COMMENTS APPENDIX

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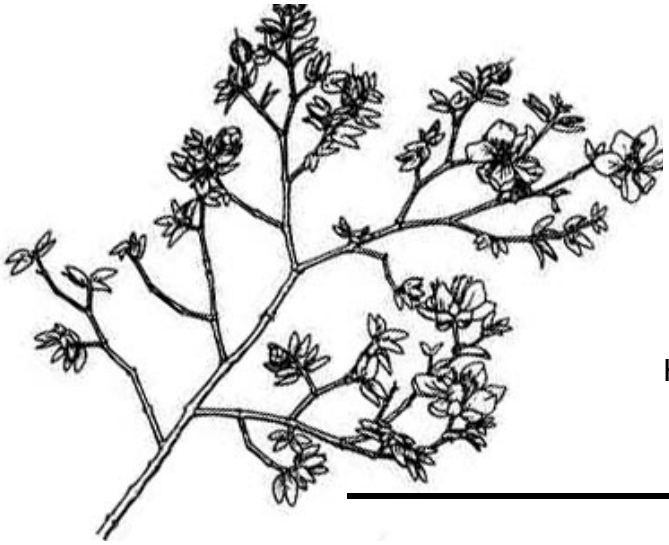

Comments Appendix

The Comments Appendix contains the 14 comment letters received on the public draft resource management plan and environmental assessment (RMP/EA). The draft was distributed to the public for review on August 25, 2003. The comments have been taken into consideration in preparing the final RMP/EA for distribution to the public. The Bureau of Reclamation wishes to thank all those individuals and organizations that took the time to review and comment on the public draft and looks forward to implementing the various actions described in the final document.

This appendix includes comments from the following agencies:

- International Boundary and Water Commission, El Paso, Texas
- U.S. Fish and Wildlife Service, Arizona Ecological Services Field Office, Phoenix, Arizona
- Laguna Natural Resource Conservation District, Yuma, Arizona
- Yuma Natural Resource Conservation District, Yuma, Arizona
- The State of Arizona Game and Fish Department, Region IV, Phoenix, Arizona
- Arizona Department of Water Resources, Phoenix, Arizona
  Also received by fax and U.S. Mail
- Office of the Board of Supervisors, Yuma County Arizona, Yuma, Arizona
- Department of Development Services, Yuma County Arizona, Yuma, Arizona
- City of San Luis, San Luis, Arizona
  Also received by fax
- Yuma County Water Users' Association, Yuma, Arizona
  Also received by fax
- Greater Yuma Economic Development Corporation, Yuma, Arizona
- The Greater Yuma Port Authority, Yuma, Arizona
- Hillander "C" Irrigation District, Yuma, Arizona
  Also received by fax
- Yuma Audubon Society, Yuma, Arizona

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

SEP 2 2 2003

5-Mile Zone, D-8580
Bureau of Reclamation
Attn: Ms. Kimber Kirkland
P.O. Box 25007
Denver, Colorado 80225-0007

Dear Ms. Kirkland:

The United States Section, International Boundary and Water Commission (USIBWC), provides review comments on the "5-Mile Zone Study Area Draft Resource Management Plan/Environmental Assessment" dated August 2003. The document is on management of land and water resources.

General Comments:

International Boundary and Water Commission, United States and Mexico (IBWC), oversees application of numerous boundary and water treaties and related agreements between the Governments of the United States and Mexico. Based on Bureau of Reclamation information, the proposed activities will not impact IBWC international boundary and water treaties and agreements, and USIBWC responsibilities.

Specific Comments:

- Page titled "Acronyms and Abbreviations" and elsewhere. Revise "Minute" to "IBWC Minute." Revise the stated "1944 Mexican Water Treaty," to "1944 Water Treaty," as that is the abbreviation for "Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande" signed November 14, 1944.

- Page IV-12. Revise the statement regarding signs to be placed near the international boundary to indicate the location of the boundary. Inform that signs would state that a person is entering the United States, or better, make simple interpretive signs in Spanish and English.

- Page DL-4, Distribution List, Interested Organizations and Individuals. Insert "United States Section" before "International Boundary and Water Commission, Yuma, El Paso, Texas."

If you have questions, please call Environmental Protection Specialist Steve Fox at (915) 832-4736.

Sincerely,

Douglas Echlin
Acting Chief
Environmental Management Division

The Commons, Building C, Suite 310 • 4171 N. Mesa Street • El Paso, Texas 79902
(915) 832-4100 • (FAX) (915) 832-4190 • http://www.ibwc.state.gov

LND-6.00-5 Mile Zone

United States Department of the Interior
U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
Telephone: (602) 242-0210 Fax: (602) 242-2513

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ACTION 7120
REPLY DATE 10/10/03
DATE ACTION TAKEN

DATE	INITIALS	CODE
9/24		7120
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Classification
Project
Control No. 3002447
Folder I.D. 6451
Keyword

In Reply Refer to:
AESO/SE
02-21-01-I-0400

September 19, 2003

Memorandum

To: Area Manager, Yuma Area Office, Bureau of Reclamation, Yuma, Arizona

From: ACTING Field Supervisor

Subject: Draft Resource Management Plan and Environmental Assessment (RMP/EA) for the 5-Mile Zone Study Area (Protective and Regulatory Pumping Unit), Yuma County, Arizona

Thank you for your memorandum of August 25, 2003 transmitting to us the subject draft Resource Management Plan and Environmental Assessment (RMP/EA) document for our review. We previously responded to your July 24, 2001 request for a list of threatened and endangered species under the Endangered Species Act of 1973, as amended, with a memorandum dated August 17, 2001 (consultation number 02-21-01-I-0400). Species on that list were evaluated in the draft RMP/EA. We have the following comments for your consideration in finalizing the draft document.

General Comments

A significant focus for the RMP/EA is the conservation of the flat-tailed horned lizard (*Phrynosoma mcallii*) within the Yuma Desert Management Area of the 5-Mile Zone. Unfortunately, the RMP/EA uses the 1997 version of the management strategy, not the 2003 version (May 2003). As there are differences in some of the particular management actions or direction between the 1997 and 2003 versions, please use the 2003 version to plan for the management of the 5-Mile Zone. While it is assumed the management strategy is included in all alternatives (language on page IV-2), this does not appear to be carried through for all alternatives. If the 2003 management strategy, in its entirety, is not part of all alternatives, the RMP/EA should reflect this under the relevant alternatives. At the least, the preferred alternative, Alternative D, should include full implementation of the 2003 management strategy. There are several areas of the document that will need to be updated to incorporate the 2003 management strategy for this RMP/EA. We will identify several of these areas in our specific comments on the text.

The initial Chapters (I-III) describe in detail the background of legal and regulatory needs for the 5-Mile Zone, the existing responsibilities of other agencies and groups in the management of the Zone, and identify the issue categories for later analysis. However, a comprehensive description of the current biological status and conditions within the Zone study area is not included. This

information is provided in separate discussions in Chapter V (Affected Environment and Environmental Consequences) and is never pulled together into one descriptive package to set the stage for the analysis. We suggest that a description of the Zone that would include, as a minimum, existing land use, vegetation mapping, and land ownership mapping with supporting text be provided in Chapter 1. The current text in Chapter 1 (pages I-5 through I-7) does not provide the level of detail for a reviewer to understand the area sufficiently to appreciate the materials in the subsequent chapters. Much of the legal and regulatory material in the initial chapters may be best included as an appendix, not as introductory material.

We suggest that map I-2 clearly delineate the boundaries of the entire Zone, not just the study area for this document. The map should show the boundaries of the Yuma Desert Management Area, and clearly differentiate between the "western" portion of the Zone which is not included in the Management Area. Since there are many references in the document to other agencies' interests in the Zone, it would be helpful to have a better reference point.

We suggest that additional information be provided on the 160,000 acre-feet (af) of groundwater that is part of the compliance under Minute 242, specifically, how much of the 140,000 af set aside for delivery to Mexico is, or is not, available for commitment to other users. Text in the document state that the full 140,000 af is not delivered yearly; in most years, considerably less is provided. Of the remaining 20,000 af available under the cap, the Hillander "C" Irrigation District uses approximately 16,000 af and the state prison uses 400 af. This leaves 3,600 af per year available for new development within the Zone if none of the 140,000 af can be committed to non-Mexico uses. Please explain more fully the "reserved" nature of the 140,000 af and the amount of flexibility you have in using some of that water for other purposes when it is not needed for delivery to Mexico at this time. It is difficult to analyze the effects to groundwater of the different alternatives without a sense of how available this water is for development in the future.

There should be some discussion of the mitigation for proposed development projects that are included as common to all alternatives, particularly those where their implementation would be at odds with a particular alternative or with the flat-tailed horned lizard management strategy. These projects may not all be compatible, and including them without a discussion of their effects weakens the document and the intent of the resource management plan. The assumption that under the No Action Alternative the Bureau of Reclamation (USBR) would not, or does not have the authority to, enforce mitigation requirements of other agencies on lands it controls without the existence of a resource management plan is incorrect. The Federal laws, regulations, and policies that govern USBR responsibilities under the proposed action also operate under the current conditions. Please revise the analyses under the No Action Alternative to reflect this.

On map VI-1, a project in the northern portion of the Zone is pictured but is not described in the text as either part of one alternative or being common to all alternatives. This is the proposed 242 lateral. Please provide information on the relationship of this project to the RMP/EA.

There are no Federally listed species known to be resident on the USBR lands in the Zone. Habitat for the threatened Peirson's milkvetch (*Astragalus magdalenae* var *peirsonii*) may exist within the Zone, but the location and extent of this possible habitat, and its relationship to projects common to all alternatives or directions contained within the alternatives is not provided. The protections afforded a listed species on Federal land, from the effects of Federal actions, are not different depending on the alternative. The Endangered Species Act, even under the No Action Alternative, requires evaluation of effects to listed species from any Federal action. The analyses for the other special status species can evaluate the differing levels of adverse or beneficial effects to those species but this does not apply to listed species. Habitat for the dune spurge (*Euphorbia platysperma*), a species of concern, is found on the Yuma Dunes just east of the Zone. Additional information on protection or management for this species and its habitat would be appropriate to consider in the effects of the action.

The amount of flat-tailed horned lizard (*Phrynosoma mcallii*) habitat outside of the Yuma Desert Management Area should be included in the discussions of effects of the alternatives. While all alternatives hold protection of the management area in common (although the types of protection require updating to reflect the 2003 management strategy), effects to any suitable habitat outside that area are likely to be different. As there is horned lizard habitat outside the management area, we suggest that the analysis for effects be expanded to include this discussion.

Specific Comments

Page Ex-5, paragraph 3:

Reference to 1997 flat-tailed horned lizard management plan should be updated to the 2003 version.

Page I-11, 5th bullet:

Reference to 1997 flat-tailed horned lizard management plan should be updated to the 2003 version.

Page IV-2, 6th bullet:

Reference to 1997 flat-tailed horned lizard management plan should be updated to the 2003 version.

Page IV-17, paragraph 2:

The 2003 flat-tailed horned lizard management strategy does not provide for exchanges out of Federal ownership of lands in the Yuma Desert Management Area. The description of Alternative D should be modified to reflect this.

Page IV-18, Recreation Management:

Please clarify that the term "western portion" includes lands outside of the Yuma Desert Management Area. Although the later sentence states that no recreational facilities would be in the management area, a clear description here, or at another suitable place in the RMP/EA that clarifies this point would be of assistance to the reader.

Page V-8, paragraph 5:

The last sentence in this paragraph discusses the unsuitability of some soils found on the Zone to accommodate recreational development. However, there is no discussion of these limitations in the effects of the alternatives sections, particularly for Alternative C.

Page V-10, paragraph 1:

Please describe in this introductory section what portions of the Zone within the study area have been annexed by the cities of Yuma and San Luis, and what preliminary zoning is proposed for those areas. To some extent, this is done on page V-16 for San Luis, but more information is needed. The ability of each alternative to meet preliminary zoning should be more fully described in this section.

Page V-14, Figure V-1:

We suggest also referencing back to the list of proposed projects that are included in the baseline for the existing environment, since they are a factor in this discussion. The projects discussed on pages V-15 to16 should be separated into those that are common to alternatives and those which are speculative at this time and may be officially proposed later.

Page V-21, paragraph 3:

The baseline discussion on groundwater should reference back to the reservation of the 140,000 af and the degree of latitude available in USBR making some of that water available for other purposes. The discussion under the alternatives, particularly under the No Action Alternative, should include future predictions of the amount of water that will need to be pumped from the wellfield relative to the stability of other water sources that currently make up the bulk of the 140,000 af delivery. For example, if water availability from the Yuma Project declines and forces higher pumping from the wellfield, does that have an effect on the amount of development and changes to land use that could be supported under each alternative? Some of this information is in paragraph 2 on page V22, but should be expanded for at least the 10-year period the RMP/EA will be in effect.

Page V-22, map V-4:

Please differentiate USBR wells in the Zone from those of other users.

Page V-23, paragraph 6:

Could the Hillander "C" tract be converted from agriculture to urban-suburban development under any alternative? What would be the effects to groundwater under that situation? At full development, how much water would be needed to support homes and businesses, and how would that affect water use and percolation back into the soil? Given the much larger effect of farming outside of this tract, would any difference be noticeable?

Page V-38, paragraph 3:

Please describe the number and extent of land sales or transfers that have occurred in the past as a measure of the number of such actions that could be expected under the No Action Alternative. This will assist in clarifying the differences between alternatives relative to the land exchange provisions in the other alternatives.

Page V-38, paragraph 4:

The implication here is that USBR would not enforce mitigation requirements of other agencies that address impacts to USBR lands without an RMP. The RMP does not supercede USBR responsibilities once they issue a permit or other authorization for a project that affects their lands. Please revise this paragraph.

Page V-39, paragraph 1:

The text of the last sentence assumes land "exchanges" are an existing action in the Zone and this is not supported by the statements under the No Action Alternative. Please revise.

Page V-41, Table V-1:

Please include the presence of the dune spurge on the Yuma Dunes east of the Zone.

Page V-45, Flat-tailed Horned Lizard

Reference to 1997 flat-tailed horned lizard management plan should be updated to the 2003 version.

Page V-48, Mitigation:

Reference to 1997 flat-tailed horned lizard management plan should be updated to the 2003 version. There are differences between the two versions and the mitigation requirements from the 2003 version should be the ones used in this document. The specific measures from the 2003 version should be listed on pages V-48 through 50. It is important that this RMP/EA incorporate these commitments for the period covered by the plan.

Page V-53, paragraph 5:

Please describe the annexation of portions of the Zone by the city of Yuma, and describe the potential zoning.

Page VI-4, 5th bullet:

Residential and commercial development also have effects to groundwater amount and quality. Natural gas or other types of pipelines also have the potential for leakage and contamination. This management action should also evaluate these types of projects for risks to groundwater.

Page VI-6, 4th bullet:

Much of the Hillander "C" tract is in agriculture. What types of restoration would be appropriate for this area under the RMP?

Page VI-8, 5th bullet:

The statement here on defining the groundwater as Colorado River water does not appear to recognize the degree of controversy this decision might engender among water rights holders. If this type of accounting is already factored into the management under Minute 242, then additional discussion of that fact is needed earlier in the document. There is nothing in the alternatives analyses that specifically addresses what the effects to present and future water uses would be under this provision.

Page VI-20, Monitoring:

Reference to 1997 flat-tailed horned lizard management plan should be updated to the 2003 version. There are specific monitoring requirements contained in the 2003 version that should be included here.

Page EC-2 through 4:

Reference to 1997 flat-tailed horned lizard management plan should be updated to the 2003 version. This section will require updating to incorporate the 2003 management strategy.

Page BIB-3:

The correct publication year for Rorabaugh, Palermo and Dunn is 1987, not 1985.

Page BIB- 4:

Please include this citation:
"Flat-tailed Horned Lizard Interagency Coordinating Committee. 2003. Flat-tailed Horned Lizard Rangewide Management Strategy. 2003 Revision. 80 pp. plus appendices."

Copies of the 2003 flat-tailed horned lizard management strategy should be available in your office. If you need additional copies, please contact us and we will provide them to you. Thank you for your efforts to conserve native species. If there are any questions concerning these comments, please contact Lesley Fitzpatrick (x236) or Tom Gatz (x240).

For

Steven L. Spangle

cc: Regional Director, Lower Colorado Region, Bureau of Reclamation, Boulder City, NV
John Kennedy, Arizona Game and Fish Department, Phoenix, AZ

W:\Lesley Fitzpatrick\5-Mile Zone EA comments.wpd:cgg

Laguna Natural Resource Conservation District
2197 S. 4th Avenue, Suite 104 - Yuma, AZ 85364-6433 - (928) 782-0860, Ext. 115

Oct 8, 2003

Attn D8580/S. Black
Bureau of Reclamation
PO Box 25007
Denver CO 80225-9907

Re: 5 mile zone

To Whom It May Concern:

Part of the western portion of the 5-Mile Zone along the border with Mexico is in our Natural Resource Conservation District and these comments are submitted for your considered judgment in forming the Final Resource Management Plan for the 5-Mile Zone.

Our most important industry in Yuma County is Agriculture. The Yuma Valley is prime cropland and our longtime efforts have been to maintain that base to the furthest extent practicable.

There has been extensive urbanization in the northern end of the Yuma Valley in the "growth" of the City of Yuma. Some increasing "growth" in and near the Town of Somerton is occurring. To a lesser extent, the City of San Luis has expanded into some of the Valley. These encroachments on our irrigated farmland diminish the economic potential of a finite resource and are irreversible.

We respectfully request that every effort be made to allow the expansion of San Luis to the East onto the Yuma Mesa so our successful agriculture can continue to supply food, fiber, and employment.

If you have any questions or want more information, please let us know.

Yours truly,

Hank Czajkowski
Chairman, Laguna
Natural Resource Conservation
District

CC: Sen. John Mc Cain, Sen. Jon Kyl, Rep. Raul Grijalva

CONSERVATION - DEVELOPMENT - SELF-GOVERNMENT

Yuma Natural Resource Conservation District
2197 S. 4th Avenue, Suite 104 - Yuma, AZ 85364-6433 - (928) 782-0860, Ext. 115

October 8, 2003

Attn: D 8580/S.Black
Bureau of Reclamation
PO Box 25007
Denver CO 80225-9907

To Whom It May Concern:

A copy of our letter and comments sent in June 2002 regarding Alternatives (presented by USBR) for the 5/Mile Zone RMP/EA is enclosed.

These comments are in respect to the "5-Mile Zone Study Area Draft Resource Management Plan/Environmental Assessment" dated August 2003. Our comments pertain primarily to the information presented in 'Attachment G', "Summary of Elements in Proposed RMP".

Comment 1: Under "LAND USE", Comprehensive land use strategy is stated: "... to provide for limited recreation, community, and commercial development and natural resource conservation and protection."

Subsequently, under "Land use authorizations (licenses, leases, permits)", it states, "Issue land use authorizations in the Yuma Desert Management Area only for public health, safety, and security purposes." We believe this is inconsistent with the afore stated Strategy. Further, under "authorizations, etc., it states: "Adhere to the mitigation requirements of the 1997 Flat-Tailed Horned Lizard Rangewide Management Strategy." We believe this should be expanded to allow flexibility by adding, substantially: "only if applicable on site specific needs at the time." Status of the listing on the FTHL is in limbo. Should this NOT be listed, this restriction/regulation would be moot.

Comment 2: Under "PARTNERSHIPS AND COORDINATION WITH OTHER ENTITIES", after "Other" it states: "Agree to define the roles and responsibilities of entities that will construct, operate and maintain water stations for illegal immigrants and others." We submit that "illegal" would negate the

Yuma Natural Resource Conservation District
2197 S. 4th Avenue, Suite 104 - Yuma, AZ 85364-6433 - (928) 782-0860, Ext. 115

concept. We further question what "others" would be using/needing these stations.

Comment 3: Under D"NATURAL AND CULTURAL RESOURCES MANAGEMENT", extreme
emphasis is placed on welfare of the flat-tailed horned lizard and its habitat. As shown before, this questioned listing makes the issue moot. Additionally, uncontrollable predation by coyotes and raptors has virtually eliminated the lizards.

Comment 4: Under "RECREATION MANAGEMENT", OHV use and plan projects denial of any recreational pursuits to all but existing roads. This is gross overkill.

Comment 5: Under "HEALTH AND SAFETY," "Water stations for illegal
immigrants and others" was addressed in Comment 2 above and is re-emphasized emphatically. Delete all reference to this issue in the RMP.

We feel there is too much public land in Yuma County and too much restriction on too much public land. Maximum use of the area should be allowed according to treatment needs for sustainable enhancement and conservation of the resources.

Thank you for the opportunity to express our concerns.

Yours Truly,

Mark Kuechel
Chairman,
Yuma Natural Resource
Conservation District

CC Sen. John Mc. Cain, Sen. Jon Kyle, Rep Raul Grijalva

CONSERVATION - DEVELOPMENT - SELF-GOVERNMENT

Yuma Natural Resource Conservation District
2450 S. 4th Ave., #402 - Yuma, Arizona 85364 - Phone (602) 726-5562

Re: Comments on Alternatives - RMP/EA (5-Mile Zone)

Enclosed is a 4 page summary of Elements which USBR considered and Actions from the 4 Alternatives presented for public review. A substantial number of Actions listed in the Alternatives presented are either being done now, emotionally motivated, financially prohibitive or otherwise "business as usual".

We believe the Actions, as we have listed them, are applicable to accommodate wise use and management by agency or public interests within the 5-Mile Zone.

The proposed Land Use Map (copy enclosed) from our 1976 Long Range Program shows that agriculture and recreation were considered most appropriate for the greater portion of the area.

Possible listing as threatened or endangered flat-tailed horned lizards, or any species of fauna or flora, does not change our perspective. Flexibility of use is afforded in the Actions we listed. Care of cultural and environmental factors can be realistically accommodated.

We submit that T&/orE designation of a species or habitat is possible. Management restrictions could be mandated that would limit agency or public use and/or access. Hopefully, these limitations would be minimal.

Guidance shown in the "Flat-tailed Horned Lizard Rangewide Management Strategy" planning document of May 1997 should be used judiciously and limited only to address a particular goal in specific geographic area(s) of the "Strategy" if extreme need is evident and goals or benefits are attainable.

Thank you for the opportunity to comment. We intend the above to be contributed as helpful; any perceived criticism should be considered constructively toward agency and public interests.

If there are any questions or we may be of further assistance, we would welcome your response.

Mark Kuechel, Chairman
Yuma Natural Resource Conservation District

Encl.

CONSERVATION - DEVELOPMENT - SELF-GOVERNMENT

Bureau of Reclamation Resource Management Plan/Environmental Assessment (RMP/EA)---for the Regulatory and Protective and Pumping Zone (aka 5-Mile Zone)

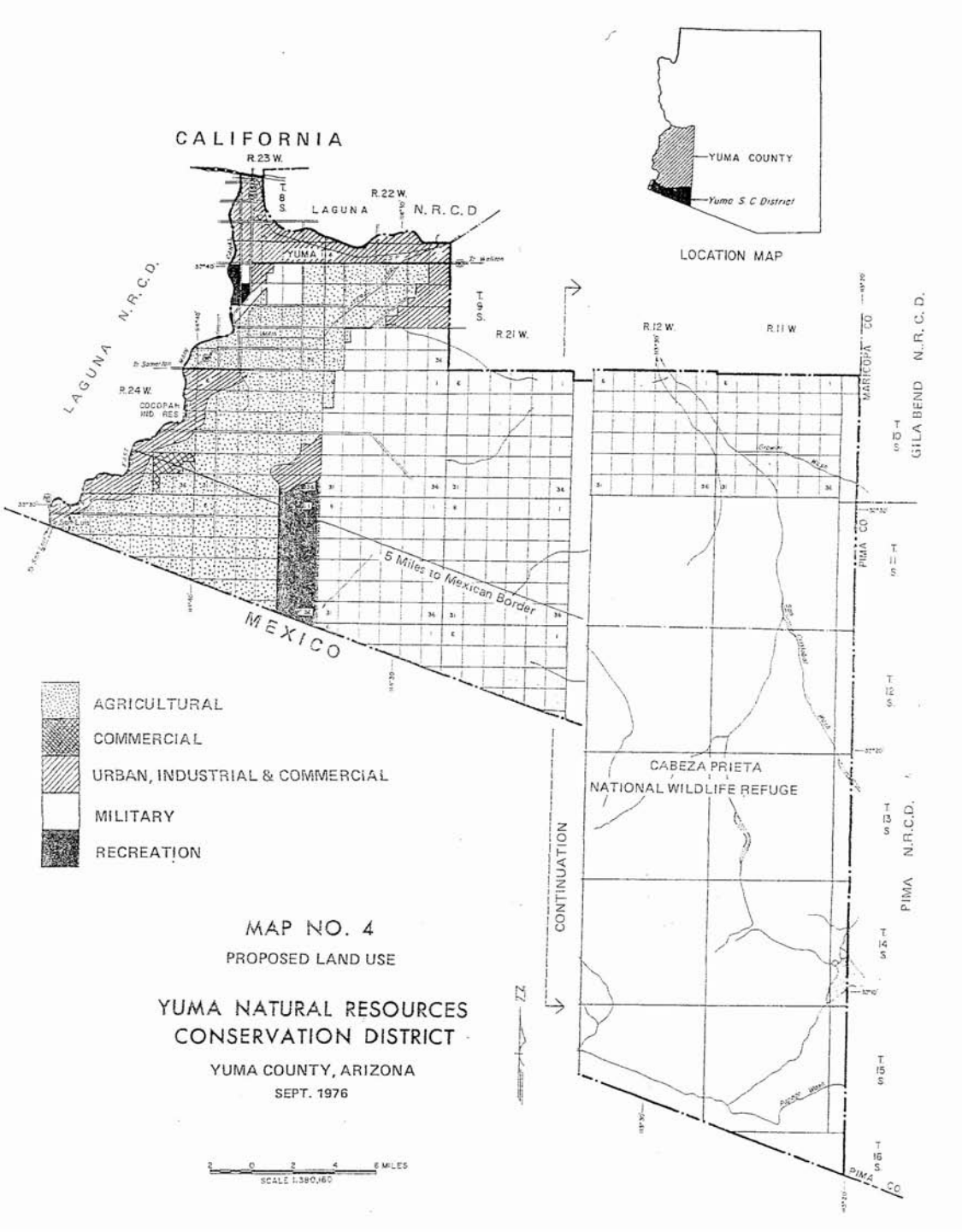
COMMENTS BY: Yuma Natural Resource Conservation District – June 13, 2002
Preliminary Alternatives presented June 4, 2002 – Elements and Actions:

Element-	Action-
Arizona Department of Game and Fish:	Continue to work cooperatively with ADG&F.
Border Patrol:	Coordinate activities with the Border Patrol. Honor a request from the Border Patrol to increase The security zone from 90' to 150'.
Bureau of Land Management:	Coordinate with BLM.
Campsites and facilities:	Provide no facilities. Allow camping.
Carrying capacity limitations:	Establish no social, physical, facility, or environ mental carrying capacities.
Cattle crossing:	Cooperate with the Greater Yuma Port Authority (GYPA) and other involved entities to transfer the oversight of the cattle crossing lease agreement to GYPA.
Compatibility with adjacent land use:	Cooperate with adjacent land owners to ensure that land uses are compatible.
Comprehensive land use strategy:	Continue land use strategies.
	Use GIS mapping as a planning tool to help managers make land use suitability and capability decisions.
	Consider soil conditions and other environmental conditions or limitations when developing future facilities.
	Do not allow private exclusive use of Reclamation lands.
	Allow limited day use recreation facilities to be dispersed throughout the study area when compatible with natural resource protection and conservation.
	Ensure management of lands within the 5-Mile Zone follows Reclamation's existing and future Policies, Directives and Standards and Federal laws, rules, Regulations and Executive orders.
	Attempt to implement necessary management actions identified in the RMP within the 10-year planning life of the plan, depending on funding, personnel limitations, and cooperation of other involved entities.

Comprehensive land use strategy (continued)	Avoid any type of ground-disturbing activities within a 600-foot corridor of existing and future well sites within the 242 well field.
	If possible, avoid any ground-disturbing activities In environmentally sensitive areas, such as flat-tailed horned lizard habitat areas.
Cultural Resources and Traditional Cultural Properties:	Continue Section 106 consultation pursuant to National Historic Preservation Act compliance for individual Federal actions.
	Identify TCP's and other cultural resources before initiating a particular Federal action.
Day use area facilities and opportunities:	Provide no day use facilities.
Fire management:	Follow the updated 2001 Federal Fire Management Policy and the Secretary of the Interior's 2001 policy letter and develop a fire management plan.
Flat-tailed horned lizard/threatened, endangered, and sensitive species:	Protect flat-tailed horned lizard and associated habitat under the guidance provided in the Flat-tailed Horned Lizard Rangewide Management Strategy if needed.
	Make no incresed effort to protect other T&E and sensitive species.
Health and safety:	Protect the health and safety of the visiting public.
Hunting:	Allow hunting to continue at the same level as today.
Land transfer/exchange policy development within the 5-Mile Zone:	Allow land exchanges or transfers on a limited basis.
	If the city of San Luis were to purchase the Hillander "C" tract and associated water rights, exchange certain lands of equal value in the western part of the study area.
	Through land transfers or exchanges, Reclamation would not allow the base land acreage to decrease.
Land use authorizations (licenses, leases, permits):	Issue land use authorizations on case-by-case basis.
Law enforcement:	Continue law enforcement at the same level.
Multi-use trails:	Provide no trails.
Noxious weeds:	Continue effort to control noxious weeds as needed.
OHV use and plan:	Allow OHV use in certain areas.
	Establish a OHV plan following the guidelines

OHV use and plan (continued)	contained in 43 CFR 420 and existing Executive orders.
Port-of-entry:	Provide the land for the new port-of-entry in Section 23, T11S, R24E.
Public information and education:	Continue current level of public information and education.
Reclamation's Yuma Desalting Plant Solids Disposal site (Section5, T11S, R23W and Section 32, T10S, R23W):	Maintain the ability to expand sludge disposal site.
Signing/interpretation:	Maintain signs within the study area.
Trash Removal:	Enforce laws to keep the study area free of trash.
Unique desert habitat:	Consider the unique desert habitat if planning or constructing facilities. Exercise care to avoid or minimize negative impacts , when possible.
Utilities (water, sewer, electric):	Cooperate with the city of San Luis and ADOT to provide a utility corridor for sewer and water along 23rd Street to Avenue B and the Arizona State Prison. Identify appropriate utility corridors, in addition to those along 23rd Street, and consider subsequent requests for utility rights-of-way to these defined areas on a case-by-case basis.
Vehicular access and road closures	Maintain same vehicular access. Cooperate with ADOT to obtain needed clearances to construct the Area Service Highway (ASH) within the study area. Ensure that ADOT implements appropriate mitigation measures if construction of the ASH negatively affects existing well sites within the 5-Mile Zone study area or or if it negatively affects the flat-tailed horned lizard or its habitat. Cooperate with the city of San Luis to obtain the necessary clearances and permits to construct a truck route from the city of San Luis to the new port-of-entry (along 24th Street) and to construct a paved road from 23rd Street north along Avenue E to the Rolle Airport. When cooperating with different entities on obtaining necessary clearances and permits, consider Reclamation-authorized project needs and access. Cooperate with ADOT and the city of San Luis to

Vehicular and road closures (Continued)	obtain necessary permits to construct a major interchange at 23rd Street and Avenue E and to construct a road south from the interchange to the port-of-entry and a road from the interchange at 23rd Street north along Avenue E to the Rolle Airport
Visual quality:	Consider the visual quality of the surrounding area when implementing Federal actions and land use authorizations.
Water/aid stations for illegal immigrants:	Provide no water/aid stations for illegal immigrants.
Water use/accounting	Address the accounting of water imported into the 5-Mile Zone on a case-by-case basis. Maintain the capability to pump 140,000 ac-ft of groundwater from the 242 well field to meet treaty obligations to Mexico. If water pumped from within the 5-Mile Zone is at or near the 160,000 ac-ft limit, require a land use applicant to obtain water from a surface or ground-water source outside the 5-Mile Zone. Consider water pumped from existing and future wells in th 5-Mile Zone as Colorado River water and implement procedures to account for such water in accordance with Article V of the Supreme Court Decree in Arizona v. California. Consider water imported into the 5-Mile Zone as Colorado River water or non-Colorado River water, according to the existing criteria used at the source of the diverted water. Work with the Arizona Department of Water Resources, the IBWC, and other agencies to set into place procedures to limit water pumped from the 5-Mile Zone to 160,000 ac-ft, as described in Title I of the Colorado River Basin Salinity Control Act of 1974. Maintain Reclamation's ability to construct and access additional observation wells to monitor water levels and water quality.


CALIFORNIA
R.23 W.
R.22 W.
LAGUNA N.R.C.D
YUMA
LAGUNA N.R.C.D.
R.24 W.
COCOPAH IND. RES.
R.21 W.
R.12 W.
R.11 W
MARICOPA CO
GILA BEND N.R.C.D.
PIMA CO
5 Miles to Mexican Border
MEXICO
CABEZA PRIETA
NATIONAL WILDLIFE REFUGE
CONTINUATION
PIMA N.R.C.D.
PIMA CO
YUMA COUNTY
Yuma S.C District
LOCATION MAP
AGRICULTURAL
COMMERCIAL
URBAN, INDUSTRIAL & COMMERCIAL
MILITARY
RECREATION
MAP NO. 4
PROPOSED LAND USE
YUMA NATURAL RESOURCES
CONSERVATION DISTRICT
YUMA COUNTY, ARIZONA
SEPT. 1976
MILES
SCALE 1:380,160

THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.COM

GOVERNOR
JANET NAPOLITANO
COMMISSIONERS
CHAIRMAN, JOE CARTER, SAFFORD
SUSAN E. CHILTON, ARIVACA
W. HAYS GILSTRAP, PHOENIX
JOE MELTON, YUMA
MICHAEL M. GOLIGHTLY, FLAGSTAFF
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL

October 8, 2003

Susan Black
Bureau of Reclamation
P.O. Box 25007
Denver, Colorado 80225-0007

Re: 5-Mile Zone Study Area – Draft Resource Management Plan/Environmental Assessment, Yuma County

Dear Ms. Black:

The Arizona Game and Fish Department (Department) has reviewed above-referenced Draft Resource Management Plan/Environmental Assessment (RMP/EA). The following comments are provided for your consideration.

The Department notes that the Preferred Alternative emphasizes natural resource conservation with limited recreation, community and commercial development. Given the recent and projected population growth for the area with concomitant loss of desert habitats, the conservation of desert habitats for wildlife and open space is important for both wildlife and outdoor recreational opportunities. The 5-mile zone presents an opportunity to conserve and manage undeveloped desert habitats. For this reason, the Department supports the choice of the preferred alternative.

Specific Comments

The RMP/EA refers to the 1997 Flat-tailed Horned Lizard Rangewide Management Strategy (Strategy). The Strategy was evaluated and revised in 2003. The revised Strategy should be reviewed for changes relevant to the RMP/EA and the references to the 1997 document updated to the 2003 document.

The Preferred Alternative proposed to limit development to "western portion" of the planning area. This area should be clearly identified and located on appropriate maps.

Thank you for the opportunity to review and comment on this proposed project. The Department looks forward to continuing to work with the Bureau in the development of this plan. Please provide me a copy of the Final RMP/EA when it becomes available. If you have any questions, please contact me at 928-342-0091.

AN EQUAL OPPORTUNITY REASONABLE ACCOMMODATIONS AGENCY

Susan Black
October 8, 2003
2

Sincerely,

William C. Knowles
Habitat Specialist
Region IV, Yuma

cc: Russell Engel, Habitat Program Manager, Region IV
Larry Voyles, Regional Supervisor, Region IV
Bob Broscheid, Proj. Eval. Prog. Supervisor, Habitat Branch

AGFD # 09-16-03 (A)

ARIZONA DEPARTMENT OF WATER RESOURCES
500 North Third Street, Phoenix, Arizona 85004
Telephone 602 417-2410
Fax 602 417-2415

October 3, 2003

Janet Napolitano
Governor

Herbert R. Guenther
Director

Mr. James Cherry
Yuma Area Manager
U.S. Bureau of Reclamation
7301 Calle Agua Salada
Yuma, Arizona 85364

Dear Mr. Cherry:

The Arizona Department of Water Resources (ADWR) has reviewed the draft environmental assessment (EA) for the 5-Mile Zone Study Area Resources Management Plan for Yuma County, Arizona. Our primary concern, as described in more detail below, is that the draft EA misstates the basis for federal authority to impose the proposed groundwater use restrictions in the study area. Specifically, the draft EA intimates that there is Reclamation authority to require non-federal groundwater wells in the 5-Mile Zone to have a Colorado River water delivery contract with Reclamation pursuant to the Boulder Canyon Project Act. Our proposed changes to correct the misstatement in the draft EA are included at the end of this letter.

The draft EA states on page IV-10 that Reclamation would consider water pumped from existing and future wells within the 5-mile zone as Colorado River water and implement procedures to account for such water in accordance with Article V of the Supreme Court Decree in *Arizona* v. *California* (Decree). The EA also states that Reclamation intends to evaluate requests for increases in water usage within the study area based on established Reclamation water accounting procedures to protect its ability to meet its water delivery obligations to Mexico and other contractual agreements. These statements also apply to all of the alternatives except the "no-action' alternative. On page VI-8 under the section Water Use Issue Category for the preferred alternative, the EA lists specific water use management actions. One action is to maintain the capability to pump 140,000 acre-feet of water per year for delivery to partially satisfy the United State's water delivery obligation to Mexico. Another action is to implement procedures to account for water withdrawn in the 5-mile zone as Colorado River water.

The proposed water use management actions overreach the authorities of the United States pursuant to P.L. 93-320, known as the Colorado River Salinity Control Act. Reclamation may only enter into contracts for the delivery of water from the Protective and Regulatory Pumping Unit (PRPU). The authority for such contracts is the Reclamation Act of 1902 and not the Boulder Canyon Project Act (BPCA). Therefore, non-federal withdrawals of water within the 5-mile zone are not subject to federal contracts pursuant to the BCPA or the Reclamation Act. Accounting for the withdrawal of water outside of the PRPU is not required as part of the Article V reporting requirements, although Reclamation must account for the total withdrawals of groundwater to meet the requirements of Minute 242 of the 1944 Treaty with Mexico.

Page 2
Mr. James Cherry
October 3, 2003

Historically, Reclamation has treated the federal withdrawals from the PRPU as return flow to the Colorado River, available to meet the Mexican treaty obligation as defined in Article I of the Decree. The water withdrawn from the PRPU is within the dominion and control of Reclamation and arguably subject to federal discretion after it has been captured for use. However, water captured by non-federal entities outside of the PRPU is considered groundwater subject to state law.

We agree that Reclamation may put groundwater use restrictions on applicants for land use authorizations such as licenses, leases and permits administered by Reclamation. However, Reclamation cannot require water delivery contracts pursuant to the Boulder Canyon Project Act. ADWR requests the following changes to the draft EA to clarify its authorities to control groundwater use in the 5-mile zone.

> Change the statement on page VI-8 "Use of groundwater granted in a land use authorization document by the U.S. Bureau of Reclamation in the study area will be subject to reduction..."
>
> Delete the statement on page VI-8 "Consider water pumped from existing and future wells within the 5-mile zone as Colorado River water and implement procedures to account for such water in accordance with Article V of the Supreme Court Decree in *Arizona* v. *California*."
>
> Please make all necessary conforming changes in the document.

Thank you for the opportunity to comment on the draft EA. Please advise ADWR of any changes to the final EA. If you have any questions, please contact Thomas Carr at (602)-417-2410.

Sincerely,

Herbert R. Guenther
Director

10/10/2003 11:51 3292001 PAGE 02

OFFICE OF THE
BOARD OF SUPERVISORS
198 Main Street
Yuma, Arizona 85364

YUMA COUNTY ARIZONA

LENORE LOROÑA STUART
CHAIRMAN
SUPERVISOR, DISTRICT 1

October 10, 2003

5-Mile Zone, D-8580
U.S. Bureau of Reclamation
P.O. Box 25007
Denver, Colorado 80225

To whom it may concern:

RE: COMMENTS ON 5-MILE ZONE STUDY AREA DRAFT RESOURCE MANAGEMENT PLAN/ENVIRONMENTAL ASSESSMENT

The Bureau of Reclamation (BOR) has done a very commendable job of attempting to develop a plan that has something for everyone. However, my preferred alternative would be that alternative proposed by the City of San Luis, Arizona, which includes parts of Alternatives C and D.

I would urge the BOR to work with the City of San Luis to expand within the area while protecting the wells and infrastructure necessary to fulfill our 242 agreement with Mexico. The area designated for the management of the Flat-Tailed Horned Lizard is set and should be retained. However, the land located to the west should be reviewed with the community of San Luis for development potential. This would allow the San Luis, Arizona community to grow, new jobs to be created and still ensure that the BOR is able to carry out its mission.

BOR, working with the City of San Luis, could develop the preferred alternative since both must follow the final Resource Management Plan, as it is adopted. This partnership will ensure that treaties are protected as will as our environmental process, and also ensure that the City of San Luis can plan for future growth and economic development.

I appreciate the opportunity to comment.

Sincerely,

Lenore Loroña Stuart

LENORE LOROÑA STUART
Chairman
Supervisor, District 1

LLS/ss

c Board of Supervisors
Jim Chessum , GYPA Administrator

Tel: (928) 373-1010 Fax: (928) 373-1120 Website: www.co.yuma.az.us

PAGE 2/2 * RCVD AT 10/10/03 12:51:43 PM [Mountain Daylight Time] * SVR:IBR8MSFAX/11 * DNIS:601 * CSID:3292001 * DURATION (mm-ss):01-06

Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
2703 S. Avenue B • Yuma, Arizona 85364

Harold Aldrich
Director
(928) 329-2300
FAX: (928) 726-5626

5-Mile Zone, D-8580
Bureau of Reclamation
P.O.Box 25007
Denver, Colorado
Sent via FAX #720-544-0601

October 10, 2003

Dear Sir/Madam,

A review of the 5 Mile Zone Study Area Draft Resource Management Plan and Environmental Assessment has been completed and the following recommendations are being submitted.

The Alternate "C" is the most compatible alternate with the Yuma County 2010 Comprehensive Plan. The 2010 Comprehensive Plan states on page 4D-14 that Yuma County Land use patterns are based on compatibility with the City of San Luis General Plan with annexation potential. Therefore, the Yuma County 2010 Comprehensive Plan supports the City of San Luis General Plan Goals, Objectives, and Policies consistent with the potential growth and development patterns on the Yuma Mesa that is within the 5- Mile Zone.

The Yuma County 2010 Comprehensive Plan, page 3-13 Goal: Sustaining Agriculture and Rural Character; Objective: Enhance and optimize the productivity of prime agriculture lands; Policy: Yuma County will discourage the conversion of farmland to residential in the Yuma Valley. These Goals, Objectives and Policies essentially provide for protection and sustainability of agriculture production in the Yuma Valley and the encouragement of development on the Yuma Mesa where the 5 Mile Zone is located.

Alternates B, C, and D state that lands could be exchanged between the Hillander "C" and the Bureau of Reclamation (BOR) if the City of San Luis were to purchase them from the private landholders. BOR should consider land exchanges and consolidation of the lands between the City of San Luis and the Hillander "C", thus ensuring that the acquired BOR lands could be better managed for the protection of the 5-Mile Zone study area.

The following comments are specifically regarding the 5 Mile Zone EA/RMP:

Page IV-11: Reclamation would review the Yuma County planning and zoning commission's comprehensive plan and assist in its goal to " keep population out of

Monty M. Stansbury
Planning Director
Planning & Zoning
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Curtis Cansler
Chief Building Official
Building Safety
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County Engineer/FCM
Engineering Division
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Flood Control District
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valley's." The Yuma County 2010 Comprehensive Plan Policy states on page 3-13: Goal: Sustaining Agriculture and Rural Character; Objective: Enhance and optimize the productivity of prime agriculture lands; Policy: Yuma County will discourage the conversion of farmland to residential in the Yuma Valley. It is recommended that the wording be changed to "Yuma County will discourage the conversion of farmland to residential in the Yuma Valley".

Page IV-15, 3rd paragraph: Add in refuse pick up and transfer sites.

Page IV-18 Recreation Management, first paragraph, and second sentence: Limit support facilities, such as potable water, restrooms, trash receptacles, and shade structures, also would be provided. Yuma County adopted the 1997 Uniform Building Code definition for fabric shade structures. The County recommends that BOR adopt some standards for fabric shades because the 5 Mile Zone area does experience high wind events from 35 mph to 55 mph that come from tropical storms off the Pacific Ocean and Baja California.

Page IV –12, Public Information and Education , 2nd paragraph and Page IV-13, Recreation Management and page IV-13 Health and Safety all refer to posting of signage. It is recommended that a minimal number of signage structures be placed in the 5-mile zone and that the signage minimize the structure contrast with the environment.

Page V-5, Noise: Marine Corps Air Station (MCAS) and Yuma County jointly administer the Yuma Auxiliary Field (AUX-2) Air Installation Compatible Use Zone (AICUZ). Regulations; this is a noise exposure and compatibility overlay zone that regulates development standards and it affects the most northwest portion of the 5-Mile Zone. The Yuma Auxiliary Field-2 (AUX-2) Air Installation is used by the military for aircraft and vehicle operations. A copy of the regulations and noise overlay map is attached for information purposes. The military operations effect the 5-Mile Zone because noise from explosions, vibrations and high energy and electronic emitters does affect the "nature experience" that some recreationists go to the 5 Mile Zone for.

Page V –16 Transportation: Yuma County 2010 Comprehensive Plan supports the improvement of the Area Service Highway and Avenue E, south of County 23rd to the U.S. Mexico Border. The Yuma County 2010 Comprehensive Plan supports the City of San Luis General Plan Transportation Element to build a principle arterial along Avenue E to the Rolle Airport north eventually meeting with Somerton Avenue. The 2003-2023 Yuma Metropolitan Planning Organization Plan also supports the Avenue E project.

Thank you for the opportunity to comment on the 5 Mile Zone EA/RMP.

Sincerely,

Gail Gallagher

Gail Gallagher
Planner II

EGG
Letter5milezoneBOR101003

Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
2703 S. Avenue B • Yuma, Arizona 85364

Harold Aldrich
Director
(928) 329-2300
FAX: (928) 726-562

Ms. Susan Black
5-Mile Zone, D-8580
Bureau of Reclamation
P.O.Box 25007
Denver, Colorado 80225

October 31, 2003

Dear Ms. Black,

Enclosed are the following documents that are attachments to the comment letter submitted October 10, 2003.

1. Yuma Auxiliary Field (AUX-2) Air Installation Compatible Use Zone (AICUZ). Regulations; this is a noise exposure and compatibility overlay zone that regulates development standards and it affects the most northwest portion of the 5-Mile Zone. The Yuma Auxiliary Field-2 (AUX-2) Air Installation is used by the military for aircraft and vehicle operations. A copy of the regulations and noise overlay map is attached for information purposes. The military operations effect the 5-Mile Zone because noise from explosions, vibrations and high energy and electronic emitters does affect the "nature experience" that some recreationists go to the 5 Mile Zone for.

2. Yuma County hazard Abatement Procedure. A copy of the regulations that Yuma county currently uses to regulate hazards to public health such as rubbish, trash, weeds, filth debris or dilapidated buildings. This regulation was enacted due to the illegal dumping occurring throughout the county.

Also, enclosed is my business card and the Yuma County website card if you need any additional information please contact me.

Sincerely,

Gail Gallagher

Gail Gallagher
Planner II

EGG
2 Enclosures

Monty M. Stansbury
Planning Director
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Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
2703 S. Avenue B • Yuma, Arizona 85364

Harold Aldrich
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MEMORANDUM

TO: Yuma County Zoning Ordinance Users

FROM: Teresa Rodriguez, Secretary III

SUBJECT: TEXT AMENDMENT SECTION 1112.00 MARINE CORPS AIR STATION (MCAS) YUMA AUXILIARY FIELD-2 (AUX-2) AIR INSTALLATION COMPATIBLE USE ZONE (AICUZ) – TEXT AMENDMENT 15

DATE: January 10, 2003

The Yuma County Board of Supervisors adopted the attached text amendments into the Yuma County Zoning Ordinance on December 2, 2002. This amendment will become effective on January 16, 2003.

A Zoning Ordinance user should replace the following page(s) in the current Zoning Ordinance, with the below listed page(s). Photocopying the new page(s) is acceptable if the user requires more copies.

Page(s) 125 – 125B

Questions concerning the above amended section(s) can be directed to Monty Stansbury, Planning Director, at (928) 329-2300.

P:\Planning_Zoning\Community_Plan\Teresa\text amendments\011603textamndmem.doc

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Planning Director
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County Engineer/FCM
Engineering Division
(928) 329-2300
Flood Control District
(928) 329-2302

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral or anal copulation, sodomy, masturbation or excretory functions as part of or in connection with any of the activities above.

1110.03--Visibility by General Public

No nudity or sexual activities or audio-visual materials describing or depicting such acts shall be visible from any area normally accessible to the general public.

Section 1111.00--Barry M. Goldwater Air Force Range Disclosure Statement[1]

Within sixty (60) days after the Yuma County Board of Supervisors grants a Special Use Permit or a rezoning of real property situated within one (1) mile of the Barry M. Goldwater Air Force Range the owner of such real property, or his legal representative, shall file with the Yuma County Recorder's office a Range Disclosure Statement.

The Range Disclosure Statement shall be prescribed by the Planning Director and be available to the public. The Range Disclosure Statement shall include, but not limited to, statements that occupants of the subject property, as a result of the property's close proximity to the Barry M. Goldwater Air Force Range and as consequence of surrounding aircraft operations and slow-moving vehicles, may experience inconvenience and discomfort from explosion, vibrations and high energy electronic emitters which may disturb radio and television reception.

Section 1112.00--Marine Corps Air Station (MCAS) Yuma Auxiliary Field-2 (AUX-2) Air Installation Compatible Use Zone (AICUZ)[1]

All real property within the unincorporated area of Yuma County which is located within the Marine Corps Air Station (MCAS) Yuma Auxiliary Field-2 (AUX-2) Air Installation Compatible Use Zone (AICUZ) shall comply with the following requirements[15]:

[1] *Adopted by the Board of Supervisors July 20, 1998, effective August 19, 1998*
[15] *Adopted by the Board of Supervisors December 2, 2002, effective January 16, 2003*

Section 1112.00 - Continued

Marine Corps Air Station (MCAS) Yuma Auxiliary Field-2 (AUX-2) Air Installation Compatible Use Zone (AICUZ) Land Use Objectives in APZ and Clear Zones

Activities and Land Use	Accident Potential Zones		
	Clear Zone	APZ-1	APZ-2
Residential--Low Density, Medium & High Density	N	N	N
Recreational Vehicle Parks	N	N	N
Institutional Facilities	N	N	N
Commercial--Office, Professional, Business	N	N	N
Commercial--Restaurant, Bar, Motel	N	N	N
Commercial--Retail, General Merchandise	N	N	N
Indoor Auditorium--Assembly	N	N	N
Outdoor--Sports Arena	N	N	N
Industrial	N	25	50
Open Space Agricultural Buildings	N	10	P
Open Space Recreational Buildings	N	N	N
Open Space Recreational Area	N	N	N

P--Permitted Use N--Land Use Not Permitted 25 or 50--Person Assembly in a Building or Area (per acre)

Marine Corps Air Station (MCAS) Yuma Auxiliary Field-2 (AUX-2) Air Installation Compatible Use Zone (AICUZ) Use Restrictions and Noise Level Reduction (NLR) Requirements

Activities and Land Uses	65 to70dB	70 to 75dB	75+dB
Residential--Low Density not to exceed the residential density permitted under R-1-6 of Section 604.00	NLR 25+ Footnote *B	N Footnote *A	N
Residential--Medium density not to exceed the residential density permitted under Section 605.00, R-2	NLR 25 + Footnote *B	N Footnote *A	N
Residential--High Density not to exceed the residential density permitted under Section 606.00, R-3	NLR 25 + Footnote *B	N Footnote *A	N
Recreational vehicles	N-Footnote *AB,&C	N	N
Mobile Homes	NLR 25 + Footnote *A,B&C	N	N

P--Permitted with conventional construction N--Land Use not permitted NLR--Noise Level Reduction Decibel

125 A

[11] *Adopted by the Board of Supervisors December 2,2002, effective January 16, 2003*

Section 1112.00 Continued

*A. Any property continuously zoned for residential use from January 6, 1986 to the present, can be developed in compliance with that zoning District provided the development complies with the Airport District Regulations in effect prior to January 6, 1986.

*B. The property owner must record an avigation easement on the property.

*C. The property owner is required to give tenants written notification that they are going to be residing in the 65 to 70 db Airport Noise Zone.

Marine Corps Air Station (MCAS) Yuma Auxiliary Field-2 (AUX-2) Air Installation Compatible Use Zone (AICUZ) Noise Level Reduction (NLR) Requirements for Structures

Activities and Land Uses	65 to 70 dB	70 to 75 dB	75+ dB
Institutional facilities	NLR 25	N	N
Commercial — Office, professional, business	P	NLR 30	NLR 35
Commercial — Restaurant, bar motel	P	NLR 30	NLR 35
Commercial — Retail, general merchandise	P	NLR 25	NLR 30
Indoor Auditorium — Assembly	P	NLR 30	NLR 35
Industrial	P	NLR 25[1]	NLR 30[2]

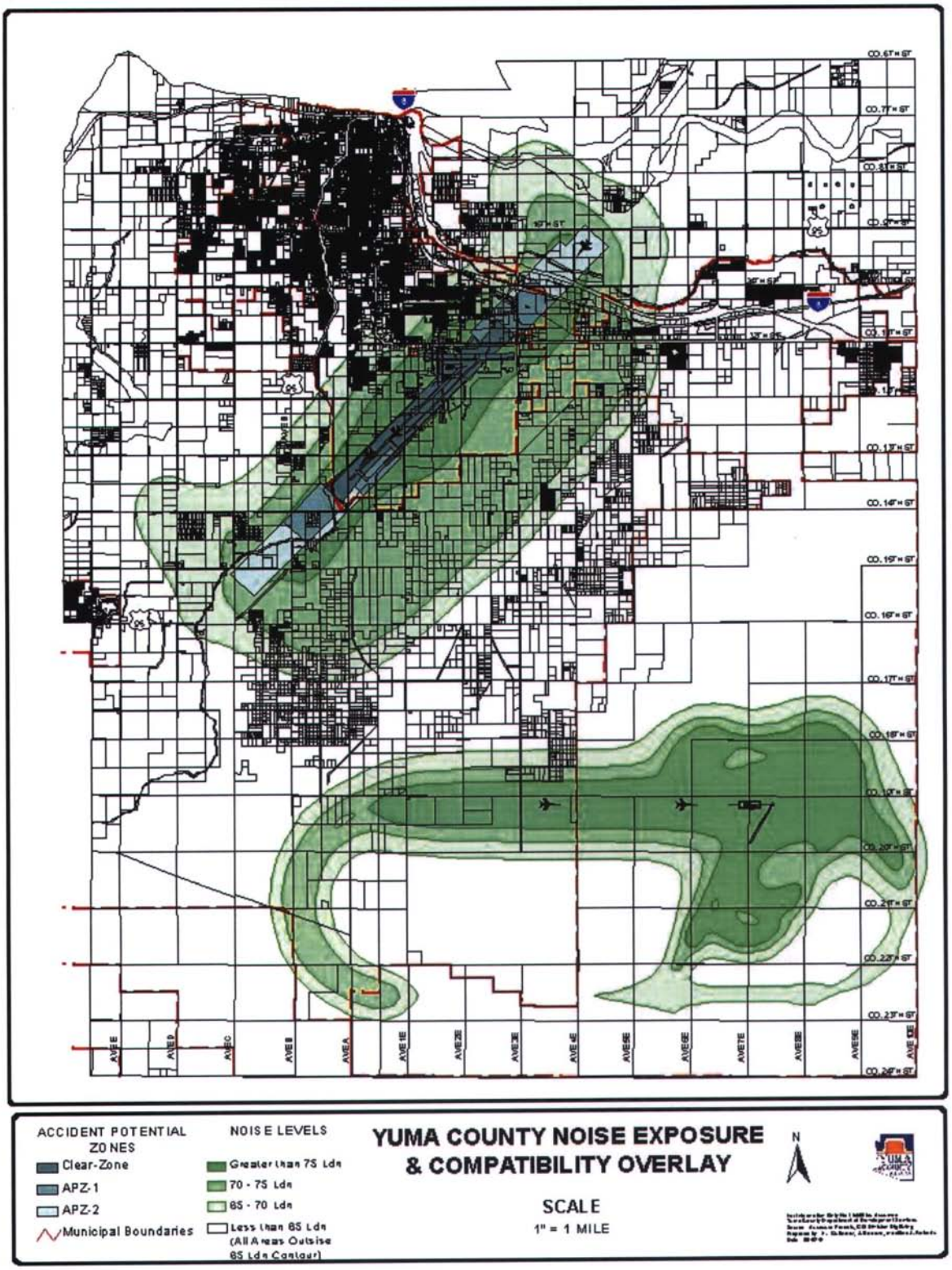
P--Permitted with conventional construction N--Land use not permitted NLR--Noise level reduction decibel

1. A NLR of 25 dB must be incorporated into design and construction of the buildings or structures where the public is received, office areas are located and where the normal interior noise level is low.

2. A NLR of 30 dB must be incorporated into the design and construction of those buildings or structures where public is received, office areas are located and where the normal interior noise level is low.

125 B

[13] *Adopted by the Board of Supervisors December 2, 2002, effective January 16, 2003*


ACCIDENT POTENTIAL ZONES
Clear-Zone
APZ-1
APZ-2
Municipal Boundaries
NOISE LEVELS
Greater than 75 Ldn
70 - 75 Ldn
65 - 70 Ldn
Less than 65 Ldn (All Areas Outside 65 Ldn Contour)
YUMA COUNTY NOISE EXPOSURE & COMPATIBILITY OVERLAY
SCALE
1" = 1 MILE
N

Section 1213.00 Hazard Abatement Procedure[17]

1213.01-Duty of Owner, Lessee, Occupant of Property; County Rights A.R.S.11-268.

A. This section of the Ordinance establishes the duty of all owners, lessees or occupants of buildings, grounds or lots located in the unincorporated areas of Yuma County to remove rubbish, trash, weeds, filth, debris, or dilapidated buildings which constitute a hazard to public health or a hazard to public safety from any and all buildings, grounds, lots, contiguous sidewalks, streets or alleys.

B. This section of the Ordinance provides that if any person with an interest in the property, including an owner, lien holder, lessee or occupant of the buildings, grounds or lots, after notice as provided herein, does not remove the rubbish, trash, weeds, filth, debris or dilapidated buildings and abate the condition which constitutes a hazard to public health and safety, the county may, at the expense of the owner, lessee or occupant, remove, abate, enjoin or cause the removal of the rubbish, trash, weeds, filth, debris or dilapidated buildings.

C. This section of the Ordinance establishes the right of the County to assess upon property the County's costs, including incidental and any associated legal costs, of the removal, abatement or injunction of rubbish, trash, weeds, filth, debris or dilapidated buildings from any lot or tract of land located in the unincorporated areas of the County.

1213.02 -Violation; Penalties

Any person, firm or corporation that places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of Yuma County not owned or under the control of the person, firm, or corporation is guilty of a class 1 misdemeanor and, in addition to any fine which may be imposed for a violation of any provision of this section, any person, firm, or corporation in violation of this section is liable for all costs which may be assessed pursuant to this section of the Ordinance for the removal of rubbish, trash, filth, or debris.

1213.03 - County Removal of Hazard

A. If any person with an interest in the subject property, including an owner, lien holder, lessee or occupant of the buildings, grounds or lots, after notice as required by Section, 1213.04 (C), does not remove the rubbish, trash, weeds, filth, debris or dilapidated buildings and abate the condition which constitutes a hazard to public health and safety, the county may, at the expense of the owner, lessee or occupant, remove, abate, enjoin or cause the removal of the rubbish, trash, weeds, filth, debris or dilapidated buildings.

B. As used in this section occupant does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States government, either under contract or under federal law.

[17] *Adopted by the Board of Supervisors March 3, 2003, effective April 4, 2003*

Section Continues…

C. Before the removal of a dilapidated building the Board of Supervisors shall consult with the State Historic Preservation Officer to determine if the building is of historical value.

D. If the County removes a dilapidated building pursuant to this section of the Ordinance, the County Assessor shall adjust the valuation of the property on the property assessment tax rolls from the date of removal.

E. As used in this section, "dilapidated building" means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety or property of the public.

1213.04 - County Abatement Procedure

A. Complaint and Property Inspection:

The Zoning Inspector shall review all alleged violations of this section of the Ordinance. Upon receiving a report or upon the Zoning Inspector's own discovery of a violation of any provision of this section of the Ordinance, the inspector shall inspect the site of the alleged violation. If a violation of this section is discovered a notice of abatement will be issued.

If the Zoning Inspector determines there is a violation of this section of the Ordinance, written notice shall be made to the owner, any lien holder, occupant or lessee not less than thirty days before the date set for compliance.

B. Content of Notice: The notice shall contain a minimum of the following:

1. The telephone number and address of the Department of Development Services;
2. The mailing address and assessor's parcel number of the property;
3. A brief description of the hazardous conditions which constitutes a violation of this section of the Ordinance and the actions necessary to correct the hazardous conditions;
4. A demand for the removal of the hazardous condition;
5. An estimate of the cost of County removal of the hazardous condition;
6. A date for compliance;
7. Reference to this section of the Ordinance and A.R.S. §11-268;
8. A Statement informing the violator of the right to appeal the notice of violation and any subsequent assessment to the Board of Supervisors;
9. A brief statement in the Spanish language approximately as follows: "This is an important notice. Your rights concerning the property located at {property address) may be effected. Please immediately contact (Zoning Inspector) at the Yuma County Department of Development Services, (telephone number)

Section Continues...

Section 1213 Continued

C. Service of Notice:

The Zoning Inspector shall either personally serve or mail by certified mail the notice to the owner, any lien holder, occupant or lessee. If served by certified mail, the notice shall be mailed to the owner, lien holder, occupant, or lessee's last known address or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, and is not the person being served with the notice of violation, a duplicate notice shall also be sent to the owner at the owner's last known address.

D. Estimated Cost of Abatement:

The notice of estimated cost of County removal shall include the estimated cost of the removal of the hazardous condition. In addition the notice shall state the actual costs of any additional inspections, incidental costs, and any associated legal costs will also be assessed upon the property if the hazardous condition is not removed by the violator within the prescribed period of time.

E. Hazard Abatement:

If the hazard has not been abated by the compliance date established in the notice, the County Zoning Inspector will issue an order of abatement directing the abatement of the property by the County within ten (10) days from that date.

1213.05 - Assessments

Once the hazardous condition has been removed, abated, or enjoined by the County, the actual costs of abatement, including the costs of additional inspections, incidental costs, and any associated legal fees shall be assessed upon the property from which the hazardous condition was removed, abated, or enjoined. The assessment shall in part consist of an itemized billing for all costs, the dates the costs were incurred, and the legal description of the property. The County shall record the assessment in the County Recorder's office for Yuma County. A copy of the recorded assessment shall be served upon the owner, any lien holder, occupant, or lessee in the manner set forth in Section 1213.04 (C) above, along with a written statement the assessment may be appealed to the Board of Supervisors.

Any assessment recorded after the effective date of this section of the Ordinance is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages. A sale of the property to satisfy an assessment obtained under the terms of this section of the Ordinance shall be made on a judgment of foreclosure and order of sale. The County may bring an action to enforce the lien in the superior court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.

Section Continues...

Section 1213 Continued

Imposed assessments run against the property until they are paid and are due payable to the Yuma County Department of Development Services in equal annual installments as follows:

A. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.

B. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.

C. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.

D. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.

E. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

A prior assessment for the purposes provided in this section of the Ordinance is not a bar to a subsequent assessment or assessments for such purposes and any number of liens on the same lot or tract of land may be enforced in the same action.

1213.06 - Appeal

The owner, any lien holder, lessee or occupant receiving a written notice or any subsequent assessments pursuant to this section of the Ordinance may appeal from both the notice or the assessments to the Yuma County Board of Supervisors in the following manner:

A. All such appeals shall be filed in writing with the Clerk of the Board of Supervisors.

B. For notices, the notice of appeal shall be filed with the Clerk of the Board not more than fifteen (15) calendar days after service of the violation notice. For appeal of assessments, the notice of appeal shall be filed with the Clerk of the Board not more than fifteen (15) calendar days after service of the recorded assessment.

C. The filing of an appeal to an assessment has the effect of precluding the County from seeking a judgment of foreclosure and order of sale on the property until such time as the Board of Supervisors takes legal action on the appeal.

D. The notice of appeal filed by the appellant shall identify the property and state clearly and succinctly all relevant facts and all reasons why the appellant should not be held responsible for the abatement or removal of the hazardous condition, or why the appellant should not be held responsible for any assessment subsequent to County removal, abatement, or injunction of the hazardous condition.

Section Continues...

Section 1213.00 Continued

E. Upon receipt of the notice of appeal the Clerk of the Board of Supervisors shall schedule the matter for appeal to the Board of Supervisors within thirty (30) calendar days, or as soon thereafter as is practical.

The Clerk of the Board of Supervisors shall also transmit copies of the notice of appeal to the County Attorney and the Zoning Inspector. The Zoning Inspector shall transmit a certified copy of all public records regarding the case to the Clerk of the Board so they may be presented to the Board of Supervisors prior to the date set for the appeal.

F. The Clerk of the Board shall notify the appellant, the Zoning Inspector, and the County Attorney of the date, time and place of the appeal hearing by certified mail unless waived by the parties at least ten (10) days prior to the date of the hearing.

G. All appeals to the Board of Supervisors shall be upon the record. The Chairperson of the Board of Supervisors shall preside at all appeal hearings and shall decide all questions pertaining to procedure. Each party shall be allowed five minutes to present oral arguments. Time limits may be extended at the discretion of the Chairperson. All members of the Board of Supervisors shall be allowed to question all parties appearing before them. Decisions to reverse or modify the notice or assessment shall be decided upon motion and majority vote of the Board of Supervisors. Failure to obtain a majority vote to reverse or modify the violation notice or assessment shall be construed as upholding the notice or assessment.

1213.07 - Supercisions

This Amendment to the Yuma County Zoning Ordinance supercedes the existing Yuma County Hazard Abatement Ordinance #00-03 passed and adopted by the Yuma County Board of Supervisors on December 4th, 2000 and effective noon {MST} January 7, 2001.

133-e

Hand-delivered
LND-6.00-San Luis Town 10-10-03
X LND-6.00-5 mile Zone 7:30am

City of San Luis
POST OFFICE BOX 1170
767 N. FIRST AVENUE
SAN LUIS, ARIZONA 85349-1170
(928) 627-2027; FAX: (928) 627-3879

RECEIVED
OCT 10 2003
ACTION CODE 7120
REPLY DATE 10/30/03
DATE ACTION TAKEN

DATE	INITIALS	CODE
		7120
		7100
		7000

30021007
2718

Resource Management Plan Comments: City of San Luis
Ratified by the San Luis City Council October, 8, 2003

As stated on the front inside cover of the Resource Management Plan (RMP) Draft of August 2003, the mission of the BOR is. . ."to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public." It is the intent of the City of San Luis to provide detailed comments concerning the BOR RMP in order to ensure that the city continues to develop in a manner that benefits its current and future residents--the American public. Therefore, the City of San Luis is presenting the following comment sections for the RMP team to review: *Water, Land Use, Population Projections, Emergency Services, Document Administration, Right-of-way and Road Comments, and Miscellaneous Comments*. The city believes that these comments reflect sound management and planning principles and provide a balance between resource conservation and land development. With more time, the city could develop an even more detailed analysis of the plan, but the following comments should suffice in laying the foundation for further BOR/City of San Luis RMP discussions.

Water

As is apparent in the RMP, groundwater conservation in relation to the Colorado River Basin and Salinity Control Act of 1974 (Act) is one of the primary if not the main catalyst for the development of the plan itself. Recognizing this, the City of San Luis has considered the potential impact of development within the Resource Management Plan Area (RMPA) and the entire 5-mile zone as it extends west to the Colorado River. Utilizing numbers compiled from the RMP (VI-21) and discussions with BOR staff, the current amount of water being pumped by each group is listed below in Table One. As one can see from Table One, agricultural pumping accounts for 92% (21,191 acre feet) of the total amount of water pumped in the 5-mile zone. Since it is unlikely that the amount of agriculture land will increase, one can assume with much certainty that the 23,000 acre feet pumped per year will remain relatively static and, in fact, remain well within the 35,000 acre feet cushion the BOR is desirous of maintaining. Furthermore, when one considers that farmland taken out of production will lessen the amount of water pumped, it becomes apparent that the total amount pumped will decrease as the City of San Luis expands north toward Gadsden. Likewise, any conversion of farmland from agricultural to residential, commercial, or employment uses in the Hillander C Irrigation District will reduce substantially the amount of water used in that area.

ALEX JOE HARPER, Mayor
JOSE PONCE, Vice Mayor
LUIS LUNA, Council Member
JUAN CARLOS ESCAMILLA, Council Member
GLORIA TORRES, Council Member
CARLOS BERNAL, Council Member
HAYDEE SILVA, Council Member
ALEX U. RUIZ, CITY ADMINISTRATOR

Table One. Acre Feet Pumped in 5-Mile Zone

Entity/Area	Amount Pumped in Acre Feet
City of San Luis	1,809
City of San Luis Area	5,191
Hillander C Irrigation Dist.	16,000
Total Pumped	23,000

Be that as it may, the importance of this information is linked to the 35,000 acre feet allowance for the Act water requirements. If the City of San Luis were to develop to the east due to land exchanges, land sales, or residential development in the Hillander C Irrigation District, the current city population (18,345) would have to more than quadruple to 91,500 with no reduction in agriculture pumping before total pumping in the 5-mile zone reaches the 35,000 acre feet mark.

An additional issue related to water and water sources is the BOR's contention that all water in the RMP is Colorado River Water. Contrary to the BOR plan statement, the Arizona Department of Water Resources has stated that the Gila River may contribute to the groundwater supply for San Luis. Additionally, this statement brings into question San Luis's right to pump water and the availability of water rights for the Colorado River. Until this issue is settled to the satisfaction of all entities, the city contends that the BOR cannot make a definitive plan statement that may impede the city's ability to provide a consistent source of water.

Land Use

Instead of one homogenous Alternative designation for the entire (RMPA), the City of San Luis proposes a mixed designation utilizing both Alternatives C and D. Referring to RMP map VI-I, the city recommends that the areas designated as "Limited Recreation and Development" (LRAD) be granted an Alternative C designation as the sections included in this designation are contiguous with the developed portion of San Luis along Avenue H. Likewise, the city proposes that the area designated as "Restricted Land Use" (RLU) remain the same as the city does not anticipate any residential, commercial, or industrial growth in the ten-year effective period of the RMP or for the twenty-year effective period for the San Luis General Plan. Furthermore, the city is requesting that Alternative C allow commercial development at the level of intensity the San Luis Zoning Code provides under its C2 definition, mixed residential applications, and employment area development around the Rolle Airfield and in Sections 34 and 35 to occur. Specific definitions of all San Luis Zoning definitions are attached to this document for RMP development team review (Exhibit A).

However, development of this type can only take place if the Bureau of Reclamation (BOR) and the RMP development team address land ownership, land exchange, and land sales issues. **As a major document statement, the City of San Luis supports private ownership of BOR lands within the LRAD.** Whether the ownership comes by way of exchanges or outright sales, the city has no preference. In theory, the

BOR could exchange or sell the land in amounts that reflect growth and development patterns this response addresses in the next comment section, **Population Projections.** Thus, the BOR could designate the LRAD an Alternative C development area as amended but adopt the policy of staggered exchanges or sales. In fact, the city would go so far as to recommend that the BOR identify commercial edges within residential areas so that the BOR would realize the highest revenues possible based on a philosophy of "best and highest use" similar to what the Arizona State Land Department utilizes when reviewing land purchase and lease applications. It is also conceivable that the BOR could require land purchasers to set aside a certain percentage of residential developments for specific park uses above and beyond those required in the City of San Luis Subdivision Regulations for retention areas.

There are obvious advantages to the concept of a mixed designation coupled with land exchanges or sales for the RMPA. First, the concept will promote contiguous residential growth in Sections 32, 5, and 8 along Avenue H and prevent leapfrog growth. Furthermore, planned growth lessens the detrimental environmental impacts of constructing belowground infrastructure, particularly construction that will occur within the right-of-way and easements for Juan Sanchez Boulevard (County 23rd). Instead of miles of open trenches beginning at Avenue H and extending to the Hillander C irrigation district and beyond, development will most likely occur in 80 to 160 acre segments near existing belowground infrastructure and improved roadways. In the event that developers decide to extend belowground improvements to the Hillander C and San Luis II Port of Entry, the developer might be inclined to construct a sewer line sufficient in size so as to prevent the necessity of reopening a trench to construct a future parallel line. The developer could enter into a payback agreement with the city, and the development adjacent Avenue H and Juan Sanchez Boulevard would help offset the costs of constructing the sewer line the developer assumes.

In addition, land exchanges of no less than 320 acres could work to promote contiguous growth in a similar way. For example, The BOR could encourage land exchanges by private landowners of Sections 12 and13 of Range 24 West as this would create a contiguous and increased habitat area with the existing RLU area. Specifically, the BOR and the private landowners would rely on appraisals and fair market values to establish the necessary exchange values. The City of San Luis further recommends that BOR allow land exchanges as small as 320 acres so private landowners would be encouraged to exchange as much property as possible while they maintain development corridors such as the one that exists along Avenue E to the San Luis II Commercial Port of Entry. Again in theory, exchanges of this type would occur with BOR lands contiguous to developed properties beginning with Sections 32, 5, and 8 along Avenue H.

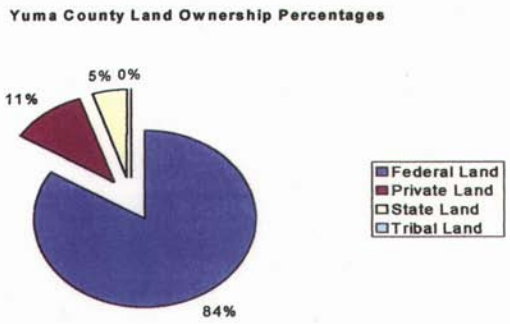
Such a concept would also be of benefit to BOR projects and administrative services in providing a substantial and continuing source of revenue. For example, one can use the following area comparables for recent land sales (within the last 5 years) as an estimate for revenue generation from land sales on a segmented basis. As one can see from Table Two, the BOR would stand to receive a projected **$67,825,024** in revenues based on fair market values for land sales in the first ten (10) years. This revenue would

go far in creating/improving habitats and existing recreational areas and supporting the BOR administrative functions.

Table Two. Land Sales Projections

Land Type	Recent Comparable Average/acre	Number of Acres	Total Revenue
Residential	$17,197	1,152	$19,810,944
Commercial/Office	$261,360	128	$33,454,080
Office/Employment	$22,750	640	$14,560,000
Total Projected Revenues		**1,920**	**$67,825,024**
Education Royalties 5%			**$3,391,251**

For San Luis, Yuma County, and the State of Arizona, the sale or transfer of BOR and other federal properties means tax revenues to support education with property taxes collected in perpetuity from private landowners. In fact, SCM 1004 introduced in the Arizona State Forty-Sixth Legislature, First Regular Session (Exhibit B), appeals to the Federal Government to address the difficulties western states have with federal land ownership and educational funding. Yuma County's land ownership issues are comparable to those that other counties and western states are experiencing as illustrated in the chart below taken from the Arizona State Parks Department 2003 SCORP Outdoor Recreation Analyses.



Given these land ownership percentages and the impact of the Barry M. Goldwater Bombing Range size on the Federal Land Ownership, one can still see restrictive impacts federal land ownership has on Yuma County. In the San Luis General Plan planning area, using approximations to determine the total number of acres in the city planning area (37,120), Federal Land ownership constitutes 52% (19,302 acres) of the total available acreage, Private Land ownership 38% (14,080 acres), and State Land 10% (3,738 acres). Even more important to the City of San Luis in these ownership

discussions is the fact that the Federal and State Land comprises the majority of the prime residential, commercial, and employment properties available on the mesa from HWY 95 east along Juan Sanchez Boulevard as evidenced in Fig. 4.3 of the San Luis General Plan (Exhibit C). As discussed earlier, this ownership issue limits the city's ability to allow for the orderly and also timely development of these areas as, in a best-case scenario, federal and state land leases, sales, or patents take at a minimum one year and as much as four years to complete.

As a final note, the City of San Luis recognizes that any land sales will require approval from the United States Congress. However, the city still supports including sale language in the document as it allows for possibility of such actions if Congress receives enough pressure from the Western States to enact such legislation. The city would rather the language be included now rather than amending the RMP at a future date.

Population Projections

The San Luis General Plan provides specific population projections for low, medium, and high-density residential build out scenarios as evidenced in Exhibit C. For the purpose of projecting the population in the aforementioned LRAD, the city has identified roughly 8,300 acres of land for commercial and residential development, 1,920 acres for office, light and heavy industrial development, and 1,280 acres for open space/recreation development. Assuming, that developers will utilize a minimum of ten (10) percent of the available land for commercial development, this leaves 7,470 acres for residential development. According to the San Luis General Plan, 4,706 of the remaining acres are designated as Low Density (2-6 du/ac), leaving 2,764 acres for Rural Ranchette development (1-2 du/ac). Based on these figures, the Table 2 below provides population estimates for the entire LRAD.

Table 3. LRAD Population Projections

Type of Development in LRAD	Est. Acres	20% Loss Factor in Remaining Acres[A]	Dwelling Units/Acre	Total Units Maximum (TUM)	Total Population (TUM x 4.31 pph[B])
Commercial	830	664	N/A	N/A	N/A
Low Density Res.	4,706	3,764	2-6	22,584	97,337
Rural Ranchette	2,764	2,211	1-2	4,422	19,058
Employment	1,920	1,536	N/A	N/A	N/A
Open Space	1,280	1,280	N/A	N/A	N/A
Total Projected LRDA Population	11500	9,200		27,006	116,395

[A]Industry standards allow for a 20% loss of developable land due to below- and aboveground improvements.
[B]Persons per household

Realistically, one cannot assume that the maximum build out will occur in 10 years. A reasonable projection places the LRAD projected population at 15,520 using the following formula:

30 Certificates of Occupancy/mo. x 12 mos.=360 du/year
360 du/year x 4.31 pph=1,552 ppy (persons per year)
1,552 ppy x 10 years=15,520 increase in population

The Arizona Department of Economic Security population estimates for July 1, 2002 (Exhibit D) place the current San Luis population at 18,345, a 3,023 increase since the 2000 Census. This trend supports the estimated figures of the aforementioned population forecast and the projected maximum build out population for the entire LRAD. Consequently, these estimates lend to a land development pace of approximately 100 acres per year--1,000 acres over ten years--taking into account allowances for the commercial development and 20% loss factor. Using 2004 as the base year and anticipating a perfectly contiguous growth pattern, Sections 32, 5, and 8 adjacent Avenue H will be completely developed by 2014.

Emergency Services

Since some portions of BOR lands are located in Yuma County, the City of San Luis and BOR will need to develop intergovernmental agreements for fire and police services in said areas. For BOR lands within the City of San Luis, the fire and police departments shall be the primary responders.

Document Administration

The City of San Luis recommends that the BOR: include specific definitions for Minor vs. Major Plan Amendments; include a definitive process whereby interested entities can submit items for amendment consideration; and include language requiring a five-year plan review.

Right-of-way and Road Comments

According to the road development agreement between the BOR and the Yuma Gila Irrigation District, the BOR dedicated 66' along each section line for roadway development. Please refer to Exhibit E for specific detail.

Additionally, the City of San Luis General Plan shows the A Street Truck Route extending east to 10th, running south one mile to County 24th, and then extending to Avenue E.

Miscellaneous Comments

The City of San Luis supports Border Patrol's request to extend the safety zone beginning at Avenue G and extending east along the border and beginning at the west edge of Friendship Park and extending west. Conversely, the city opposes any Border Patrol attempt to extend the safety zone within any developed portion of the city, particularly the San Luis Industrial Park and Friendship Park.

In short, the City of San Luis thanks the BOR for the opportunity to respond to the RMP in such a way that both entities can further our already sound working

relationship and work to plan progressively the 30,200 acres addressed in this plan. The issues the RMP addresses are complex and affect the City of San Luis in many ways, but the city hopes the comments included herein provide a basis for discussion so as to limit to possible negative affects and provide a balance between development and conservation. Thus, the City of San Luis--its elected officials and staff--welcome the opportunity to meet with the RMP Development team to create a final document that reflects the willingness of both entities to create a workable final draft.

Exhibit A-City of San Luis

This district is intended to promote and preserve convenient shopping areas which contain retail and service establishments to meet the daily needs of the neighborhood.

610.02 Permitted Uses

The following use are permitted in the C-1 district subject to compliance with the development standards listed below. In order to preserve the neighborhood character of uses in this district, no single establishment may exceed 6,000 square feet of gross floor area or have drive-through facilities without Special Use Permit. (See 610.03).

Antique store
Apparel store
Art needlework or hand-weaving establishment
Art gallery or store
Auto parking lot (inside or outside storage only) provided lot is surface treated and maintained in a dust free condition, illumination be directed away from residential areas, and a minimum four foot (4') fireproof wall be erected adjacent to all residential districts
Bakery store (retail only - no wholesale or distribution)
Bank or other financial or trust services
Bicycle shop (no sales or service of motorized vehicles
Book, newspaper, magazine, stationery, art or drawing supply
Cafe or restaurant (no alcohol, live entertainment, or dancing is allowed without special use permit)
Catering service
Church
Cleaning, dyeing, laundering or pressing facilities
Club or lodge (non-profit)
Community service agency
Confectionary store
Convenience store (no fuel sales)
Copying services
Custom dressmaking, millinery, hemstitching or pleating
Custom weaving or mending
Day care center
Dealer in coins, stamps or similar collector's items
Delicatessen store
Doughnut shop
Dry goods or notions store
Florist shop
Furniture or house furnishings store
General or variety store
Gift, curio, novelty, toy, or hobby shop
Grocery, fruit or vegetable store
Hair care facilities
Hardware store (no more than 10% outside storage)

Ice cream store
Ice station for packaged sale only
Interior decorator
Jewelry store or jewelry and watch repair
Leather goods store
Library
Liquor store for packaged sales only
Meat, fish or poultry market (no slaughtering)
Medical or dental offices and associated laboratories
Messenger services
Mini-warehouses
Museum
Music
Nursery, flower, plant or tree (within a building or fence)
Office: business, professional or semi-professional
Pharmacy
Photography studio or photographic supply store
Refreshment stand
Roadside stand
School, barber or beauty culture
School; business
School, dramatic
School, handicraft, painting or sculpture
Shoe store or shoe repair shop
Sporting goods, hunting and fishing equipment store
Tailor shop
Taxicab stand
Taxidermist
Theater, except drive-in or outdoor
Tobacco store
Vending or water dispensing machines
Water, telephone or telegraph distribution, installation or electrical receiving or distribution station (inside or outside a building as long as screened at setback lines)
Other similar enterprise or business of the same class
Accessory building or use (not involving open storage) when located on the same parcel

Special Uses

The following uses are allowed in the C-1 district provided a special use permit is approved by the Planning and Zoning Commission as per Section 403.

a) Governmental or institutional facilities
b) Proprietor's or caretaker's residence
c) Drive-through facility for permitted businesses
d) Fabrication or assembly of goods or materials directly related to a principal use as permitted herein
e) Dispensing of motor or other fuels
f) Live entertainment or dancing in restaurant or cafe
g) Establishments over 6,000 square feet
h) Other uses that meet the purpose as specified herein
i) Sale of alcoholic beverages for on-site consumption

610.04 Minimum Parcel Size Requirements

All parcels in the C-1 district shall be at least eight thousand (8,000) square feet.

610.05 Minimum Lot widths and Principal Buildings Setback Requirements

The following are the minimum lot widths and setbacks for all principal buildings in the C-1 district.

Minimum lot width: 60'
Minimum front yard setback: 10
Minimum side yard setback: 5'
Minimum rear yard setback: 10'
Minimum side street setback: 10'

*(Zero lot lines may be applied if adjacent parcel is also zoned commercial or industrial and firewall regulations of the Uniform Building Code are met.)

610.06 Maximum Height Allowance

No structure in the C-1 district shall exceed 35' in height except as provided in Section 1103 of this Code.

610.07 Maximum Lot Coverage

The maximum lot coverage for all principal and accessory buildings in the C-1 district is fifty percent (50%).

610.08 Accessory Buildings

See Section 1106 of this code for accessory building standards.

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611.00 GENERAL COMMERCIAL DISTRICT (C-2)

611.01 Purpose

This district is intended to permit all uses permitted in the Local Commercial District (C-1), plus commercial activities designed to serve the community. This district includes uses usually associated with regional shopping centers and central business districts.

611.02 Permitted Uses

The following uses are permitted in the C-2 district subject to compliance with the development standards listed below.

Any use permitted in the C-1 Local Commercial District as listed in Section 610.02 of this code
Amusement or recreational enterprise (within a completely enclosed structure) including billiard or pool hall, bowling alley, dance hall, gymnasium, penny arcade, shooting gallery, skating rink, sports arena
Amusement or recreational enterprise (outdoor) including archery range, public or private park, golf course, miniature golf or practice driving or putting range, games of skill or science, pony riding ring without stables, swimming pool or commercial beach or bathhouse, tennis court
Auction, public (no animals)
Auditorium or assembly hall
Automobile sales, rental or repair including body work or painting provided that all repairs are done inside and all wrecked or partially dismantled vehicles are out of view
Bar, cocktail lounge, night club, tavern
Baths (Turkish, Swedish, steam, etc.)
Blueprinting, photostating
Boat sales, rental, or storage
Burglar alarm service
Bus station
Car Wash
Carpenter shop (inside only)
Club: private, social, or recreational
Drive-in theater, provided that the screen does not face adjacent roadways and is at least 500 feet from a residential zone
Engraving, photo-engraving, lithographing
Equipment sales or rental
Farm equipment and supplies store
Fortunetelling
Garage, public (for commercial use)
Gas station or dispensing of other fuels provided storage tanks for fuels other than gasoline or diesel do not exceed 1,000 gallons
Hotel or motel
Juke box or coin machine business
Lumber yard, retail
Locksmith, tool or cutlery sharpening, lawnmower repairing, fix-it or handyman shop
Massage establishment, reducing salon or gymnasium
Motorcycle or moped or ATC sales, rental, repair or storage
Mortuary or embalming establishment
Musical instrument sales, rental, or service
Nursing home, convalescent home, or home for the aged
Office equipment and supplies
Painting and decorating equipment and supplies
Pawn shop
Pet sales or grooming

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Plumbing, heating and air conditioning sales and service
Printing or publishing
Radio and/or television station
Recording studio
Recreational vehicle sales, rental and service
School: public, private, technical, trade, or college
Second hand store
Sign painting or advertising business
Tire sales, service and repair (no outside storage or repair)
Trade or industrial show or exhibition
Upholstery shop
Veterinary hospital or kennels provided building is at least 50 feet from property lines abutting a residential district
Wholesaling of comsumer goods such as food, clothing or shoes, games and toys, health and beauty products, appliances, medical supplies, electronic equipment, furniture
Light manufacturing or assembly incidental to any above permitted use provided it uses no more than 25% of the total floor area

611.03 Special Uses

The following uses are allowed in the C-2 district provided a special use permit is approved by the Planning and Zoning Commission as per Section 403.

a) Any commercial, institutional, or residential use not allowed under Permitted Uses in Section 611.02, but which complies with the purpose of the district as defined in Section 611.01

611.04 Minimum Parcel Size Requirements

All parcels in the C-2 district shall be at least eight thousand (8,000) square feet.

611.05 Minimum Lot widths and Principal Buildings Setback Requirements

The following are the minimum lot widths and setbacks for all principal buildings in the C-2 district.

Minimum lot width: 60'
Minimum front yard setback: 10'
Minimum side yard setback: 5'*
Minimum rear yard setback: 10'
Minimum side street setback: 10'

*(Zero lot lines may be applied if adjacent parcel is also zoned commercial or industrial and firewall regulations of the Uniform Building Code are met.)

611.06 Maximum Height Allowance

No structure in the C-2 district shall exceed 60' in height except as provided in Section 1103 of this Code.

611.07 Maximum Lot Coverage

The maximum lot coverage for all principal and accessory buildings in the C-2 district is fifty percent (50%).

611.08 Accessory Buildings

See Section 1106 of this code for accessory building standards.

EXHIBIT B-City of San Luis

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: action plan; public land; education.

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

SCM 1004

Introduced by
Senators Bennett, Bee, Jarrett, Brown, Blendu: Anderson (with permission of committee on Rules)

A CONCURRENT MEMORIAL

URGING THE UNITED STATES CONGRESS TO APPROPRIATE JUST COMPENSATION TO THE STATE OF ARIZONA FOR THE IMPACT OF FEDERAL LAND OWNERSHIP ON THE STATE'S ABILITY TO FUND PUBLIC EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

SCM 1004

To the Congress of the United States:

Your memorialist respectfully represents:

Whereas, for many years western states have grappled with the challenge of providing the best education for their citizens; and

Whereas, western states face unique challenges in achieving this goal; and

Whereas, from 1979 to 1998 the per cent change in expenditures per pupil in thirteen western states was 28%, compared to 57% in the remaining states; and

Whereas, in 2000-2001, the pupil per teacher ratio in thirteen western states averaged 17.9% to one compared with 14.8% to one in the remaining states; and

Whereas, the conditions in western states are exacerbated by projections that enrollment will increase by an average of 7.1% compared to an average decrease of 2.6% in the rest of the nation; and

Whereas, despite the wide disparities in expenditures per pupil and pupil per teacher ratio, western states tax at a comparable rate and allocate as much of their budgets to public education as the rest of the nation; and

Whereas, the ability of western states to fund education is directly related to federal ownership of state lands; and

Whereas, the federal government owns an average of 51.9% of the land in thirteen western states compared to 4.1% in the remaining states; and

Whereas, the enabling acts of most western states promise that 5% of the proceeds from the sale of federal lands will go to the states for public education; and

Whereas, a federal policy change in 1977 ended these sales resulting in an estimated 14 billion dollars in lost public education funding for western states; and

Whereas, the ability of western states to fund public education is further impacted by the fact that state and local property taxes, on which public education relies heavily to fund education, cannot be assessed on federal lands; and

Whereas, the estimated annual impact of this property tax prohibition on western states is more than 4 billion dollars; and

Whereas, the federal government shares only half of its royalty revenue with the states; and

Whereas, royalties are further reduced because federal lands are less likely to be developed and federal laws often place stipulations on the use of state royalty payments; and

Whereas, the estimated annual impact of royalty payment policies on western states is more than 1.86 billion dollars; and

Whereas, much of the land that the federal government transferred to states on statehood as a trust for public education is difficult to administer and to make productive because it is surrounded by federal land; and

SCM 1004

Whereas, federal land ownership greatly hinders the ability of western states to fund public education; and

Whereas, the federal government should compensate western states for the significant impact federal land ownership has on the ability of western states to educate its citizens; and

Whereas, just compensation will allow western states to be on equal footing with the rest of the nation in their efforts to provide education for their citizens.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress appropriate just compensation to the State of Arizona for the impact of federal land ownership on this state's ability to fund public education.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

Exhibit C-City of San Luis

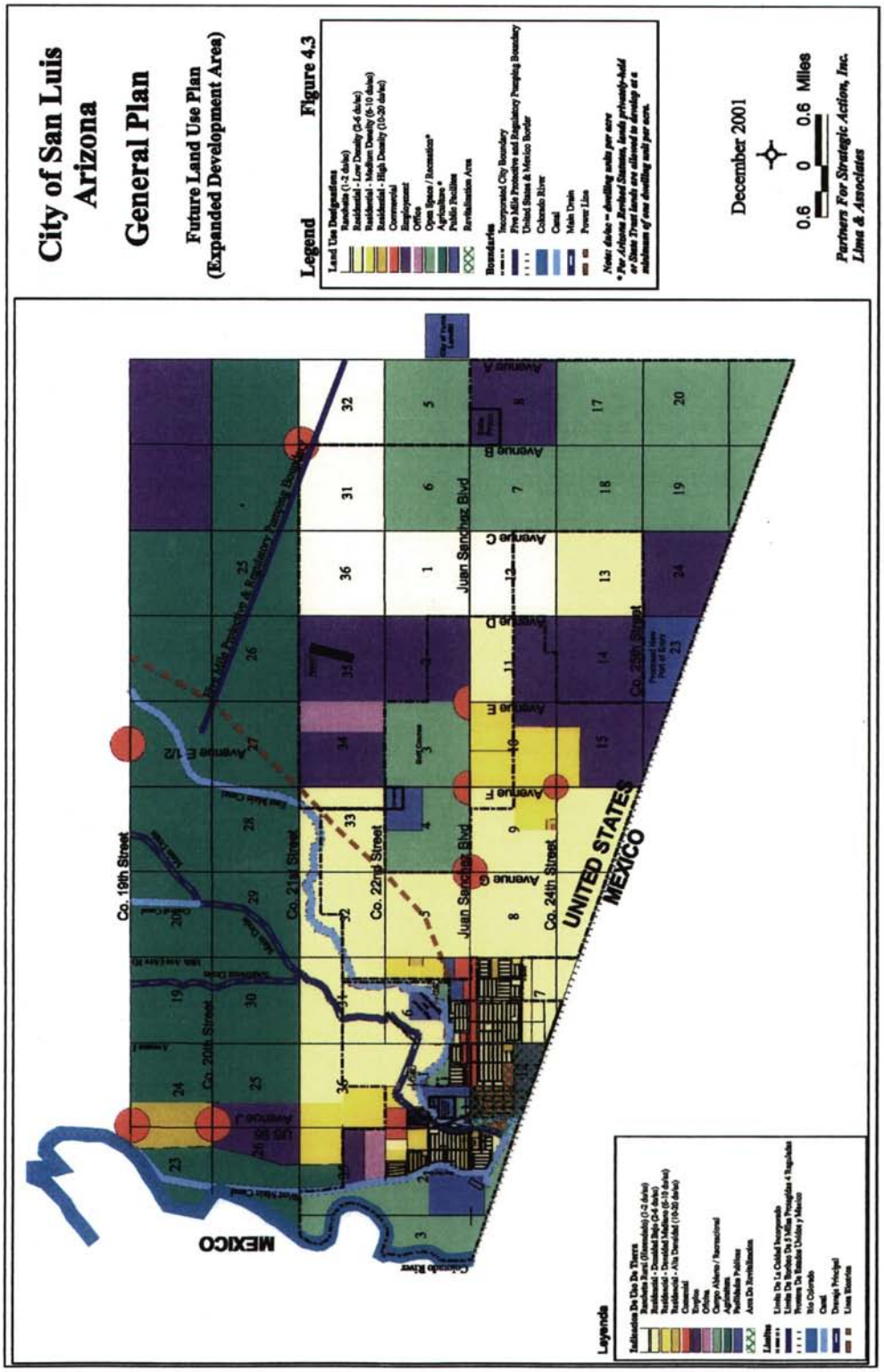

Exhibit D-City of San Luis

JULY 1, 2002 POPULATION ESTIMATES FOR ARIZONA, COUNTIES AND INCORPORATED PLACES

Area	DES Estimate 7/1/2002	Census April 1, 2000	Number Change	Percent Change
Arizona	5,472,750	5,130,632	342,118	6.7%
County				
Apache	70,105	69,423	682	1.0%
Cochise	124,040	117,755	6,285	5.3%
Coconino	125,420	116,320	9,100	7.8%
Gila	53,015	51,335	1,680	3.3%
Graham	34,070	33,489	581	1.7%
Greenlee	8,605	8,547	58	0.7%
La Paz	20,365	19,715	650	3.3%
Maricopa	3,296,250	3,072,149	224,101	7.3%
Mohave	166,465	155,032	11,433	7.4%
Navajo	101,615	97,470	4,145	4.3%
Pima	890,545	843,746	46,799	5.5%
Pinal	192,395	179,727	12,668	7.0%
Santa Cruz	39,840	38,381	1,459	3.8%
Yavapai	180,260	167,517	12,743	7.6%
Yuma	169,760	160,026	9,734	6.1%
Place				
Apache Junction	33,570	31,814	1,756	5.5%
Avondale	47,610	35,883	11,727	32.7%
Benson	4,745	4,711	34	0.7%
Bisbee	6,140	6,090	50	0.8%
Buckeye *	11,955	8,497	3,458	40.7%
Bullhead City	35,410	33,769	1,641	4.9%
Camp Verde	9,940	9,451	489	5.2%
Carefree	3,150	2,927	223	7.6%
Casa Grande	27,830	25,224	2,606	10.3%
Cave Creek	4,025	3,728	297	8.0%
Chandler	194,390	176,581	17,809	10.1%
Chino Valley	8,205	7,835	370	4.7%
Clarkdale	3,570	3,422	148	4.3%
Clifton	2,595	2,596	-1	0.0%
Colorado City	3,905	3,334	571	17.1%
Coolidge	8,160	7,786	374	4.8%
Cottonwood	10,020	9,179	841	9.2%
Douglas	16,710	14,312	2,398	16.8%
Duncan	825	812	13	1.6%
Eagar	4,105	4,033	72	1.8%
El Mirage	20,645	7,609	13,036	171.3%
Eloy	10,810	10,375	435	4.2%
Flagstaff	59,160	52,894	6,266	11.8%
Florence *	14,540	14,466	74	0.5%
Fountain Hills	21,740	20,235	1,505	7.4%
Fredonia	1,090	1,036	54	5.2%
Gila Bend	2,015	1,980	35	1.8%
Gilbert	133,640	109,697	23,943	21.8%
Glendale	227,495	218,812	8,683	4.0%
Globe	7,525	7,486	39	0.5%
Goodyear	26,715	18,911	7,804	41.3%
Guadalupe	5,325	5,228	97	1.9%
Hayden	890	892	-2	-0.2%
Holbrook	4,935	4,917	18	0.4%

* Corrected Census 2000 figure.

December 2002

Area	DES Estimate 7/1/2002	Census April 1, 2000	Number Change	Percent Change
Huachuca City	1,800	1,751	49	2.8%
Jerome	330	329	1	0.3%
Kearny	2,255	2,249	6	0.3%
Kingman	22,045	20,069	1,976	9.8%
Lake Havasu City	46,400	41,938	4,462	10.6%
Litchfield Park	3,850	3,810	40	1.0%
Mammoth	1,790	1,762	28	1.6%
Marana	17,770	13,556	4,214	31.1%
Mesa	427,550	396,375	31,175	7.9%
Miami	1,965	1,936	29	1.5%
Nogales	21,110	20,878	232	1.1%
Oro Valley	34,050	29,700	4,350	14.6%
Page	7,040	6,809	231	3.4%
Paradise Valley	14,090	13,664	426	3.1%
Parker	3,250	3,140	110	3.5%
Patagonia	905	881	24	2.7%
Payson	14,510	13,620	890	6.5%
Peoria	122,655	108,364	14,291	13.2%
Phoenix	1,365,675	1,321,045	44,630	3.4%
Pima	2,040	1,989	51	2.6%
Pinetop-Lakeside	3,750	3,582	168	4.7%
Prescott	36,375	33,938	2,437	7.2%
Prescott Valley	26,115	23,535	2,580	11.0%
Quartzsite	3,430	3,354	76	2.3%
Queen Creek	5,555	4,316	1,239	28.7%
Safford	9,395	9,232	163	1.8%
Sahuarita	5,455	3,242	2,213	68.3%
Saint Johns	3,545	3,269	276	8.4%
San Luis	18,345	15,322	3,023	19.7%
Scottsdale	214,090	202,705	11,385	5.6%
Sedona	10,540	10,192	348	3.4%
Show Low	8,295	7,695	600	7.8%
Sierra Vista	40,415	37,775	2,640	7.0%
Snowflake	4,700	4,460	240	5.4%
Somerton	7,985	7,266	719	9.9%
South Tucson	5,520	5,490	30	0.5%
Springerville	1,990	1,972	18	0.9%
Superior	3,280	3,254	26	0.8%
Surprise	45,125	30,848	14,277	46.3%
Taylor	3,590	3,176	414	13.0%
Tempe	159,425	158,625	800	0.5%
Thatcher	4,130	4,022	108	2.7%
Tolleson	5,050	4,974	76	1.5%
Tombstone	1,535	1,504	31	2.1%
Tucson	507,085	486,699	20,386	4.2%
Wellton	1,870	1,829	41	2.2%
Wickenburg	5,500	5,082	418	8.2%
Willcox	3,815	3,733	82	2.2%
Williams	2,910	2,842	68	2.4%
Winkelman	450	443	7	1.6%
Winslow	9,450	9,520	-70	-0.7%
Youngtown	3,295	3,010	285	9.5%
Yuma	81,380	77,515	3,865	5.0%

Population Statistics Unit, Arizona Department of Economic Security (602) 542-5984

* Corrected Census 2000 figure.

December 2002

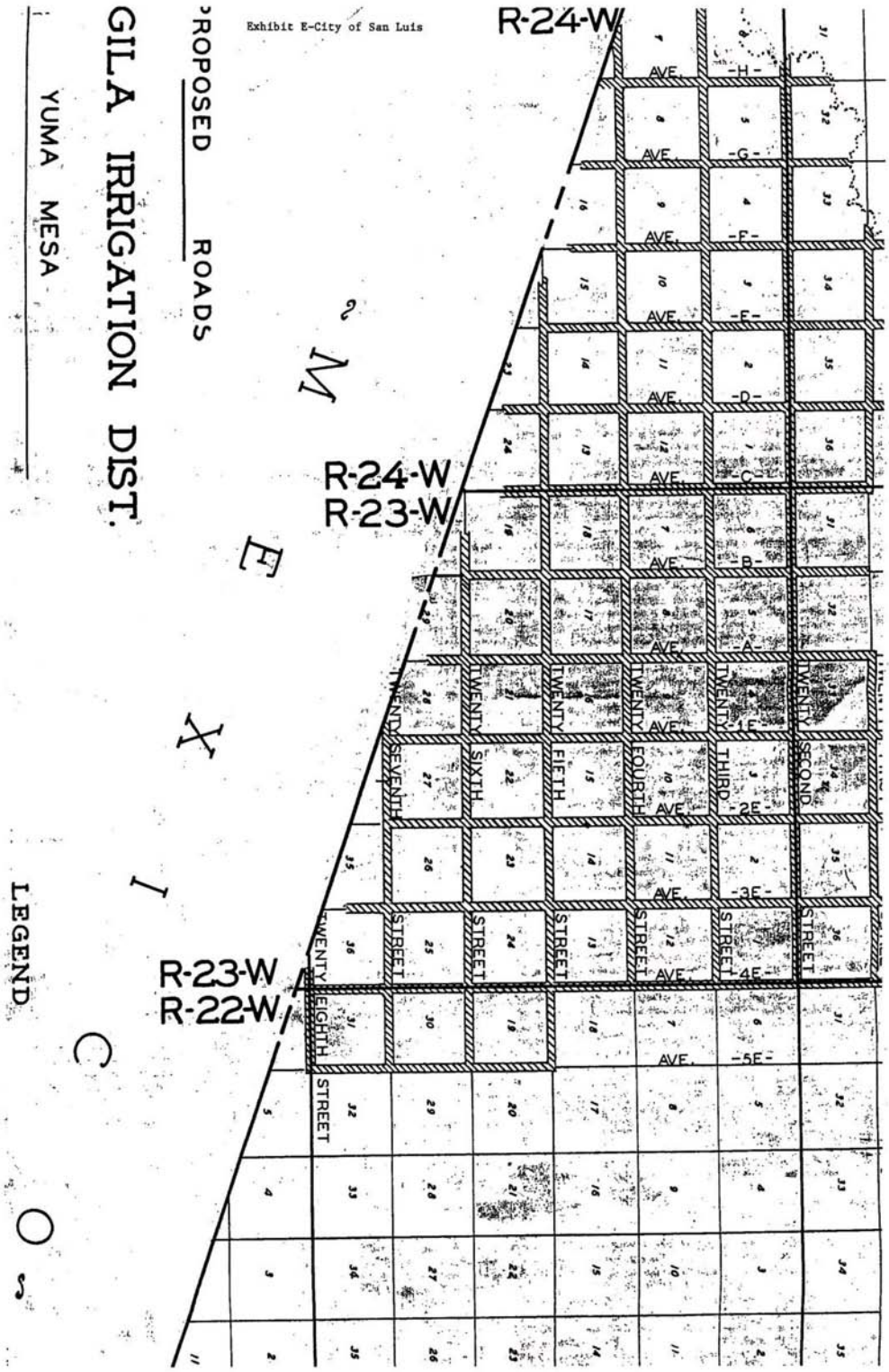
Exhibit E-City of San Luis
R-24-W
R-24-W
R-23-W
R-23-W
R-22-W
AVE. -H-
AVE. -G-
AVE. -F-
AVE. -E-
AVE. -D-
AVE. -C-
AVE. -B-
AVE. -A-
AVE. -1E-
AVE. -2E-
AVE. -3E-
AVE. -4E-
AVE. -5E-
TWENTY SEVENTH STREET
TWENTY SIXTH STREET
TWENTY FIFTH STREET
TWENTY FOURTH STREET
TWENTY THIRD STREET
TWENTY SECOND STREET
TWENTY EIGHTH STREET
PROPOSED ROADS
GILA IRRIGATION DIST.
YUMA MESA
LEGEND
MEXICO

Resolution

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Resolution No. 503

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, ENDORSING ALTERNATIVE "C" AS PROPOSED IN THE BUREAU OF RECLAMATION PRELIMINARY DRAFT OF THE 5-MILE ZONE RESOURCE MANAGEMENT PLAN WHICH INVOLVES LAND WITHIN AND RELATED TO THE GROWTH OF THE CITY OF SAN LUIS.

WHEREAS, the Bureau of Land Management is compiling public comment and testimony concerning the preliminary draft of the 5-Mile Zone Resource Management Plan, a plan that will determine the manner in which much of the land in the San Luis city limits east of Avenue H will develop; and

WHEREAS, Alternative "C" recites as follows:

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 would be maximized within the study area. 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 Flat-tailed Horned Lizard Rangewide Management Strategy planning document, prepared by the working group of the Flat-tailed Horned Lizard Interagency Coordinating Committee, in May 1997. Reclamation's ability to meet its treaty obligation 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, airports, landfills, sewage disposal and recreation and leisure facilities, would be accommodated, as appropriate. Land transfers and/or exchanges within the 5-Mile Zone would be encouraged.

and

Resolution No. 503

Page 2

WHEREAS, the City Council of the City of San Luis unanimously endorsed Alternative "C" as presented in the preliminary draft of the Bureau of Reclamation 5-Mile Zone Resource Management Plan at their Regular Council Meeting of June 26, 2002; and

WHEREAS, the City Council of the City of San Luis did endorse Alternative "C" in order to promote the maximal use of Bureau of Reclamation lands for recreational, community, and commercial development; and

WHEREAS, the City Council of the City of San Luis has noted that the proposed rule to list the flat-tailed horned lizard as a threatened species which was withdrawn by the Fish and Wildlife Service and subsequently challenged by court proceedings in the United States District Court for the Southern District of California, on its face indicates that consideration of the lizard as a threatened species is not a unanimous opinion.

NOW, THEREFORE, be it resolved:

1. That the City Council of the City of San Luis adopt Alternative "C" as proposed in the Bureau of Reclamation Preliminary Draft of the 5-Mile Zone Resource Management Plan; and

2. That the City Council of the City of San Luis strongly supports any and all efforts to delete the flat-tailed horned lizard from any list in which it is included as a threatened species; and

3. That the Bureau of Land Management is encouraged to take any and all steps to confer with the Fish and Wildlife Service to evaluate the growing concerns based upon the fact that the habitat is not appropriate for the flat-tailed horned lizard and sightings of the same are neither current nor numerous.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, this 10 day of July, 2002.

Alex Joe Harper, Mayor

Yolanda Chong, Vice-Mayor

Resolution No. 503

Page 3

Juan Carlos Escamilla, Council Member

Abraham Felix, Council Member

Luis Luna, Council Member

Jose Ronce, Council Member

ATTEST:

Alex U. Ruiz, City Clerk

APPROVED AS TO FORM:

Gerald W. Hunt, City Attorney

-3-

Table IV-1.—5-Mile Zone Study Area RMP/EA
Summary Effects of Alternatives on Resources

Alternative	Air Quality	Noise	Soils	Land Use	Transportation	Groundwater	Vegetation and Wildlife	Special Status Species	Recreation and Visual Quality	Economics	Cultural Resources	Indian Sacred Sites	Indian Trust Assets	Environ-mental Justice
No Action (Alternative A)	Existing conditions would continue.	Unrestricted OHV use, new developments, and increased vehicle use of new roads could lead to increased noise levels.	New developments could increase wind erosion of soils.	Potential for conflicting land uses; social, physical, environmental, or facility carrying capacities could be exceeded; potential adverse effect on natural and cultural resources and on Reclamation's ability to protect PRPU project purposes.	Continuing adverse effects from uncontrolled OHV use. Public demand for access would be met.	If new developments rely on groundwater, potential reduction of groundwater availability. Continuing effect of irrigated agriculture on groundwater quality.	Continuing adverse effects from habitat loss and degradation.	Direct injuries, mortalities, habitat loss, and degradation would continue unabated.	Public demand for developed and urban recreation facilities and opportunities would go unmet. Visual quality could be expected to degrade.	New development would continue to foster economic growth.	Existing conditions would continue.	Unauthorized public use would still have potential to adversely affect sites.	No effect.	Existing conditions would continue.
Natural Resources Conservation/ Protection (Alternative B)	Maximum benefits because of increased vegetative cover and less development, leading to fewer airborne particulates.	Reduced noise levels because recreational OHV use would be eliminated and less development would be allowed.	Same as Alternative A, except that eliminating OHV use would decrease wind erosion of soil in denuded areas.	Least benefit to nearby communities; greatest benefit to natural and cultural resources.	Public demand for access would be minimally met.	Similar effects on groundwater availability as Alternative A; potential benefit to groundwater quality.	Maximum benefits because of improved habitat protection and restoration.	Factors causing mortalities and injuries would be educed because of habitat protection and enhancement measures.	Public demand for developed, dispersed, and urban recreation facilities and opportunities and OHV use would go unmet. Many recreationists would be displaced. Would best protect visual quality.	Possible adverse effects on the agricultural sector of the economy.	Eliminating recreational OHV use and conducting intensive surveys for cultural resources would benefit cultural resources.	Eliminating recreational OHV use would reduce potential adverse effects.	Same as Alternative A.	Possible adverse effects on minority farm workers. Water stations would benefit illegal immigrants and others.
Recreation, Community, and Commercial Development (Alternative C)	Greatest potential adverse effects on air quality because of development of unsurfaced roads and parking areas and increased industrial and vehicular emissions.	Greatest adverse effects on noise levels because of development of new facilities and increased vehicle use of new and existing roads and OHV areas.	Same as Alternative A, plus increased protection would be needed to prevent soil erosion during construction of facilities.	Greatest benefit to nearby communities; least benefit to natural and cultural resources.	Public demand and need for access would be fully met.	Potential reduction of groundwater availability; potential benefit to groundwater quality.	Adverse effects because of accelerated habitat loss and degradation.	Significant increase in factors causing mortalities and injuries as well as habitat loss and degradation.	Public demand for all types of recreation facilities and opportunities, including urban recreation and open space, would be most fully met. Some recreationists would be displaced. Greatest adverse effect on visual quality.	Possible adverse effects on the agricultural sector of the economy, but possibly offset by gains to commercial and recreation services sectors.	Although regulated, OHV use could still adversely affect cultural resources; adverse effectu could be offset by intensive surveys and OHV use plan.	OHV use could still adversely affect sites; adverse effects could be offset by OVH use plan.	Same as Alternative A.	Same as Alternative B, plus 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)	Greater adverse effect than Alternative B but a less adverse effect than Alternative C.	Greater adverse effects than Alternative B but less than Alternative C because of less development, fewer roads, and elimination of recreational OHV use.	Same as Alternative C, except eliminating OHV use would decrease wind erosion of soil in denuded areas.	Greater benefit to nearby communities than Alternative B; less benefit than Alternative C. Greater benefit to natural and cultural resources than Alternative C.	Public demand and need for access would be met.	Effects on groundwater availability would be less than under Alternative C; same effects as Alternatives B and C on groundwater quality.	Substantial improvement in habitat protection and enhancement.	Substantial reduction in factors causing mortalities and injuries, as well as habitat loss and degradation.	Public demand for most types of recreation facilities and opportunities, including urban recreation and open space, would be partially met. Some recreationists would be displaced. Less adverse effect on visual quality than Alternative C.	Similar to Alternative C, except net gains in the commercial and recreation services sectors of the economy may be less.	Same as Alternative B.	Same as Alternative B.	Same as Alternative A.	Same as Alternative C.

Resource Management Plan Comments: City of San Luis Administration

Page Reference	Comment
Ex 1	Describe the 5-mile zone in terms of its proximity to San Luis.
I-2	Maps should show Co. 23rd Street as Juan Sanchez Blvd. within the San Luis City limits.
I-5	Describe the 5-mile zone in terms of its proximity to San Luis.
II-11	Update these figures and dates as per Exhibit "A"
II-13	Include City of Yuma in the GYPA membership.
II-13	Include City of Somerton in ex-officio board
III-5	How specific will BOR define recreation opportunities and areas?
III-11	What, if any, ratios exist to determine Physical Carrying Capacity?
IV-2	The City of San Luis supports Alternative C
IV-2	Alternative C would help alleviate "leapfrog" development, encourage partnerships between BOR and private investors, and preserve lizard habitat.
IV-15	City supports private development of recreation areas that support city development initiatives.
IV-19	City of San Luis needs to be involved in any water/pumping limitation discussions.
V-2	Paragraph One. What harvests occur 3 times per year?
V-4	Add to *Cumulative Impacts* The possibility exists that PM10 concerns will decrease with improved roads.
V-15	How will the Border Patrol expansion of the protective zone affect the existing and future ports of entry?
V-16	County 23rd Street and County 24th Street need proper

	names.
V-17	ASH EA has been completed, to my knowledge.
V-19	City supports Alternative C language.
V-22	Change word choice to describe "The Mexican Pumping" to "Pumping in the San Luis Mesa well field. . ."
V-26	Why is the WWF deserving credit for assisting in this designation? It serves to further the environmentalist influence over the use of federal lands. Consider removing this comment.
V-38	Paragraph 2 supports the principle of planned growth that limits "leapfrog" growth that in turn seems to support Alternative C with private land owners swapping with federal land owners to establish contiguous development beginning at Avenue H (10th Avenue).
V-40	The city supports use of designated areas as long as the areas have a realistic carrying capacity and are open to the public and not subject to closure based on lawsuits from environmental groups.
V-50	The first bullet point seems to contradict earlier statements by the document supporting land exchanges.
V-60	Get current Census Numbers to make plan information timely.
VI-1	What were the actual number and content of the comments for comparison between local and "outside" persons or organizations.
VI-10	Bullet Point 7 under ADOT: Specify the fence use, ie, lizard protection, etc.
VI-15	Bullet Point 2: Will commercial development occur as a land sale or lease?
VI-16	Bullet Point 1: Will campgrounds be private or government-run facilities?
VI-20	Monitoring: Bullet Point 14: An item of concern for the city is that if a recreation area opens up, BOR needs to

	police the area sufficiently as to prevent a closure due to unsafe conditions.
EC-2	Is a 4 month construction period realistic? It certainly limits the scope of development for any project.
G-1	Land Transfer-Address private/federal land swaps and fair market value.
G-4	City of San Luis Truck Route: Include reference to County 24th Street as the route.

RMP Comments

I7- Need BOR approve for wells in 5-Mile Zone?

MAP 1-2 Doesn't show "Main Drain" which is reason for Boundary Pumping Plant. None of the other maps in document showing canals, show the "Main Drain".

IV-5 Need to reword truck route from San Luis to New Port of Entry. "Truck Route would parallel international boundary east along Co. 24th Street to Avenue E, then South to Port of Entry.

IV-10 Under "Water Use", how does considering water pumped from existing & future wells within the 5-mile zone to be Colorado River water affect water rights on the river?

IV-19 The City of San Luis, along with Department of Corrections should be involved in discussions on ground water pumping.

V-2-3 Yuma Metropolitan Planning Organization (YMPO) Air Quality Conformity Analysis locates that the Southern Boundary of Yuma PM10 non-attainment area is Co. 22nd Street. Therefore, it appears that the majority of the study area is outside the non-attainment area?

V-15 Water and Sewer utility corridor is to serve mainly Hillander "C" residential and commercial developments and the new Port of Entry. It may be possible, at a later date, to extend service to the Department of Corrections facility.

V-17 San Luis Truck Route location is correct here. Maybe use on IV-5?

V-23 What management changes in surface water on the Yuma Mesa are contemplated?

V-25 Is it true that all water rights on the Colorado are spoken for? If true then Colorado would not be able to supply increased water needs. However, there are other alternatives, such as working with Yuma County Water Users', Yuma Mesa Irrigation District, City of Yuma, and/or Bureau of Reclamation

Exhibit A

CITY OF SAN LUIS
STATISTIC INFORMATION

City of San Luis Population
Source: U.S. Census

1990	**4,212**
1995	**8,010**
2000	**15,322**

Percentage change from 1990 to 2000: **263.8%**

San Luis Population estimates, 2001
Source: DES Official Estimates
July 2001: **17,090**

Arizona Unemployment Statistics
January 2002
Source: Arizona Department of Economic Security

Labor Force	**2,526**
Employment	**1289**
Unemployment	**1,237**
Unemployment Rate	**49.0%**

Principal Economic Activities
Source: Arizona Department of Economic Security

Agriculture, Forestry, Fishing, Hunting, and Mining	**746**
Construction	**237**
Manufacturing	**306**
Wholesale Trade	**242**
Retail Trade	**427**
Transportation, Retail Warehousing, Trade and Utilities	**181**
Information	**26**
Finance, Insurance. Real Estate, Rental and leasing	**44**
Professional, Scientific, Management, Administrative, and waste management services	**64**
Educational, Health and Social Services	**336**
Arts, Entertainment, Recreation, Accommodation and Food Services	**195**
Other Services (except public administration)	**87**
Public Administration	**166**

1

Poverty Rates
Source: U.S. Census 1990
Tract: 116 **37.4**
114 **32.1**
Source: Arizona Department of Economic Security
1999: **36.3%**

Household and per capital income
Source: 1990 U.S. Census
Median Household Income: **$16,554.00**
Median Per Capital Income: **$ 5,277.00**
Source: Arizona Department of Economic Security
1999:
Median Household Income: 22,368
Per Capital Income: 5,377

Border Traffic Statistics
Source: U.S. Customs, June 2002

Private Vehicles	**280,062**
Pedestrians	**228,180**
Commercial	**2,488**

2

MINUTES

Regular Meeting of
The San Luis City Council At
The San Luis Council Chambers
767 N. First Avenue
July 10, 2002

CALL TO ORDER/ROLL CALL. Mayor Harper called the meeting to order at approximately 7:04 p.m.

Present: Alex Joe Harper, Mayor
Yolanda Chong, Vice Mayor
Abraham Felix, Council Member
Juan Carlos Escamilla, Council Member
Carlos Bernal, Council Member

Absent: Jose Ponce, Council Member
Luis Luna, Council Member (Due to a death in the family)

OTHERS PRESENT: Paul Melcher, Assistant City Administrator
Maribel Valenzuela, Office Support Specialist
John Starkey, Planning & Zoning Director
Arturo Miranda, Fire Chief
David Ford, Public Works Director
Kerry Jones, Finance Director
Benjamin Garcia, Social Services Director
Rosie Cordova, Human Resources Director
John Miranda, Chief of Police
Jaime Ibarra, Parks & Recreation Director
Jenny Torres, Economic Development Director
Gerald W. Hunt, City Attorney

PLEDGE OF ALLEGIANCE/INVOCATION. Mayor Harper led the Pledge of Allegiance and Council Member Juan Carlos Escamilla led an invocation.

A minute of silence was observed in remembrance of Council Member Luis Luna's mother that passed away that week.

8. San Luis City Council execution of License No. 017-02-002 for Encroachment and Construction, Installation, Operation, and Maintenance of Street Improvements located in Cabello Avenue as part of the Bienestar Estates No. 7A and 7B subdivisions. (Paul Melcher)

Mr. Paul Melcher, Assistant City Administrator, stated that this is being done after the fact. The City essentially sponsored this license for Comite de Bienestar for this encroachment. Which should have been done prior to any construction but Yuma County Water Users Association and the U.S. Bureau of Reclamation are allowing this to come back before council and there certainly is not a problem with this but it is one of the required formalities.

Mr. Gary Black, Comite de Bienestar, explained that this license should have been processed at the beginning of construction and it is based on the plans that the engineer designed. The streets will be turned over to the city and no change can be done without prior approval.

MOTION: J.C. Escamilla/C. Bernal to approve execution of License No. 017-02-002 for Encroachment and Construction, Installation, Operation, and Maintenance of Street Improvements located in Cabello Avenue as part of the Bienestar Estates No. 7A and 7B subdivisions. Motion passed with 4 ayes and one abstention by Mayor Harper.

9. San Luis City Council execution of License No. 017-02-001 for Encroachment and Construction, Installation, Operation, and Maintenance of Street Improvements, a 12" PVC water main and a 12" PVC sewer main located in the right-of-way as part of Las Quintas de San Luis Subdivision Phases 1 and 2. (Paul Melcher)

MOTION: A. Felix/C. Bernal to approve execution of License No. 017-02-001 for Encroachment and Construction, Installation, Operation, and Maintenance of Street Improvements, a 12" PVC water main and a 12" PVC sewer main located in the right-of-way as part of Las Quintas de San Luis Subdivision Phases 1 and 2. Motion passed with 4 ayes and one abstention by Mayor Harper.

Mayor Harper took over the chair.

10. Resolution No. 503. A Resolution of the Common Council of the City of San Luis, Arizona, endorsing Alternative "C" as proposed in the Bureau of Reclamation preliminary draft of the 5-Mile Zone Resource Management Plan, which involves land within and related to the growth of the City of San Luis. (Paul Melcher)

Mayor Harper mentioned that a study is being conducted as to what to do with the land within the 5-mile zone. The 5-mile zone entails water rights to the Bureau of Reclamation that will go directly into Mexico for desalting purposes. That is why they have all the wells and the canal. Consequently they are trying to decide what to do with the flat tailed lizard. Plan C provides the best options for the City of San Luis. It doesn't mean that we are not going to get any water out of the 5-mile area, what it means is that we have 168,000 acres feet per year, so we have more water than we'll ever use.

MOTION: C. Bernal/A. Felix to approve Resolution No. 503. Motion passed unanimously.

11. Request for City Council to reject bids previously received for the purchase of a new Aerial/Pump fire truck. (Arturo Miranda)

Mayor Harper explained that this item was discussed at the Council/Staff retreat held June 29th & 30th in Lake Havasu. There were bids received prior to the city going out for bids, so these bids need to be rejected.

MOTION: Y. Chong/C. Bernal to reject the previous bid for the purchase of the new Aerial/Pump fire truck. Motion passed unanimously.

12. Authorization request to go out to bid for the purchase of a new Aerial/Pump fire truck. (Arturo Miranda)

MOTION: J. C. Escamilla/Y. Chong to authorize the request to go out to bid for the purchase of a new Aerial/Pump fire truck. Motion passed unanimously.

13. Adjournment.

MOTION: C. Bernal/Y. Chong to adjourn the meeting. Motion passed unanimously. The meeting was adjourned at approximately 8:10 p.m.

City of San Luis
POST OFFICE BOX 1170
767 N. FIRST AVENUE
SAN LUIS, ARIZONA 85349-1170
(928) 627-2027; FAX: (928) 627-3879

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of San Luis, Arizona held on the 10 day of July, 2002. I further certify the meeting was duty called and held and that a quorum was present.

Dated this 24th day of July, 2002.

Cynthia Salcido, Deputy Clerk

ALEX JOE HARPER, Mayor
PEDRO JULIAN, Vice Mayor
LUIS LUNA, Council Member
JUAN CARLOS ESCAMILLA, Council Member
ABRAHAM FELIX, Council Member
YOLANDA CHONG, Council Member
JOSE PONCE, Council Member
ALEX U. RUIZ, CITY ADMINISTRATOR

5-MILE ZONE STUDY AREA
COMMENT SHEET AND FINAL RMP/EA REQUEST FORM

Please provide your comments below and return them to the Bureau of Reclamation by October 10, 2003.

Note: You may request to withhold your name and/or address by stating this prominently at the beginning of your comment. However, we will make all submissions from organizations or businesses, and from representatives or officials of organizations or businesses available for public disclosure in their entirety.

If you want to be on the mailing list, please **print** the following information:

Name City of San Luis

Address PO Box 1170

City, State, Zip San Luis, AZ 85349

Optional Phone (928) 627-2027

Optional Fax (928) 627-3879

Optional E-mail pmelcher@cityofsanluis.org

Do you want to receive a copy of the final RMP/EA? yes ✓ no ___

What format: cd-rom (with built in reader) ✓ paper copy ✓

Comments:

Please refer to the attached fax

Please continue your comments on the back of this sheet and add additional sheets if desired. Please return sheet(s). You may send them to 5-Mile Zone, D-8580, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225-0007; fax them to 5-Mile Zone RMP/EA, Bureau of Reclamation at 720-544-0601, or e-mail them to 5mizone@do.usbr.gov

YUMA COUNTY WATER USERS' ASSOCIATION

MAILING ADDRESS:
POST OFFICE BOX 5775
YUMA, ARIZONA 85366-5775
OFFICE: (928) 627-8824

SHIPPING ADDRESS:
3800 WEST COUNTY 15TH STREET
SOMERTON, ARIZONA 85350
FAX: (928) 627-3065

EMAIL ADDRESS:
OFFICE@YCWUA.ORG

October 10, 2003

Mr. Jim Cherry, Area Manager
Yuma Area Office, US Bureau of Reclamation
7301 Calle Agua Salada
Yuma, Arizona 85364

5- Mile Zone, D-8580
US Bureau of Reclamation
P. O. Box 25007
Denver, Colorado 8025-0007

Dear Mr. Cherry and Denver Staff:

Subject: Draft Resource Management Plan and Environmental Assessment (RMP/EA) for the 5-Mile Zone Study Area (Protective and Regulatory Pumping Unit)

Responding to your memorandum of August 25, 2003 which forwarded the subject draft, the following comments are provided for your consideration.

The City of San Luis, Arizona is a rapidly developing community, one of the most urbanizing areas in the entire United States, certainly on a percentage basis. Such should be considered when assessing alternatives in the management plan.

When undue restrictions are placed on the City in regards to expansion and development to the east, then the only valid alternative for development is in the Yuma Valley. As you know the Yuma Colorado River Valley, with some of the best prime farm land in the country, is one of our states and nations most productive agriculture areas. Taking significant farm land out of production for houses and commercial development has an extremely harmful affect on the economic viability of the entire Yuma community. Such also has the adverse affect on the already high unemployment rate in Yuma County with the reduction in agricultural related jobs, and to the individual farm laborer who is largely minority who loses his or her job.

Accordingly, the loss of valuable prime farm land and productivity and the accompanying loss of jobs, should be given greater consideration in your analyses of alternatives. Specifically, it is recommended that your chosen alternative be revised and the map altered to indicate at least partial community development (with some amount of appropriate open space) for the western portion of the zone, preferably from the western boundary of the study area to the area indicated as Non-Reclamation Land, or easterly to Avenue F.

Thank you for the opportunity to provide these comments.

Sincerely,

Donald R. Pope, P.E.
Manager

Comments on the Bureau of Reclamation's 5-Mile Zone Study Area Draft Resource Management Plan/Environmental Assessment

The Bureau of Reclamation (BOR) has done a commendable job of attempting to develop a plan that has something for everyone. The choice of Alternative D however, is not the best alternative. The City of San Luis has proposed an Alternative which takes parts of C and D thus allowing their community to grow, new jobs to be created, and still ensure that the BOR is able to carry out its mission.

The Federal government through the BOR has a responsibility to the citizens of San Luis and Yuma County to work together, enabling the city of San Luis to expand within the area while protecting the wells and infrastructure necessary to fulfill the 242 agreement with Mexico. The area designated for the management of the Flat-Tailed Horned Lizard is set and should be retained. However, the land located to the West should be reviewed with the community of San Luis for development potential.

Land could be declared excess by the BOR and sold with restrictions to protect the underground water as required by Treaty. Land deemed necessary to be retained should be used to allow corridors for utilities which could be placed underground to allow for the retention of visual aesthetics. Land which has cultural significance should be protected or showcased in an environment that would allow for people to view it in a park like setting if possible.

The BOR and the City of San Luis working together could develop the preferred alternative following the final Resource Management Plan as it is adopted. This is an opportunity to create goodwill within the Community, and a better final plan to implement.

Treaties need to be protected as well as our environmental process, but not without ensuring that the Citizens of San Luis, Arizona have as much opportunity as citizens elsewhere to new jobs and community growth.

Thank you for your consideration.

Sincerely,

James E. Ferguson
President/CEO,
Greater Yuma Economic Development Corporation

10- 9-03; 4:56PM; ;9283291674 #

GREATER YUMA PORT AUTHORITY

The Greater Yuma Port Authority
502 S. Orange Ave, Yuma AZ 85364
Phone: 928.783.8911
Fax: 928.329.1674
www.gypa.org

Comments on the Bureau of Reclamation's 5-Mile Zone Study Area Draft Resource Management Plan/Environmental Assessment

The Bureau of Reclamation (BOR) has done a very commendable job of attempting to develop a plan that has something for everyone. The choice of Alternative D however, I believe is not the best alternative. The City of San Luis has proposed an Alternative which takes parts of C and D which would allow their community to grow, new jobs to be created, and still ensure that BOR is able to carry out its mission.

The Federal government through BOR has a responsibility to the citizens of San Luis and Yuma County to work together to enable the city of San Luis to expand within the area while protecting the wells and infrastructure necessary to fulfill our 242 agreement with Mexico. The area designated for the management of the Flat-Tailed Horned Lizard is set and should be retained however the land located to the West should be reviewed with the community of San Luis for development potential.

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BOR and the City of San Luis working together could develop the preferred alternative since both must follow the final Resource Management Plan as it is adopted. This is an opportunity to create goodwill within the Community, and a better final plan to implement.

Treaties need to be protected as will as our environmental process, but not without ensuring that the Citizens of San Luis have as much opportunity as citizens elsewhere to new jobs and community growth in the future.

I can be reached at the (928) 783-8911. Thank you for your consideration.

Sincerely,

James P. Chessum
Administrator,
Greater Yuma Port Authority

PAGE 1/1 * RCVD AT 10/9/03 5:59:03 PM [Mountain Daylight Time] * SVR:IBR8MSFAX/11 * DNIS:601 * CSID:9283291674 * DURATION (mm-ss):00-46

Joshua J. Meyer
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October 9, 2003

SENT VIA FACSIMILE 720.544.0601 AND REGULAR MAIL

5-Mile Zone
D-8580
BUREAU OF RECLAMATION
PO Box 25007
Denver, CO. 80225-0007

Re: 5-Mile Zone RMP/EA

Ladies/Gentlemen:

Please be advised that I represent Hillander "C" Irrigation District. Hillander "C" is located within the 5-Mile Zone along the U.S./Mexico border, and in response to your Draft Resource Management Plan for the 5-Mile Zone, Hillander "C" hereby submits the following written comments.

Hillander "C" objects to the proposed Water use/accounting element for Alternatives B, C, and D. More specifically, Hillander "C" objects to considering water pumped from existing and future wells in the 5-mile zone Colorado River water and implementing procedures to account for such water. There has been a long dispute between our district, the Arizona Department of Water Resources and the Bureau of Reclamation regarding whether or not the water we pump is Colorado River water. This dispute includes disagreements as to the origin of the aquifer, the source of replenishment and the legal definition of Colorado River "water". There is a long history of correspondence between the District, the State and the Bureau which documents this dispute.

The Resource Management Plan should be based on sound science not speculation. The District believes it is a mistake to include the adoption of the Water use/account element as written as part of this Resource Management Plan.

Otherwise, Hillander "C" Irrigation District supports alternatives C and D because those alternatives support the greatest amount of economic development in the area. Even though the land owned by the Bureau will not be available for development, the privately held land will need access over Bureau lands for roads and utilities. Alternatives C and D will allow such access.

Certified by the State Bar of Arizona as a Specialist in Real Estate Law
Licensed Arizona Real Estate Broker

Bureau of Reclamation, 5-Mile Zone
October 9, 2003
Page 2

Thank you for your consideration in this matter.

Very truly yours,

Joshua J. Meyer

cc: Stephen P. Shadle, Director
Eddie Loo, Director
Nels Rogers, Director

YUMA AUDUBON SOCIETY
P.O. BOX 6395
YUMA, ARIZONA 85366-6395

October 13, 2003

5-Mile Zone
D-8580
U. S. Bureau of Reclamation
P.O. Box 25007
Denver, CO 80225

The Yuma Audubon Society submits the following comments on the *5-Mile Zone Study Area Draft Resource Management Plan/Environmental Assessment* (referred to below as the "Plan").

The Plan Tries to Be Too Many Things to Too Many People

Overall, there are many good proposals in this plan, but we are concerned about the number and variety of activities that would be allowed in the western part of the 5-Mile Zone (outside the Yuma Desert Management Area for the Flat-tailed Horned Lizard), as well as certain activities that would be authorized for the Yuma Desert Management Area. This is true not only for the proposed Alternative D, but also to a lesser degree for Alternative B. Reclamation should reject Alternatives A and C outright because they fail to meet Reclamation's professed commitment to protection for the environment. For example, in the Executive Summary of the Plan (p. Ex-4), Reclamation states "The primary challenge is to protect natural and cultural resources while allowing uses that have a minimum effect on these resources." Why should "minimum" effect be the standard? In the case of the Flat-tailed Horned Lizard, the standard should almost always be no effect. It is true that there may be demand for consumptive uses of the land, but we argue that the 5-Mile Zone Study Area is essentially unable to support any more of these uses because of the damage that has already been done to Flat-tailed Horned Lizard habitat, in part because of leapfrog authorizations of uses in its habitat like a prison, port of entry, proposed landfill, sludge disposal site, roads (especially County 23rd and Avenue B) and, if built, the Area Service Highway.

The Plan at p. Ex-8 states that Alternative C ". . . would allow public demand and need for access to be fully met." Quite frankly, we doubt that the demand for public access could ever be *fully* met even if Reclamation allowed development of all of the

1

5-Mile Zone Area. No matter how much development has been authorized, there is always a demand for more. This is why we say that Reclamation should reject Alternative C—not only does the alternative fail to protect natural resources, it doesn't even meet its objective which is to "fully" meet demand.

The Plan also states at p. IV-13 that "The comprehensive land use strategy for the 5-mile zone would be the same as under Alternative B, *except* [original emphasis] that under Alternative C, the strategy would maximize recreation, community, or commercial development within the study area." This is a big "except." We believe that Reclamation's language in characterizing Alternative C here significantly understates the differences between Alternatives B and C. Elsewhere, Reclamation recognizes the damage that Alternative C would cause, stating "These developments would result in significant disturbance and degradation of large areas of remaining intact Sonoran desert." (Plan, p. V-40). And this isn't just any Sonoran Desert, it is some of the last remaining habitat for the Flat-tailed Horned Lizard in Arizona. Some of the proposals under Alternative C are absolutely inappropriate for federal lands withdrawn for a specific purpose (groundwater pumping) and where a species occurs that is covered by a rangewide management strategy that is supposed to protect it. Such inappropriate proposals include long-term visitor areas (essentially RV parks which people could occupy for six months), a golf course, tennis courts, baseball fields, soccer fields, and off-highway vehicle use.

The Plan itself states in relation to threats to vegetation and wildlife of the Yuma Desert on p. V-36, citing the U. S. Department of Defense, that "Conversion of natural habitat to urban, suburban, industrial, and agricultural use has resulted in and likely will continue to result in extensive habitat loss." The Plan further states that "Increased recreational use of the desert is resulting in habitat damage and declines in some species." Reclamation then notes, also on p. V-36 of the Plan, that "Recent observations in the 5-mile zone study area indicate that many sections are relatively undisturbed creosote bush-bursage, primarily along the eastern portion of the study area." It would be irresponsible for Reclamation to authorize further degradation of the habitat given the reason for which the lands were withdrawn (protection of groundwater) and Reclamation's mandate to protect the environment, especially the Flat-tailed Horned Lizard.

On p. VI-7, the Plan states that it will "Ensure a balance among wildlife resources, recreational opportunities, and authorized activities issued through land use agreements." Unfortunately, the balance is tipped against the Flat-tailed Horned Lizard and this is why further development of the 5-Mile Zone Study Area, except in the most degraded areas that are of little use to wildlife, and only if access routes go through such degraded areas, needs to be prevented. The state prison, sludge disposal site, and future City of Yuma landfill have been located in prime habitat for the Flat-tailed Horned Lizard. The Area Service Highway, if built, will go right through the area that was supposed to be set aside for the Flat-tailed Horned Lizard. Flat-tailed Horned Lizard habitat that is not already under federal management (which conceivably be used to mitigate some of the effects of Alternative D) is increasingly

scarce. This is in part why we feel that even Alternative D is not enough to protect the Flat-tailed Horned Lizard and its habitat, along with the other special status species of the 5-Mile Zone Study Area, and why development in the western area should also be prevented to a much greater degree than proposed under Alternative D. P. E-3 of Attachment E, listing the plan elements, states that Reclamation, under the proposed alternative (D) will "Allow uses that adversely affect endangered or threatened species or critical habitat only with appropriate mitigation." Reclamation should add "and only when such uses are for life-threatening safety or health purposes." The Area Service Highway is not such a purpose.

Elements Common to All Alternatives

In general, the problem here is that Reclamation has already granted approval of projects with certain serious impacts on the environment (including the Flat-tailed Horned Lizard) without evaluating the impacts. These proposed projects have not yet gone through National Environmental Policy Act (NEPA) and other compliance. Reclamation's language concerning these projects should be much more conditional at this point, indicating that if a proposal passes environmental compliance, Reclamation would consider cooperation. Some of the proposed projects just shouldn't happen, however.

We do appreciate Reclamation's mitigation provision under Alternative D that impacts to Flat-tailed Horned Lizards must be mitigated and compensated not only within the Yuma Desert Management Area (YDMA) but also for projects outside the YDMA (Plan, P. V-48). However, we still feel that many of the impacts proposed in Alternative D are too great for the Flat-tailed Horned Lizard to resist successfully, even with mitigation and compensation. The lizard's habitat needs to remain undisturbed. Most of the lizard's habitat is already in federal ownership, so very little land remains to compensate for federal land converted from Flat-tailed Horned Lizard habitat to something else. Perhaps the best remaining lands that could be acquired for the Flat-tailed Horned Lizard in Arizona are the state trust lands north of the 5-Mile Zone Study Area and just west of the Barry M. Goldwater Range.

We understand that the Flat-tailed Horned Lizard rangewide management strategy has been updated as of this year. Does Reclamation plan to use the updated strategy? How will this affect the analysis in the Plan?

The Area Service Highway

This proposed project is a major undertaking, yet so far only a draft environmental assessment has been issued and comments accepted. Therefore, it is premature for Reclamation to ". . . cooperate with ADOT and the Federal Highway Administration to obtain needed permits and environmental clearances to construct the Area Service Highway (ASH) within the Study Area, including a major interchange at 23rd Street and Avenue E." (Plan, p. IV-5). The Area Service Highway may not even go through the 5-Mile Zone Study Area after NEPA compliance is completed.

Reclamation's language in the Plan should reflect that Reclamation would cooperate only when and if the Area Service Highway route through the 5-Mile Zone Study Area is authorized through the NEPA and other environmental compliance processes.

Avenue E North Extension/Rolle Airfield

As with the Area Service Highway, this proposed project has not gone through environmental compliance. Reclamation's language again should reflect cooperation only when and if the project meets environmental compliance. In fact, Reclamation should also look at an alternative to retire this facility, rather than allow it to further develop, and what the impacts would be if it were taken out of operation. The proposed road to Rolle Airfield, which would be built north along the Avenue E alignment from County 23rd Street, would cross desert that is Flat-tailed Horned Lizard habitat and currently has little access. It should stay in a natural condition, and, among other purposes, continue to serve as Flat-tailed Horned Lizard habitat. Reclamation should also note that the Yuma Metropolitan Planning Organization is proposing to not only construct a road from County 23rd to the Rolle Airfield, but then extend it north to County 19th Street, The proposed route would only follow the Avenue E alignment north for a short distance, then curve to align with Somerton Avenue, which is to the west of Avenue E. Such a route would further fragment the 5-Mile Zone and should be rejected. The Plan should also look at the effects of improving the existing access to Rolle Airfield if it is going to continue in operation, rather than simply approving the proposed Avenue E route.

County 23rd Street Water and Sewer Corridor

This would cause considerable disturbance to Flat-tailed Horned Lizard habitat, including within the Yuma Desert Management Area. Again, Reclamation should indicate cooperation would occur only if the project passes environmental compliance requirements. In addition, Reclamation should also consider the impacts of not approving this project. Is a water and sewer line something the prison has requested? What is the current situation, and what will future needs be? This all needs to be considered before Reclamation gives blanket approval to the project. In addition, it should be clear that such a project would require mitigation for Flat-tailed Horned Lizards in accordance with the rangewide management strategy.

County 23rd Street Highway from San Luis to ASH Interchange

Again, Reclamation should indicate that approval for this project would occur only if it met environmental compliance. In addition, it should be clear that it would require mitigation similar to that required for the Area Service Highway in terms of keeping Flat-tailed Horned Lizards off the road (fences and culverts).

San Luis-Commercial Port of Entry Truck Route

This route would duplicate access to San Luis provided by Avenue E to County 23rd. The reason the City of San Luis gave for wanting the commercial port of entry to the east of San Luis (and not in the current port area) was to keep truck traffic from going through San Luis. The truck route proposal, which would go east from San Luis to County 24th Street, would route trucks through San Luis. At the least, Reclamation should indicate cooperation can only occur if the project goes through and passes environmental compliance; at best, Reclamation should reject this proposal.

Border Patrol Protective Zone

The Border Patrol has requested Reclamation to approve increasing the width of a protective zone along the border from 90 to 150 feet. The rationale given for this is that Border Patrol agents have been subjected to stone-throwing incidents. Has this been a problem in the 5-Mile Zone Study Area? It is unclear from the Plan whether this request results from incidents in the 5-Mile Zone Study Area or instead from incidents elsewhere that led the Border Patrol to request a uniform 150-foot zone along the border.

Land Exchanges

Reclamation's proposal to participate in a land exchange for the Hillander "C" tract has merits. It could prevent development from occurring in the midst of the 5-Mile Zone Study Area. It should be evaluated for the contribution it could make to Flat-tailed Horned Lizard habitat, although being bisected by construction of a paved truck road along Avenue E places limits on its value to Flat-tailed Horned Lizards. The farmland would have to be returned to desert habitat, although some of the fields appear to be abandoned and are already beginning to revert to desert.

However, the western area of the 5-Mile Zone Study Area north of County 23rd also has habitat value, including for Flat-tailed Horned Lizards, so Reclamation should not use lands in the "western portion of the study area" (Plan, IV-8) in exchange for Hillander "C" or any other land exchange. Lands outside the 5-Mile Zone with lower habitat value should be considered for exchange for the Hillander "C" parcel.

Similarly, Reclamation's proposal to keep the same base land acreage in the 5-Mile Study Area is good as far as it goes, but if land use changes, even though the same amount of land is in the 5-Mile Zone Study Area, it could be less valuable for wildlife, including the Flat-tailed Horned Lizard. We are also concerned about the language in the Plan (p. IV-8) that would allow the size of the 5-Mile Zone Study Area to decrease if there were "just compensation." Please explain what "just compensation" would be. Overall, accepting "just compensation" doesn't sound like a good idea.

The Plan should also propose a land exchange to reacquire the section (more accurately, two half-sections) allocated for future use as a landfill by the City of Yuma. The City of Yuma has so far chosen not to use this site, preferring instead to use a private landfill east of Yuma. The proposed landfill site is so far essentially undeveloped and has excellent Flat-tailed Horned Lizard Habitat.

Partnerships and Coordination with Other Entities

On p. IV-18, the Plan proposes a "partnership with AGDF [*sic*] to enhance habitat for game species" without further specifying what would be involved. In general, given the environmentally sensitive nature of this area, including the presence of the Flat-tailed Horned Lizard, we believe that any special status species (because of concerns about their potential survival) need special management more than game species. The only area where game species management might be appropriate is the citrus orchard east of Avenue E on the way to the cattle crossing at the border. This could be managed for doves if it remains in citrus. Please clarify what is envisioned by the Plan.

Recreation Management

The proposed alternative (p. IV-18) envisions the establishment of overnight campgrounds in the western part of the 5-Mile Zone Study Area, "based on public demand." We urge Reclamation not to establish developed campgrounds in this area unless dispersed camping is causing more problems than concentrated camping would. As Reclamation notes, this is affected by "demand." What is the demand for camping in this area? Does Reclamation have any information on how many persons are camping for recreation or other purposes in this area?

Figure V-2, "Recreation Facilities and Attractions near Yuma, Arizona" should be expanded to include the Betty's Kitchen area at Laguna Dam, managed by the Bureau of Land Management. The column on facilities/attraction should include hiking and rock collecting as activities for the Kofa National Wildlife Refuge (rock collecting is prohibited on most of the Kofa Refuge, but it is permitted under certain conditions at Crystal Hill). The Barry M. Goldwater Range and Cabeza Prieta National Wildlife Refuge should also be included as recreation facilities and attractions. Tinajas Altas on the Barry M. Goldwater Range is a popular destination for Yuma residents. There are also areas in Mexico that are popular for recreation use by Yuma residents, such as El Golfo, the Ciénega de Santa Clara, and the Pinacate national park.

Please note that development of the 5-mile zone could make it easier for persons who have crossed the border illegally to hide. This could affect Border Patrol operations.

Off-Highway Vehicle Use

We applaud Reclamation's proposal to close the 5-Mile Zone to off-road vehicle use under three of the four alternatives (Alternatives B, C, and D). Reclamation should post signs at entry points to the 5-Mile Zone Study Area indicating that the area is closed to vehicular travel unless there is a paved road or a road that is signed as open, rather than having to post many closed signs throughout the area. In areas where enforcement is a problem, it may be necessary to post closed signs, but these should state that the 5-Mile Zone is closed to vehicular travel unless posted open.

Monitoring

Reclamation needs to develop a more specific monitoring plan for the 5-Mile Zone Study Area and it should have been included in the draft so it could be evaluated before the Plan is approved. Specific standards should be set for the elements of the Plan and if these are approached or exceeded, specified actions should be taken to correct the problem. We hope that Reclamation will develop a more detailed monitoring plan. In addition, Reclamation should specify where funding for monitoring will come from.

Corrections and Technical Issues

The following references in the text of the plan have no citation in the Bibliography: Start and Love, 1965 referenced on p. V-27, Arizona Sonoran Desert Museum, 2000 referenced on p. V-28, Federal High [*sic*] Administration et al., 2001 referenced on p. V-33, Crownover, 1996; Courtright, 2001; and Potter, 1993; all referenced on p. V-67.

The Army will be surprised to discover that Yuma Proving Grounds are managed by the Marine Corps (Figure V-2, p. V-52 of Plan).

There is a problem with one of the fonts used in the Bibliography that I downloaded from Reclamation's web site. The italicized font used for titles of publications won't print if the letter is a lower case "u," "v," "w," "x," "y," or "z." The upper case letters print correctly.

Conclusion

Reclamation has done a commendable job of producing a proposed plan that has many positive elements that will protect natural resources in the 5-Mile Zone, especially the Yuma Desert Management Area. However, too much development is proposed for the western part of the area, which still has much undeveloped desert and Flat-tailed Horned Lizard habitat. The 5-Mile Zone is a special area for at least two reasons—its use as a groundwater source to meet treaty obligations to Mexico and the special status species that occur in what to many seems a barren area, in particular the Flat-tailed Horned Lizard. A number of projects have already been

authorized for this area, some of them deep in Flat-tailed Horned Lizard habitat. The balance now needs to tip in the other direction, and the remaining habitat in desert and natural state in all parts of the 5-Mile Zone, east and west, needs to be protected from further development and degradation. We encourage Reclamation to modify the Plan in the direction of Alternative B and our suggestions. Thank you for the opportunity to comment on this draft environmental assessment and proposed plan.

Sincerely,

Cary W. Meister
Conservation Chairman
yasconservation@yahoo.com