of roads and trails. Dragging involves pulling several tires behind a truck, creating a smoothed dirt surface where fresh footprints from migrants and/or smugglers are easily seen. On the freshly smoothed road surface, it is intuitive that any new footprints observed would have been made since the last time the road was dragged.

CONTEXT

Culture History

Little is known of the prehistory of the Yuma Desert. Slightly more is known about the surrounding areas.

Humans are believed to have been in this region for more than 10,000 years, though recent research suggests this date may at some point be pushed back. Nevertheless the story of the human presence in Arizona as it is currently understood begins with what is called the Paleo-Indian period, roughly 11,500 to 9000 years before the present time. Little is known about these people beyond their finely crafted stone projectile points, sometimes found in association with the remains of large, extinct mammals. They were believed to have been mobile hunter-gatherers and represented one of the earliest waves of immigrants into the Americas (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997) (Sheridan 1995) (Wagoner 1975).

A change occurred around 7000 years ago, marked by a warming in climate, the disappearance of the large Pleistocene mega-fauna perhaps partly due to overhunting, and notable changes in the subsistence technology of people living in the region (Martin 2005) (Mabry 1998) Reid and Whittlesey 1997) Cordell 1997) (Martin and Klein, eds. 1984) (Martin 1967). This is referred to as the Archaic period when aboriginal populations increased, subsistence strategies diversified, and resource procurement was more closely linked with seasonal changes (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997).

The Archaic period culminated in the rise of agriculture in the American Southwest during what is called the Early Agricultural period from around 2200 to roughly 1500 years before the present time. Agriculture led to increased sedentism in areas that favored such a strategy, while other groups relied upon a seasonal migration route in their procurement of subsistence resources (Vierra, ed. 2005) (Mabry 1998) (Reid and Whittlesey 1997) (Cordell 1997) (Huckell 1996) (Sheridan 1995).

Another significant transition at the end of this period was the discovery of how to manufacture pottery. Social complexity grew across the American Southwest as agriculture, pottery, and trade facilitated the growth of larger and more permanent communities and the development of more complex belief systems as characterized in material culture.

Patayan is the name given to a poorly understood group during the prehistoric ceramic period. Patayan peoples are believed to have inhabited the upper and lower Colorado River region in western Arizona as well as small portions of southeastern California and northern Baja California in Mexico, including the current project area. McGuire and Schiffer (eds. 1982) and Stone (1987) have provided valuable albeit somewhat dated context studies and Class I cultural resource overviews of the Patayan.

A common language group referred to as Yuman defines several distinct groups that are believed to have inhabited the riverine habitats along the lower Colorado and lower Gila Rivers. What little archaeological work that has been done in and around the area and the little material culture described suggests that the historic Yumans lived lightly on the ground with minimal material culture in a fashion similar to their ancestors. The current project area borders closely on the aboriginal lands of the Cocopah, a Yuman group that lived along the Colorado River and in the

Colorado Delta region. They still retain a presence in the region, living near the current project are on reservation lands set aside by the Federal government.

The period from A. D. 1450 to around 1520 or later is referred to as the Protohistoric period. Significant changes in Native American population levels occurred, perhaps related to drought, migration, disease, or a combination of these things. It is a poorly understood period in Arizona history (Gilpin and Phillips n.d.). The arrival of the Spanish in the Southwest began the period of written history for which we have a fairly good record of events in the region (Kessell 2002). Anglo-Americans began arriving en masse during and just after the California Gold Rush (Stein 1994) (Sheridan 1995) (Gilpin and Phillips n.d.) (Wagoner 1970, 1975). The current project area came under American control with the signing of the Gadsden Treaty in 1853. A valuable summary of general Yuman history and more specifically Cocopah history and material culture along with a list of basic references can be found in Ortiz, ed. (1983).

San Luis, Arizona was founded in 1930 with the opening of a border crossing and it was incorporated in 1979. It is an important industrial, agricultural, and commercial area along with its cross-border sister San Luis Rio Colorado, Sonora, Mexico. San Luis is where civil rights leader, labor leader, and Medal of Freedom winner Cesar Chavez passed away in his sleep in the home of a retired farm worker at the age of 66 on April 23, 1993 (Stavans, ed. 2008).

Previous Research

Records examined for this project include those from AZSite (Arizona's cultural resources database), the General Land Office (GLO) Cadastral Survey Plat Images from the Bureau of Land Management (BLM) State Office, and the BLM Field Office in Yuma.

Additionally, archaeologist Shumaker visited the Cocopah Tribal Museum. A brief discussion with Jill McCormack, the Cocopah Tribe's Cultural Resource Manager, indicated that the Cocopah Tribe has no cultural resource concerns within or near the current survey location, and the tribe is not aware of any Traditional Cultural Properties (TCPs) or Sacred Sites that would be affected by this project.

An area of one mile surrounding the current project area was checked for previous cultural resource surveys and the presence of previously recorded historic properties. According to AZSite, the area immediately west of and adjacent to the current project area had been previously surveyed and no historic properties were identified. Two additional surveys were located roughly one mile north. AZSite indicated that the three survey records were on file at BLM Yuma. However, upon investigation, BLM Yuma staff was unable to locate the previous three survey reports, though internal maps suggested and seemed to confirm the surveys had been done and no sites were found near the current project area, which is consistent with the AZSite records. These three BLM survey areas are indicated on Figure 1.

A north-south linear survey crossing the current project area was done along the section line between Sections 8, 9, 16, and 17 by SWCA for El Paso Natural Gas in 1992. No historic properties were reported within or near the current project area (McQuestion and others 1992)

Another linear survey was performed along the U. S.-Mexico border and south of the current project area by Dames & Moore in 1995 for a new 34.5 kV power line. No historic properties were reported near the current project area (Darrington and Bruder 1995).

SURVEY RESULTS

Survey Methodology

On the morning of June 25, 2009, archaeologist Jon Shumaker performed a Class III intensive pedestrian cultural resources survey of the entire project area. The work was done under Bureau of Reclamation ARPA/Permit/Project Report # LC-AZ-09-08. Weather was partly cloudy, hot, and humid. Land surveyors had recently surveyed and staked, with wooden lathe and orange flagging, the centerline of the project corridor. The entire 1.5 mile long project area was covered by a single 20 meter-wide pedestrian transect passing in each direction on either side of the centerline for a total survey corridor width of 40 meters. The entirety of the ROW was carefully examined for the presence of prehistoric and historic artifacts, features, and historic properties/archaeological sites. The western portion of the main E-W segment was moderately disturbed desert habitat, while the eastern portion is also heavily disturbed because it is within or adjacent to an in-use sandy dirt road.

Historic Property Information

No historic properties/archaeological sites were found as a result of this survey.

Isolated Occurrences

No isolated occurrences (IOs) were found as a result of this survey.

SUMMARY AND RECOMMENDATIONS

The entire project area APE was thoroughly examined for the presence of historic properties/archaeological sites as well as prehistoric and historic artifacts or features. No historic properties were found as a result of the current survey. The project area is quite barren, and much of the ground surface is disturbed as a result of border-related activities.

It is recommended that this project be allowed to proceed with a finding of "no historic properties affected."

Any changes in the scope of this project that extend beyond the boundaries of the current survey area should be thoroughly reviewed and surveyed if necessary by a qualified archaeologist. Should any previously unidentified prehistoric or historic cultural remains be encountered during

any phase of the construction of this project, work in the immediate vicinity of the discovery should cease, steps should be taken to secure the protection of the remains, and Ms. Renee Kolvet, Environmental Protection Specialist/Archaeologist, Bureau of Reclamation, 702-293-8443 (Phone), rkolvet@usbr.gov (E-mail) should be notified immediately in order to make arrangements for the proper treatment of the remains.

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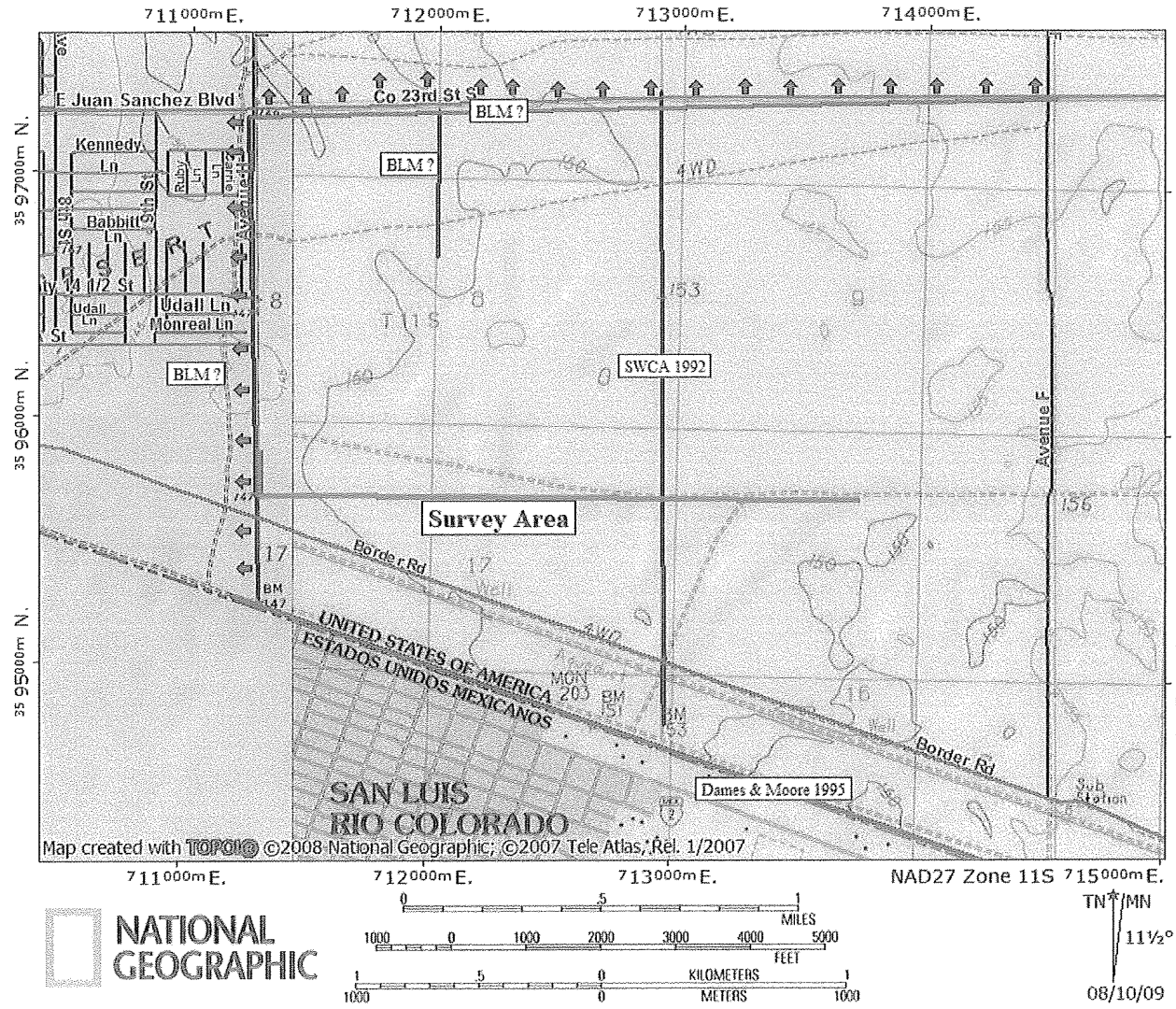
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"Figure 1--San Luis Water Main Cultural Resource Survey"



KEY

Current Survey Area

↑ Previous Surveys, Survey Areas



Figure 2. Looking South Along N-S Leg Toward U.S.-Mexico Border



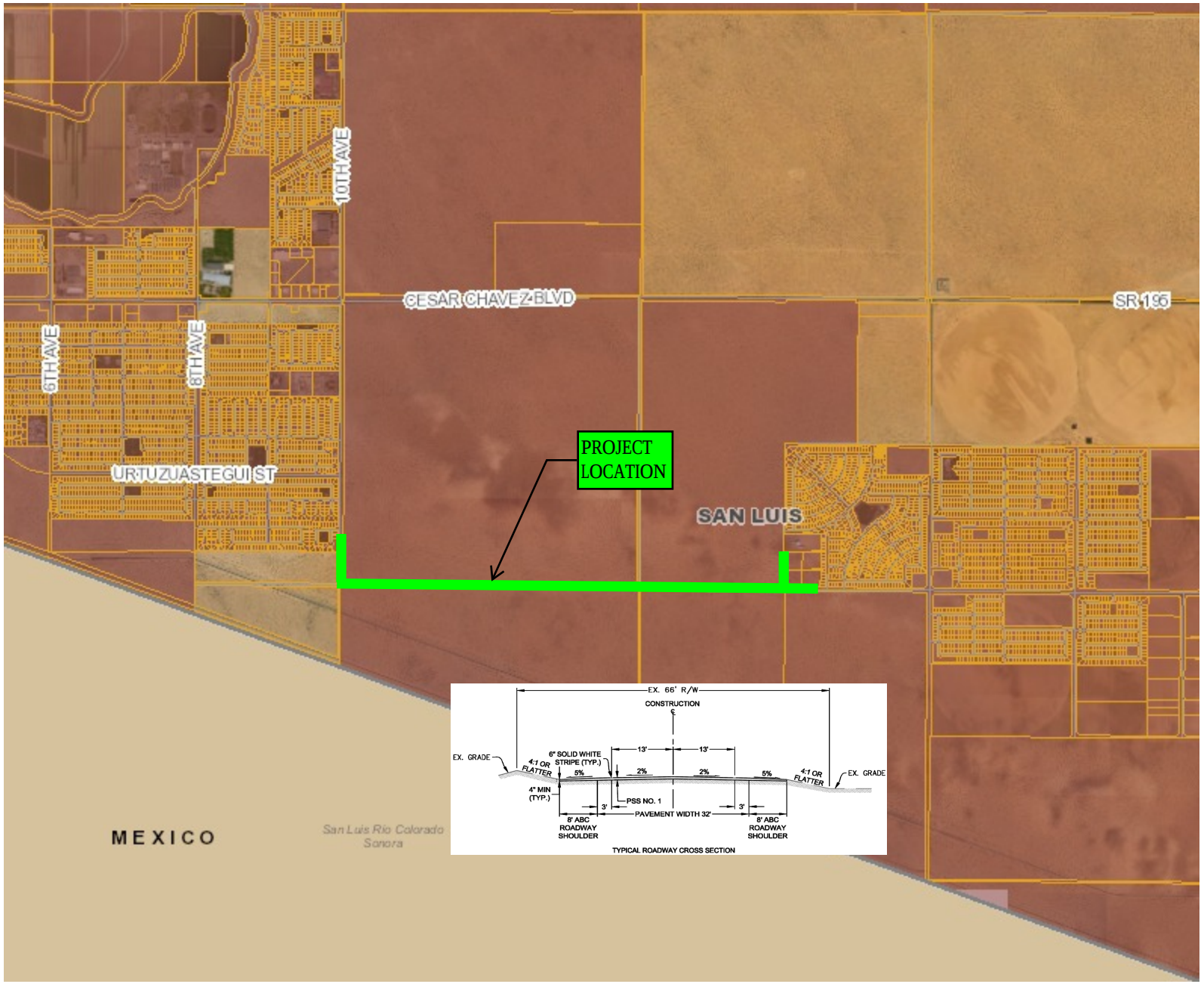
Figure 3. Looking East Along E-W Segment



Figure 4. Looking West Along E-W Leg



Figure 5. Reclamation Marker





Legend

- Parcels
- Interstate & HWY
- Vicinities
- Military Boundaries
- Municipalities
  - SAN LUIS
  - SOMERTON
  - TOWN OF WELLTON
  - YUMA

1: 31,519

YUMA COUNTY

Geographic Information System

INFORMATION TECHNOLOGY SERVICES

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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