

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES  
ON FEDERAL LANDS AND PROPERTYFORM 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 853643. Applicant telephone number and email:  
(928) 341-8577, (928) 941-6505  
evera@sanluizaz.govAuthorized agent telephone number and email:  
(928) 782-7926  
jdavey@jdcivil.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 Required10. Nonrefundable application fee:  Attached  Not required  To be determined by agency11. 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 Records 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

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.

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.

**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	
<b>I - PRIVATE CORPORATIONS</b>	ATTACHED	FILED *
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
<b>II - PUBLIC CORPORATIONS</b>		
a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>
<b>III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY</b>		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>

\* 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.

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**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 24<sup>th</sup> 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 23<sup>rd</sup> Street (Cesar Chavez Blvd) 1-mile north of the proposed project. As the east side of San Luis

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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 24<sup>th</sup> 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 24<sup>th</sup> 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 24<sup>th</sup> 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).



14-06-303-3644

## WARRANTY DEED

THIS INDENTURE, made this 17<sup>th</sup> 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 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, 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 (nee Brabyn) (Exl)*  
Jane B. King, AKA Jane Brabyn  
Ten Eyck, Grantor

*Clark L. King*  
Clark L. King, husband of Jane B. Brabyn

(Individual)

BOOKET 941 PAGE 338



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 - - -

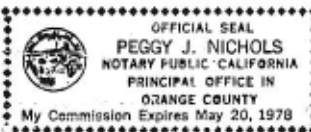
STAPLE HERE

\_\_\_\_\_ 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

*[Handwritten Signature]*



(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)



*[Handwritten Signature]*  
(Notary Public's Signature)

02320-2 2-74\* 25 P.S. Individual Notarial Acknowledgment

(Individual)



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///

STAPLE HERE

\_\_\_\_\_ 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.

Signature

*[Handwritten Signature]*  
PATRICIA COLEMAN



(This area for official notaries seal)

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 H. Brabyn

\_\_\_\_\_ known to me to be the person(s) whose names are subscribed to the within instrument and acknowledged that they executed the same.

*[Handwritten Signature]*

Terry L. Prince

Name (Typed or Printed)  
Notary Public in and for said County and State



Misc. 158 (2.8) - Ack. Individual (Rev. 9-68)

AFFIDAVIT

To: State of Arizona, County of Yuma

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, Trustor*  
Chester E. Brabyn

*Helen M. Brabyn, Trustee*  
Helen M. Brabyn

\_\_\_\_\_  
Notary Public





State of Arizona  
County of Yuma  
# 26559

I hereby certify that the within instrument  
was filed and recorded at the request of  
ARIZONA TITLE & TRUST CO. OF YUMA

THIS INSTRUMENT WAS FILED AND RECORDED  
ON APRIL 17 PM 4 38

IN BOOK 26559 PAGE 40

Witness my hand and official seal this 17th day  
of April 1900.

CARA N. ALLEN  
COUNTY RECORDER  
H. H. Haldie  
CLERK OF COUNTY

100

[Faint, mostly illegible text, likely the body of a deed or legal instrument. Some words like 'whereas', 'and', 'to have and to hold' are visible.]

[Handwritten signatures and names, including 'John H. Haldie' and 'Cara N. Allen', with lines for names.]

ORIGINAL

Contract No. 09-07-34-L1632

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8  
9 UNITED STATES  
10 DEPARTMENT OF THE INTERIOR  
11 BUREAU OF RECLAMATION  
12 LOWER COLORADO REGION  
13 YUMA AREA OFFICE  
14 YUMA, ARIZONA  
15

16 COLORADO RIVER BASIN SALINITY CONTROL PROJECT  
17 PROTECTIVE AND REGULATORY  
18 PUMPING UNIT, TITLE 1 DIVISION  
19

20 CONSENT AGREEMENT  
21

22 THIS CONSENT AGREEMENT (Consent), is made this 4<sup>th</sup> day of April,  
23 20 11, pursuant to provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388); the  
24 Reclamation Project Act of August 4, 1939 (53 Stat. 1187), as amended August 18, 1950  
25 (64 Stat. 463); and acts amendatory thereof or supplementary thereto; and provisions of  
26 43 C.F.R § 429, between the United States of America, acting through the Bureau of  
27 Reclamation, hereinafter referred to as "Reclamation," represented by the officer executing this  
28 Consent, hereinafter referred to as the "Area Manager," and the City of San Luis, hereinafter  
29 referred to as the "Consentee,"  
30

31 WITNESSETH:  
32

33 WHEREAS, the Consentee seeks use authorization from Reclamation to construct, reconstruct,  
34 install, operate and maintain a 16-inch waterline, within, on and/or across certain rights-of-way  
35 which Reclamation acquired for the Project; and  
36

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

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

5  
6 1. DESCRIPTION OF IMPROVEMENTS AND ASSOCIATED USE AREAS:  
7

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

10  
11 The Consentee's 16-inch waterline herein described shall hereinafter be referred to,  
12 collectively, as the "Waterline." The Reclamation rights-of-way herein described and defined  
13 shall hereinafter be referred to, collectively, as the "Use Areas."  
14

15 2. **ASSIGNMENT:** This Consent is personal, revocable and nontransferable and shall not  
16 be construed as granting to the Consentee any right, title or interest in the Use Areas or any other  
17 property, facilities or works of the United States and/or Reclamation.  
18

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

26 4. **EXCEPTIONS AND RESERVATIONS:**  
27

28 (a) The United States and/or Reclamation reserves the right of its/their officers,  
29 agents and employees to at all times have unrestricted access and ingress to, passage over and  
30 egress from all of the Use Areas to make investigations of all kinds, dig test pits and drill test  
31 holes, to survey for and construct reclamation and irrigation works and other structures incident  
32 to federal reclamation projects.  
33

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

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

11  
12 (c) Reclamation reserves the right to inspect the Consentee's, or its assigns under the  
13 terms of this Consent, Waterline, both during the progress of construction and upon completion  
14 thereof.

15  
16 (d) Jurisdiction of and supervision by Reclamation over the Use Areas is not  
17 surrendered or subordinated by issuance of this Consent and the United States and/or  
18 Reclamation reserves the right to issue additional Consent or other agreements for compatible  
19 uses of the Use Areas.

20  
21 5. **INDEMNITY:** The Consentee hereby agrees to hold harmless and indemnify the  
22 United States and/or Reclamation, its/their employees, agents, successors or assigns from and  
23 against any claims, demands, costs, losses, causes of action, damages or liability of whatsoever  
24 kind or nature arising out of or resulting from acts of negligence of the Consentee, its officers,  
25 agents, employees or contractors in the utilization by the Consentee of the rights granted to it  
26 pursuant to this Consent. Additionally, except for acts of negligence, the Consentee releases the  
27 United States and/or Reclamation, its/their officers, employees, successors and assigns from any  
28 and all liability for damage arising from injury to persons or damage to structures, equipment,  
29 improvements or works of the Consentee resulting from the construction, operation or  
30 maintenance of any of the works of the United States and/or Reclamation. Provided, however,  
31 that nothing contained in this clause shall be deemed to modify or limit any liability which may  
32 be imposed by the Federal Tort Claims Act, 28 U.S.C, § 2617 et seq. (1970).

33  
34 6. **TERMINATION:** This Consent shall terminate and all rights of the Consentee hereunder  
35 shall cease upon the following:

36  
37 (a) At the expiration of the term as provided by Article 3; or

38  
39 (b) Upon mutual, written agreement by the parties hereto; or  
40

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

3  
4 (d) After failure of the Consentee to observe any of the conditions of this Consent,  
5 and on the tenth day following service of written notice on the Consentee of termination because  
6 of failure to observe such conditions; or

7  
8 (e) Upon a determination by Reclamation that any activity by the Consentee in or  
9 upon the Use Areas is or was illegal.

10  
11 7. MISCELLANEOUS CONDITIONS:

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

15  
16 (b) All construction, use and maintenance activities undertaken pursuant to this  
17 Consent shall be in conformity with the specifications approved in advance by the Area Manager  
18 and shall be conducted by the Consentee at all times in a manner satisfactory to the Area  
19 Manager.

20  
21 (c) The Consentee shall at all times keep the Use Areas, including construction areas  
22 used by the Consentee, free from accumulations of waste materials or rubbish.

23  
24 (d) During construction and use of the Use Areas, the Consentee shall carry out  
25 proper and efficient measures wherever and as often as necessary to reduce nuisance by dust, and  
26 to prevent dust which has originated from its operations from damaging any other properties or  
27 causing a nuisance to persons.

28  
29 (e) The Consentee shall reimburse the United States and/or Reclamation for any and  
30 all costs and expenses incurred in the defense of any action which challenges the Consentee's  
31 use of the Use Areas.

32  
33 (f) The Consentee shall not use the Use Areas or permit the use thereof for any  
34 purpose except as set forth herein.

35  
36 (g) Upon termination of this Consent for any reason, the Consentee may be required,  
37 at the option of the United States and/or Reclamation, to remove the Waterline placed in or upon  
38 the Use Areas and shall restore the Use Areas to a condition satisfactory to the Area Manager. If  
39 the Consentee fails to remove the Waterline within sixty (60) days after termination of this  
40 Consent, the Area Manager may, on behalf of the United States and/or Reclamation, deny and

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

5  
6 (h) The Consentee shall provide a construction schedule and 72-hours notice to  
7 Reclamation prior to start of construction. Said 72-hours notice shall be provided to  
8 Reclamation's Technical Services Group Manager at telephone No. 928-343-8100 so that an  
9 inspector can be on-site during construction activities.

10  
11 (i) Upon completion of installation of Waterline, Consentee shall furnish  
12 Reclamation with as-built drawings depicting the location of said Waterline, as installed.

13  
14 8. OFFICIALS NOT TO BENEFIT: No Member of or Delegate to Congress or Resident  
15 Commissioner, and no officer, agent or employee of the Department of the Interior, shall be  
16 admitted to any share or part of this Consent or to any benefit that may arise herefrom, but this  
17 restriction shall not be construed to extend to this Consent if made with a corporation or  
18 contractor for its general benefit.

19  
20 9. COVENANT AGAINST CONTINGENT FEES: The Consentee warrants that no person  
21 or agency has been employed or retained to solicit or secure this Consent upon an agreement or  
22 understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide  
23 employees or bona fide established agencies maintained by the Consentee for the purpose of  
24 securing business. For breach or violation of this warranty, the United States and/or Reclamation  
25 shall have the right to annul this Consent without liability or in its discretion to require the  
26 Consentee to pay, in addition to the right-of-use consideration, if any, the full amount of such  
27 commission, percentage, brokerage or contingent fee.

28  
29 10. DISCOVERY OF CULTURAL RESOURCES: The Consentee shall immediately  
30 provide an oral notification to Reclamation of the discovery of any and all antiquities or other  
31 objects of archaeological, cultural, historic or scientific interest on Reclamation lands. The  
32 Consentee shall follow up with a written report of their finding(s) to Reclamation within  
33 forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or  
34 prehistoric ruins, human remains, funerary objects and artifacts discovered as a result of  
35 activities authorized under this Consent. The Consentee shall immediately cease the activity in  
36 the area of the discovery, make a reasonable effort to protect such discovery and wait for written  
37 approval from Reclamation before resuming the activity. Protective and mitigative measures  
38 specified by Reclamation shall be the responsibility of the Consentee.

1 11. HAZARDOUS MATERIALS:

2  
3 (a) The Consentee may not allow contamination or pollution of lands, waters or  
4 project works of the United States and/or Reclamation for which the Consentee has the  
5 responsibility for care, operation and maintenance by its employees or agents and shall take  
6 reasonable precautions to prevent such contamination or pollution by third parties.  
7

8 (b) The Consentee shall comply with all applicable Federal, State and local law and  
9 regulations and Reclamation policies and instructions, existing or hereafter enacted or  
10 promulgated, concerning any hazardous material that will be used, produced, transported, stored  
11 or disposed of on or in lands, waters or project works of the United States and/or Reclamation.  
12

13 (c) "Hazardous material" means any substance, pollutant or contaminant listed as  
14 hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act  
15 of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that  
16 Act. In addition it shall include thermal pollution, refuse, garbage, sewage effluent, industrial  
17 waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers  
18 or any other pollutants.  
19

20 (d) Upon discovery of any event which may or does result in contamination or  
21 pollution of lands, water or project works of the United States and/or Reclamation, the Consentee  
22 shall initiate emergency measures to protect health and safety and the environment if necessary  
23 and shall provide notice of such discovery with full details of the actions to Reclamation's  
24 Environmental Planning and Compliance Group Manager at telephone No. 928-343-8100.  
25 Additionally, all spills regardless of size, shall be reported to Reclamation's Environmental  
26 Planning and Compliance Group Manager. Such notice shall be within a reasonable time period  
27 but not to exceed 24 hours from the time of discovery if it is an emergency and the first working  
28 day if it is a non-emergency.  
29

30 (e) Violation of any of the provisions of this Article, upon which the Consentee does  
31 not take immediate corrective action, may, as determined by Reclamation, constitute grounds for  
32 termination of this Consent and shall make the Consentee liable for the cost of full and complete  
33 remediation and/or restoration of any resources or facilities of the United States and/or  
34 Reclamation that are adversely affected as a result of the violation.  
35

36 (f) The Consentee agrees to include the provisions contained in paragraphs (a)  
37 through (e) of this Article in any subcontract or third party contract it may enter into pursuant to  
38 this Consent.  
39  
40

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

3  
4 12. CLEAN AIR AND WATER: The Consentee agrees as follows:

5  
6 (a) To comply with all Federal, state, and local requirements of the Clean Air Act  
7 (CAA) and the Clean Water Act (CWA); and

8  
9 (b) To obtain written permission from Reclamation prior to conducting any activities  
10 that require permits, plans, or certificates under the CAA or the CWA; and

11  
12 (c) To provide Reclamation with a copy of any correspondence between the  
13 Consentee and any regulatory agency concerning CAA or CWA compliance, including, but not  
14 limited to, copies of permit applications, permits, reports, notices of violation or enforcement  
15 actions; and

16  
17 (d) To take immediate and effective action to correct any violation related to the  
18 CAA or the CWA. Provide Reclamation with a narrative description of the violation, the actions  
19 taken by the Consentee, the date the violation began, the date that the Consentee became aware  
20 of the violation and the date that the Consentee returned to compliance; and

21  
22 (e) To take action to comply with any changes to the CAA and the CWA within the  
23 schedule required by the regulation, rule or guidance.

24  
25 13. NOTICES:

26  
27 (a) Any notices required by this Article shall be served by certified mail addressed to  
28 the respective addresses given herein and the mailing of any such notice properly enclosed,  
29 addressed, stamped and certified, shall be considered service.

30  
31 (b) Any notice, demand or request required or authorized by this Consent to be given  
32 or made to or upon the United States and/or Reclamation shall be deemed properly given or  
33 made if delivered or mailed postage-prepaid, to the Area Manager, Yuma Area Office, Bureau of  
34 Reclamation, 7301 Calle Agua Salada, Yuma, Arizona 85364.

35  
36 (c) Any notice, demand or request required or authorized by this Consent to be given  
37 or made to or upon the Consentee shall be deemed properly given or made if delivered or mailed  
38 postage-prepaid, to the City of San Luis, P.O. Box 1170, San Luis, Arizona, 85340-1170.

1 (d) The designation of the person to or upon whom any notice, demand or request is  
2 to be given or made, or the address of such person may be changed at any time by notice given in  
3 the same manner as provided in this Article for other notices.  
4

5 14. NO WARRANTY: Reclamation makes no warranty, express or implied, as to the extent  
6 or validity of the grant contained herein.  
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1 IN WITNESS WHEREOF, the parties hereto have signed their names to this CONSENT  
2 AGREEMENT to become effective the day and year first above written.  
3  
4  
5  
6

7 THE UNITED STATES OF AMERICA

8  
9  
10 By: Christopher M. Wallis  
11 Christopher M. Wallis, Director  
12 Resource Management Office  
13 Yuma Area Office  
14 Lower Colorado Region  
15 Bureau of Reclamation

16  
17 Date: 4/4/2011  
18  
19  
20

21 CITY OF SAN LUIS

22  
23  
24 By: John Stankov  
25  
26 Title: Director of Public Works

27  
28 Date: Sept 15, 2010  
29  
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31  
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5  
6 ACKNOWLEDGMENT  
7  
8

9 State of Arizona)  
10 ) ss.  
11 County of Yuma )  
12

13 On this 15<sup>th</sup> day of September, 20 10, before me,

14  
15 Melissa Lopez, a Notary Public in and for said County and State

16  
17 personally appeared John Starkey, Public works Director  
18 Name Title

19  
20 known to me to be the person described in the foregoing instrument, and acknowledged to me  
21  
22 that he executed the same on behalf of the City of San Luis, Arizona, in the capacity  
23  
24 therein stated and for the purpose therein contained.  
25

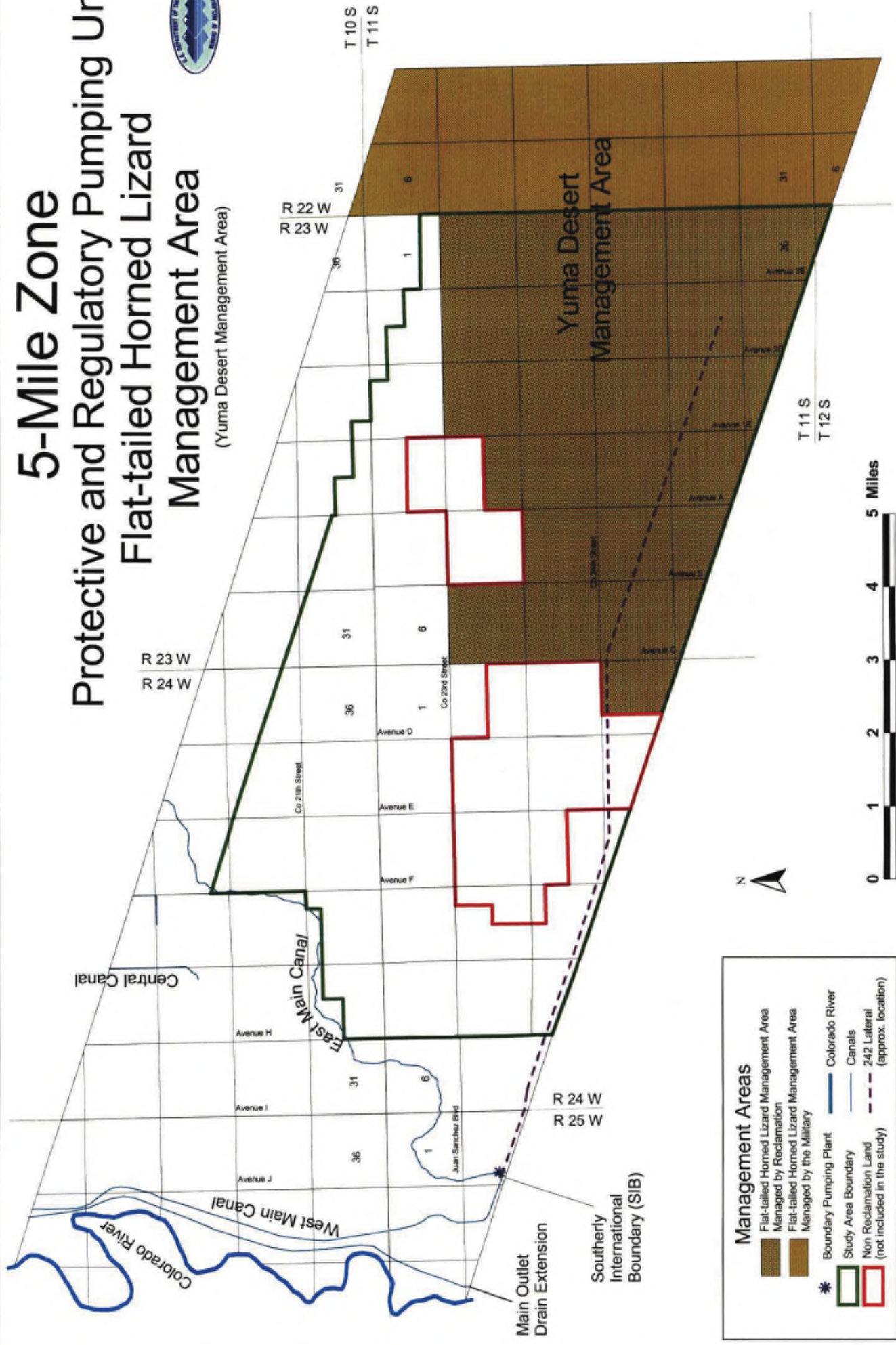
26  
27  
28 Melissa Lopez  
29 Notary Public in and for the  
30 County of Yuma, State of Arizona



34 My Commission Expires: 5/10/2014  
35  
36  
37  
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39  
40

# 5-Mile Zone Protective and Regulatory Pumping Unit Flat-tailed Horned Lizard Management Area

(Yuma Desert Management Area)



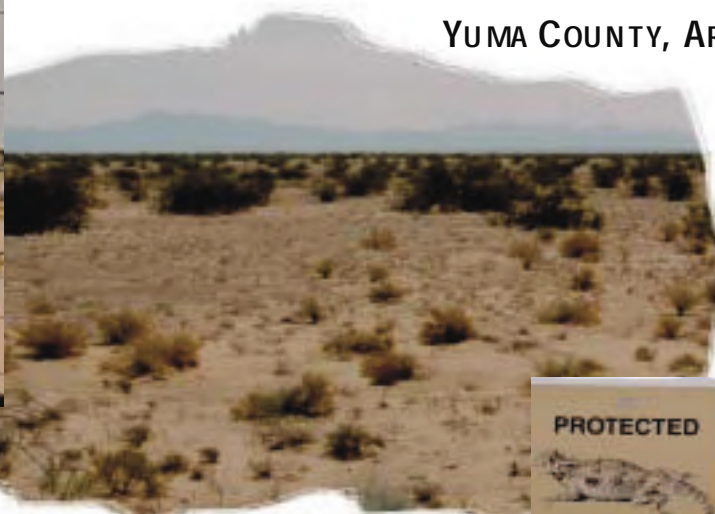
**Management Areas**

- 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)
- \* Main Outlet Drain Extension

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# 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.

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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 Agua Salada  
Yuma AZ 85364-9763**

# Finding of No Significant Impact

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## 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 Range-wide 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

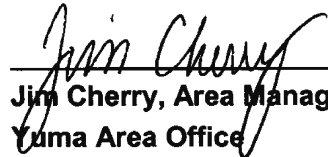
In the course of preparing the RMP/ EA, Reclamation conducted consultation and coordination in accordance with the following laws and requirements. Chapter I of the RMP/ EA provides detailed information pertaining to specific coordination efforts.

- ❖ 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.

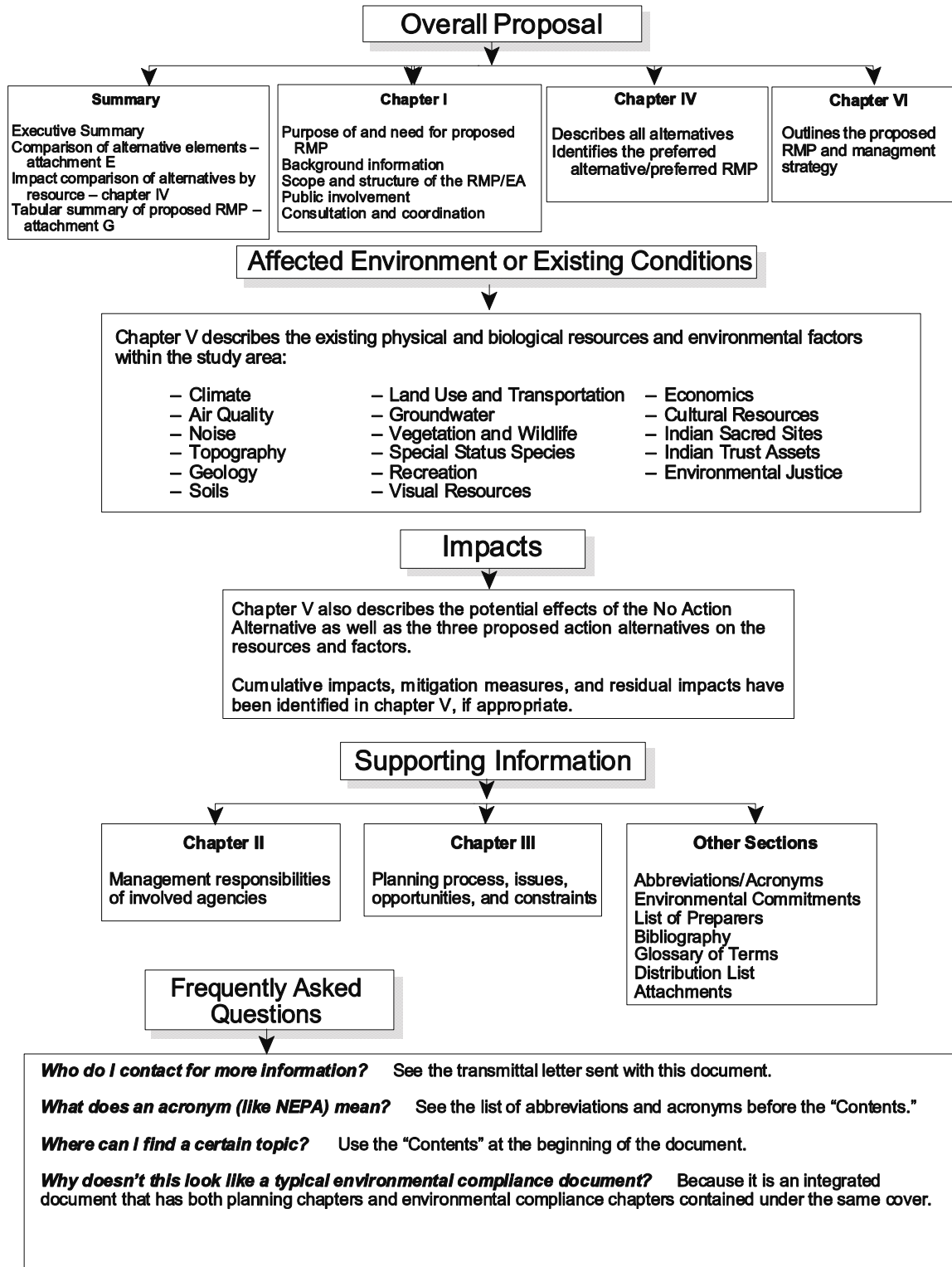
Approved:

  
\_\_\_\_\_  
Jim Cherry, Area Manager  
Yuma Area Office

3-18-04  
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.



# Executive Summary

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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,<sup>1</sup> 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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<sup>1</sup> "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

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<b>Act</b>	Colorado River Basin Salinity Control Act of 1974, as amended	<b>mg/L</b>	Milligrams per liter
<b>ADEQ</b>	Arizona Department of Environmental Quality	<b>MLWA</b>	Military Lands Withdrawal Act
<b>ADOT</b>	Arizona Department of Transportation	<b>NAFTA</b>	North American Free Trade Agreement
<b>AGFD</b>	Arizona Game and Fish Department	<b>NEPA</b>	National Environmental Policy Act
<b>APE</b>	Area of potential effect	<b>NHPA</b>	National Historic Preservation Act
<b>ASH</b>	Area Service Highway	<b>OHV</b>	Off-highway vehicle
<b>BIA</b>	Bureau of Indian Affairs	<b>OIG</b>	Office of the Inspector General
<b>BLM</b>	Bureau of Land Management	<b>O&amp;M</b>	Operation and maintenance
<b>BMGR</b>	Barry M. Goldwater Range	<b>P.L.</b>	Public Law
<b>Border Patrol</b>	U.S. Border Patrol	<b>ppm</b>	Parts per million
<b>CA</b>	Conservation Agreement	<b>PRPU</b>	Protective and Regulatory Pumping Unit
<b>CD</b>	Compact disc	<b>Rangewide Management Strategy</b>	2003 Flat-Tailed Horned Lizard Rangewide Management Strategy
<b>CEQ</b>	Council on Environmental Quality	<b>Reclamation</b>	Bureau of Reclamation
<b>CFR</b>	Code of Federal Regulations	<b>RMP/EA</b>	Resource management plan/ environmental assessment
<b>CSP</b>	Commercial Services Plan	<b>Service</b>	U.S. Fish and Wildlife Service
<b>DHS</b>	Department of Homeland Security	<b>SHPO</b>	State Historic Preservation Officer
<b>District</b>	Hillander "C" Irrigation District	<b>SIB</b>	Southerly International Boundary
<b>DM 613</b>	<i>Departmental Manual 613</i>	<b>SIP</b>	State Implementation Plan
<b>EPA</b>	Environmental Protection Agency	<b>SR195</b>	State Route 195
<b>ESA</b>	Endangered Species Act	<b>Stat.</b>	Statute
<b>FWCA</b>	Fish and Wildlife Coordination Act	<b>study area</b>	Protective and Regulatory Pumping Unit
<b>GIS</b>	Geographic Information System	<b>TDS</b>	total dissolved solids
<b>GSA</b>	General Services Administration	<b>TEA-21</b>	Transportation Equity Act for the 21 <sup>st</sup> Century
<b>GYPA</b>	Greater Yuma Port Authority, Inc.	<b>team</b>	A Reclamation interdisciplinary team
<b>IBWC</b>	International Boundary and Water Commission	<b>toolbox</b>	Toolbox for the Great Outdoors
<b>IBWC 242 Minute</b>	Minute No. 242 of the International Boundary and Water Commission	<b>treaty</b>	1944 Water Treaty
<b>INA</b>	Immigration and Nationality Act	<b>T&amp;E</b>	Threatened and endangered
<b>Land Use Plan</b>	Lower Colorado River Land Use Plan	<b>U.S.C.</b>	United States Code
<b>MA</b>	Management area	<b>YAWRMG</b>	Yuma Area Water Resources Management Group
<b>MCAS</b>	Marine Corps Air Station	<b>YMPO</b>	Yuma Metropolitan Planning Organization

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# Environmental Commitments

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## 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 Rangelwide Management Strategy [Rangelwide 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 within 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 lizards 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 if 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 MA's, 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

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**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

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## 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  
Quintero, 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  
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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](mailto: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 24<sup>th</sup> St. alignment between Avenue H and Avenue F<sup>1/2</sup>, 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 1/2 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 24<sup>th</sup> 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 area 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](mailto: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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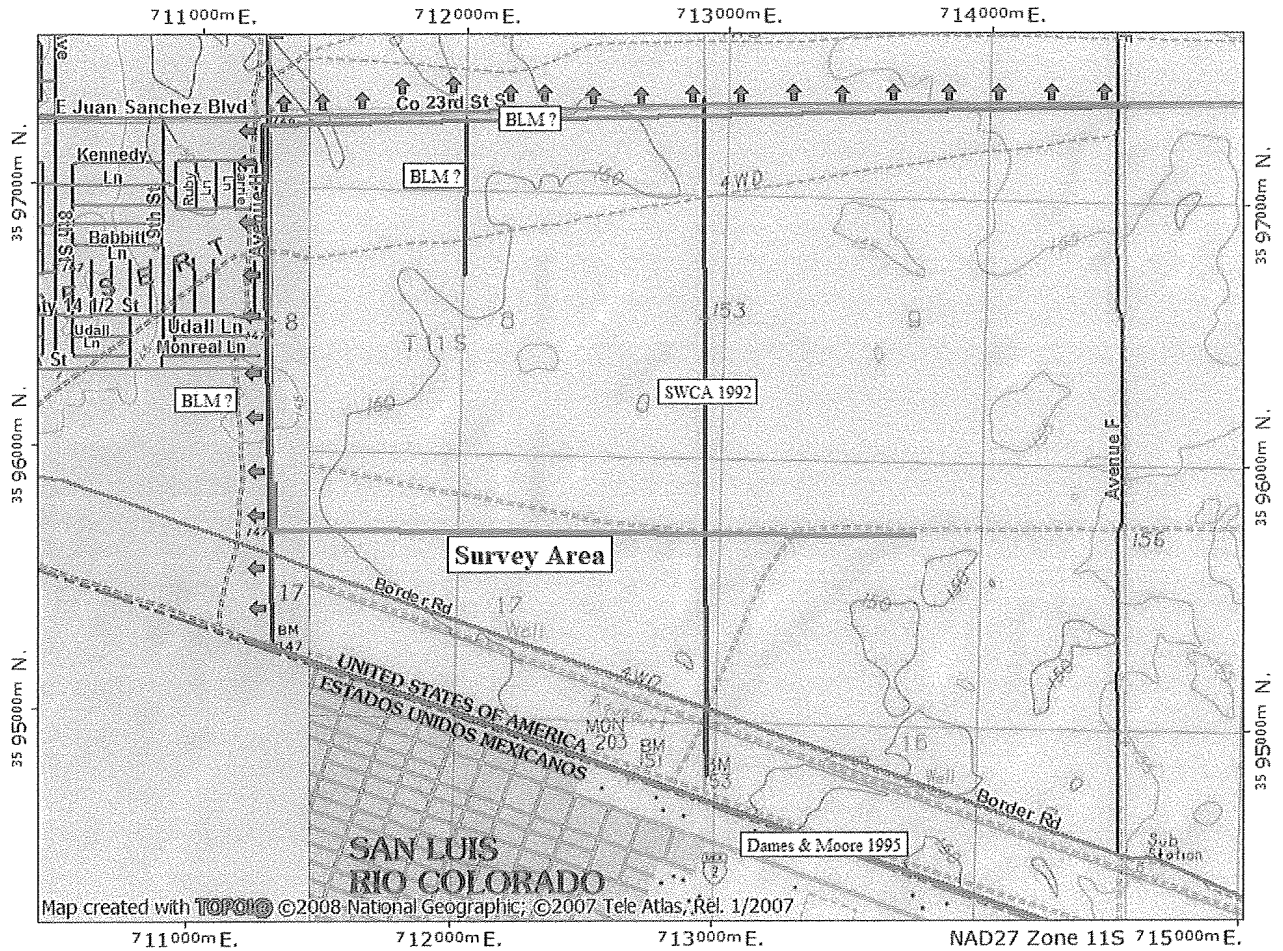
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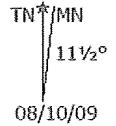
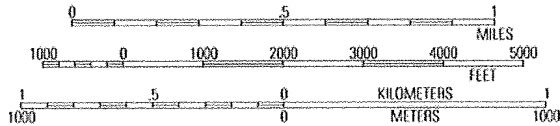
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"Figure 1--San Luis Water Main Cultural Resource Survey"



Map created with TOPOLIC ©2008 National Geographic; ©2007 Tele Atlas, Rel. 1/2007



**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**