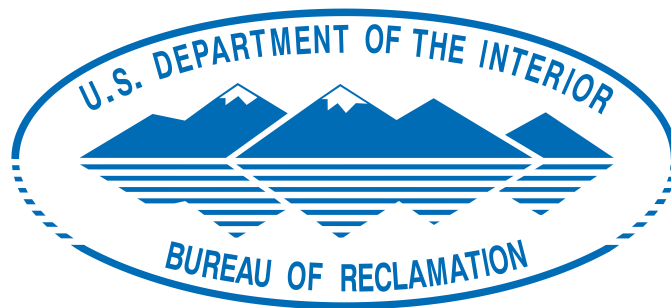


ENVIRONMENTAL ASSESSMENT
YAO-229-EA-04-007

**YUMA EAST WETLANDS
RESTORATION AND ENHANCEMENT PROJECT**



August 2004
United States Department of the Interior
Bureau of Reclamation
Yuma Area Office
Yuma, Arizona

FINDING OF NO SIGNIFICANT IMPACT
Yuma East Wetlands
Restoration and Enhancement Project

U. S. Department of the Interior
Bureau of Reclamation
Yuma Area Office

In accordance with the National Environmental Policy Act of 1969 (NEPA) as amended, and based on the following, the Bureau of Reclamation (Reclamation) has determined that assisting the COY with the Yuma East Wetlands (YEW) project would not result in a significant impact on the quality of the human environment or the natural or cultural resources of the area. A copy of the Environmental Assessment (EA) is attached to this Finding of No Significant Impact.

The purpose of the proposed project is to transfer funds to the COY for restoring, enhancing, and protecting native riparian, wetland, and aquatic habitats, as well as providing cultural preservation, environmental education, low-impact recreation, and eco-tourism opportunities within the YEW project area. The need for the project is for Reclamation to satisfy one of the primary purposes of federal authorities by contributing to the well being of the public at large, by assisting in the preservation and conservation of wildlife as well as offering recreational and aesthetic amenities to U.S. citizens.

The Yuma East Wetlands Restoration project aims to restore native riparian, wetland, and aquatic habitats along the lower Colorado River. This will be accomplished through; restoring water flow in degraded wetland and aquatic habitats, riparian re-vegetation activities, and conversion of existing non-native habitat to native cottonwood/willow habitat. The restoration area covers approximately 1400 acres.

The Corps of Engineers has issued a 404 permit (Regional General Permit No. 22) for the YEW restoration project. The State Historic Preservation Office concurred with the finding that no historic properties in Arizona are affected. Concurrence on a finding of "may affect, not likely to adversely affect" the southwestern willow flycatcher and Yuma clapper rail was received from the U.S. Fish and Wildlife Service.

Measures to avoid effects of the proposed project to Yuma clapper rail and the southwestern willow flycatcher and their habitat area:

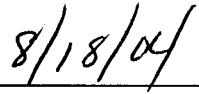
1. Heavy construction work such as clearing and leveling, dredging/excavating, and placement of water control structures will be done outside the clapper rail breeding season (March 15 to July 10) and the southwestern willow flycatcher migration period (see U.S. Fish and Wildlife Service letter).
2. The Ibis lake marsh area will be closed to recreational use to protect clapper rails.

3. Recreational facilities, including trails, will not cross the existing cottonwood/willow habitat area commonly used by flycatchers, and will be on the edges of restored riparian habitat area to allow for use of restoration area by migratory birds including the southwestern willow flycatcher.
4. Best management practices will be used to control dust and maintain air quality.
5. In addition, in accordance with grant agreement No. 04-FG-34-0003, the COY shall comply with Section I.2.A, Items 1-15. No federal funding shall be expended on the federal portion of the project, until all environmental issues are resolved.
6. COY must comply with the Corps of Engineers, File No. 2001-01041-MB, dated November 5, 2003, Special Conditions a. – k.

Based on analysis of the environmental impacts and mitigation and BMP measures, as shown in the EA, Reclamation has concluded that implementation of the Project will not have significant direct or indirect impacts on the quality of the human and natural environment or cultural resources of the area.



Jim Cherry, Area Manager
Yuma Area Office



Date

**Environmental Assessment
Restoration and Enhancement
of the
Yuma East Wetlands**

1.0 Introduction

The Yuma East Wetlands (YEW) project area is located along the Colorado River floodplain (between River Miles 29.0 and 34.0). The project area is bounded to the west by the Ocean-to-Ocean bridge, to the east by the Gila and Colorado River confluence, and by the upper reservation levee and the south Gila levee (see figure 1). The YEW project area encompasses approximately 2.25 square miles and is located in Sections 19, 21, 22, 23, & 24, Township 8 South, Range 22 7 23 West, of the Gila Salt River Meridan, Yuma County, Arizona.

1.1 Background

The city of Yuma (COY) has prepared a master plan titled “Yuma East Wetlands Restoration Plan” for restoration and enhancement of riparian and marsh areas within the lower Colorado River region. The COY has worked closely with the public and various stakeholders to develop (design and planning) the master plan. The COY has requested and received financial assistance from various federal, state, and local entities for the initial “YEW pilot restoration project.”

Congress allocated federal funding to the Bureau of Reclamation (Reclamation) for use in the YEW’s restoration and enhancement project. The federal action evaluated in this Environmental Assessment (EA) is the transfer of these federal funds to the COY through financial assistance agreements (i.e. Grants and Cooperative agreements) to assist restoration and enhancement of the YEW.

The Corps of Engineers (Corps) as the lead federal agency for the Yuma East Wetlands project prepared an Environmental Assessment (EA), Statement of Findings, 404(b)(1) Evaluation, and Finding of No Significant Impact (FONSI) for permit application Number 944-0154-MB under Regional Permit (RGP) No. 22 for Aquatic and Wetland Enhancement Activities. The Corps EA disclosed the potential environmental impacts, including direct and indirect effects, of dredging activities conducted under the purview of the RGP. Reclamation concurs with the Corps analysis of environmental impacts, and hereby incorporates the Corp’s EA by reference.

1.2 Purpose and Need for Proposed Action

The purpose of the proposed project is to transfers funds to the COY for restoring, enhancing, and protecting native riparian, wetland, and aquatic habitats, as well as providing cultural preservation, environmental education, low-impact recreation, and eco-tourism opportunities within the YEW project area.

The need for the project is for Reclamation to satisfy one of the primary purposes of the federal authorities listed below by contributing to the well being of the public at large, by assisting in the preservation and conservation of wildlife as well as offering recreational and aesthetic amenities to U.S. citizens. Reclamation has the ability to assist various federal, state, tribal, and local governments with federal funds (by means of financial assistance agreements) in the development of wetlands, endangered species, and assisting in the recreational development on Reclamation lands provided that the project purpose and objectives meet criteria within Reclamation authorizations. These authorizations include:

- The Reclamation Act of 1902, June 17, 1092; P.L. 85-624
- The Fish and Wildlife Coordination Act of 1958; P.L. 93-205
- The Endangered Species Act of 1973, December 28, 1973 as amended
- The Reclamation Recreation Management Act, Title 28, of October 30, 1992 (P.L. 102-575)
- The North American Wetlands Conservation Act, December 13, 1989; P.L. 102-575
- The Reclamation Recycling and Water Conservation Act of 1996, October 9, 1996

2.0 Description of Proposed Action and Alternatives

The Yuma East Wetlands Restoration Plan aims to restore native riparian, wetland, and aquatic habitats along the lower Colorado River. This will be accomplished through natural channel design; restored water flow in degraded wetland and aquatic habitats; and riparian re-vegetation activities.

2.1 Proposed Action/Preferred Alternative

Under the proposed action, Reclamation will provide funding to the COY to assist in the YEW development. Funding provided by Reclamation may be used by the COY for any of the project phases, as listed below.

The YEW is a 5-10 year phased implementation program that will include the following project features (see YEW master plan for detailed descriptions):

- Creation of a 6-acre YEW park through riparian revegetation.
- Conversion (revegetation) of existing non-native dominated habitat to native cottonwood/willow habitat.
- Restoration of natural channel configuration resulting in restoration of water flow in degraded wetland and aquatic habitats (dredging/excavation activities).
- Conversion of 77.5 acres of agricultural land to native riparian trees and shrubs.
- Sequential replacement of the remaining 1318.5 acres of non-native saltcedar and giant cane habitats with native riparian trees and shrubs.

The restoration area covers approximately 1400 acres. Over 300 species of birds, 32 species of mammals, 19 species of fish, 20 species of reptiles and 9 amphibian species have been documented along the lower Colorado River. Two species listed as endangered under the Endangered Species Act, the southwestern willow flycatcher and the Yuma clapper rail, and one species under review for listing, the western yellow-billed cuckoo, are expected to benefit from habitat protection and enhancement. Many special status species and neo-tropical migratory birds are also expected to benefit from this project.

2.2 No Action Alternative

Under the no action, Reclamation would not execute any financial assistance agreements with the COY for the YEW project. Funds designated for the project would be returned to the U.S. Treasury and designated for other purposes.

The no action alternative does not meet the purpose and need of assisting the COY with federal dollars for the restoration and enhancement activities of the YEW.

2.3 Alternatives Considered, But Eliminated from Detailed Analysis

Reclamation considered the transfer of federal dollars (execution of assistance agreement) alternative and a no action alternative. Alternative uses for the appropriated funds were not considered, because federal funding was appropriated exclusively under the Wetlands Development account for the Bureau of Reclamation to continue work on the East Wetlands Restoration project in Yuma, Arizona.

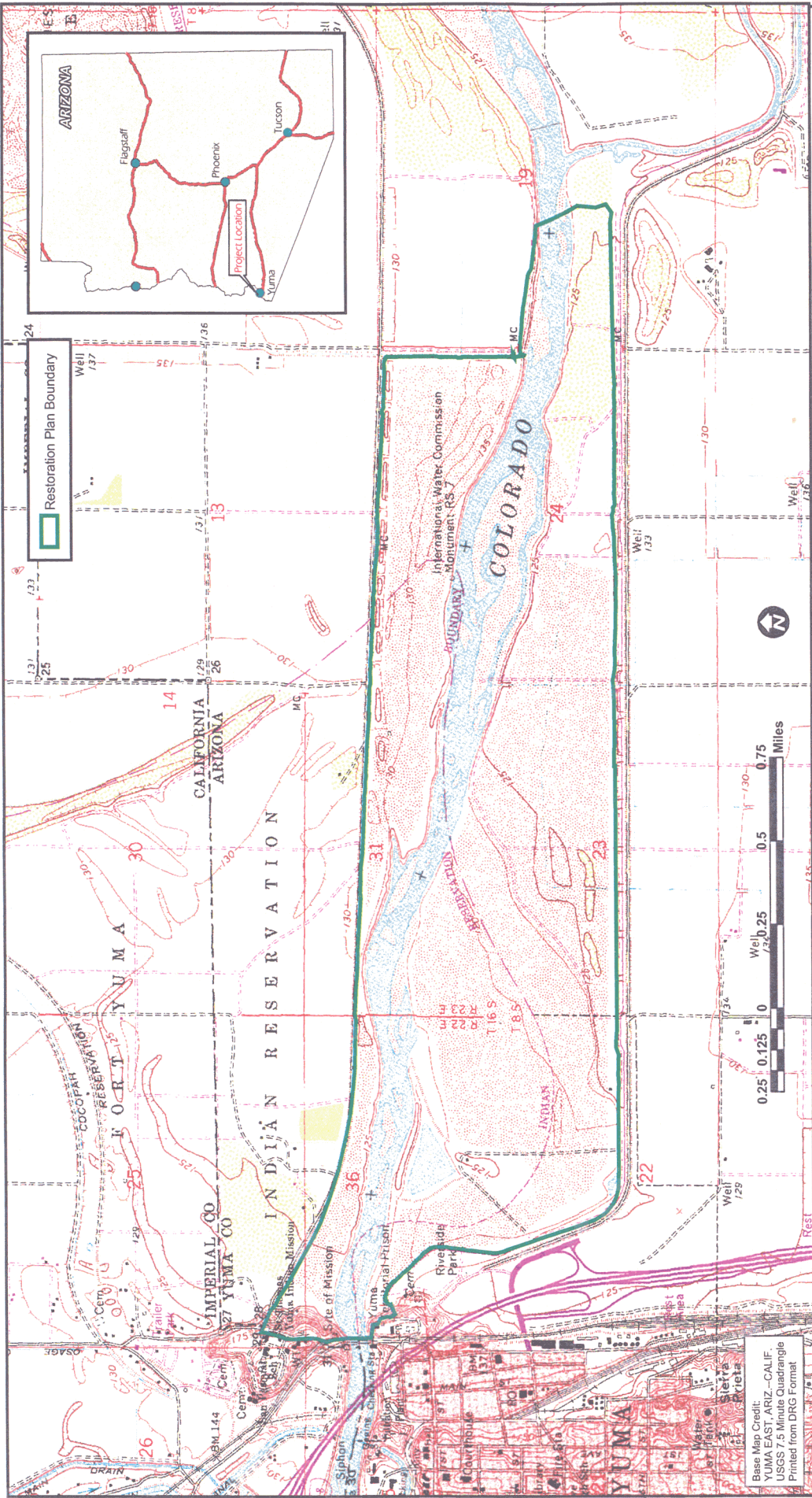


Figure 1: Yuma East Wetlands Study Area Location

Yuma East Wetlands Restoration Project
River Mile 30.8 to 34.2

Prepared For: City of Yuma
Riverfront Development Office
200 W. 1st Street
Yuma, AZ 85364

PROJECT PARTNERS:
Quechan Indian Tribe, City of Yuma, AZ State Land Department,
US Army Corps of Engineers, Yuma County, Bureau of Indian Affairs,
Audubon Society, Bureau of Reclamation, US Bureau of Land Management,
Private Landholders

Prepared By:
Fred Phillips Consulting, LLC
9730 North Rosewood Drive
Flagstaff, AZ 86004

Base Map Credits:
YUMA EAST, ARIZ.-CALIF.
USGS 7.5 Minute Quadrangle
Printed from DRG Format



3.0 Affected Environment/Environmental Impacts

The Corps of Engineers as the lead federal agency for the Yuma East Wetlands project prepared an Environmental Assessment (EA), Statement of Findings, 404(b)(1) Evaluation, and FONSI for permit application Number 944-0154-MB under Regional Permit (RGP) No. 22 for Aquatic and Wetland Enhancement Activities. The Corps EA disclosed the potential environmental impacts, including direct and indirect effects, of dredging activities, installation of inlet and outlet structures, removing nonnative vegetation, and revegetate within the 1400 acre project area. Reclamation concurs with the Corps analysis, and provides the following evaluation of potential impacts including direct and indirect effects associated with the proposed action of transferring federal dollars to the COY.

3.1 Air Quality and Noise

There will be noise and dust generated by land based equipment and hydraulic dredge during the construction phase of the project. Additional noise would be of short duration during construction activities and would become part of the background noise levels associated of the surrounding farming community. It is anticipated that some short-term air quality impacts would be created during ground disturbance activities (vegetation clearing); however, best management practices will be used to control dust and maintain air quality.

The air quality is expected to remain at comparative levels throughout implementation of the YEW project. There will be no measurable impacts on air quality as a result of this project.

3.2 Water Quality

On November 5, 2003, the Corps of Engineers (Corps) issued Regional General Permit No. 22 (RGP 22, File No. 944-0154-MB) to the COY for aquatic and wetland enhancement activities. This permit applies to activities in the Colorado River, including backwaters and adjacent wetlands, within the state of Arizona and California, see Corp of Engineers Environmental Assessment, Statement of Findings, 404(b)(1) Evaluation, Finding of No Significant Impact, Dated March 20, 2000 Permit Application No. 944-0154-MB under RGP 22. Under the RGP 22, the Environmental Protection Agency and the state of Arizona has granted 401 water quality certification under the Clean Water Act for above mention general permit No. 22. Activities covered under this permit include dredging approximately 1,000,000 cubic yards of material to restore backwater channels, construct 5 inlet and outlet structures, remove nonnative vegetation, and revegetate a 1,414 acre area within the floodplain of the Colorado River including wetlands.

The COP will comply with Corps Project Special Conditions under permit No. 2001-01041-MB Items a. – k (see appendix A) Measures will be implemented that will not adversely impact Colorado River waters. Construction activities will be performed during low water conditions when the area is naturally dewatered and no discharge of fill or construction debris to jurisdictional waters of the United States will be permitted. In

addition, berms will be constructed in the dredge spoil deposition sites above the ordinary high water mark and runoff will be fairly free of sediment.

3.3 Floodplain

Dredging and excavation activities will be conducted within the floodplain of the Colorado River, between the upper reservation levee and the south Gila levee. Sediment deposition from past flood events has filled in some wetlands and distribution channels, and isolated other areas from critical water flow. Dredging and excavation activities will restore water flow to deteriorated wetland areas. Dredged and excavated material will be strategically placed within the floodplain on areas that have the lowest habitat value. Portions of the dredged material will be used as revegetation sites.

Contaminates are not known to be present in the dredging and spoil site areas (Reclamation 1999-2000); however, in accordance with Grant Agreement No. 04-FG-34-0003, Section I.2.A, Items 1 – 15, the COY will prepare and implement a sampling and monitoring plan for the excavated and dredged material. If contaminants are identified, the COY will not place the excavated material on Fort Yuma Indian Reservation Lands, or other lands, until the excavated material is remediated to meet all applicable Federal and state standards for “fill” material. Dredged and excavated material (up-to 1,000,000 cubic yards) from the project area and placed within the same 1400 acre project area will not significantly impact the rivers floodway capacity.

3.4 Vegetation and Wildlife (Threatened and Endangered species)

The YEW project site consists of approximately 1171 acres of riparian habitat (cottonwood, willow, mesquite, saltcedar, and arrowweed) with 88 acres of wetland or marsh. A total of 156 acres of open water habitat (which include 102 acres of Colorado River Mainstem). Project will restore new open water habitats and enhance the riparian habitat through revegetation activities and protection of existing habitats within the 1400 acres.

The species of concern within the project area are the endangered Yuma clapper rail (*Rallus longirostris yumanensis*), and southwestern willow flycatcher (*Empidonax traillii extimus*). A biological resources evaluation report (Steven & Phillips 2003) was prepared and submitted to the U.S. Fish and Wildlife Service (USFWS). The report discussed the potential impacts of the proposed action. Based on the biological evaluation, the USFWS concurred with a finding of “may affect, but not likely to adversely affect” for the Yuma clapper rail (YCR) and the southwestern willow flycatcher (SWF), (see Appendix A).

Implementation of the proposed project will result in the creation and enhancement of additional marsh and native riparian habitats that would benefit the YCR and SWF. Additionally to avoid impacting existing marsh and riparian habitats, all dredge and excavated material will be placed on pre-existing spoil sites or in locations of low habitat value consisting of saltcedar.

Mitigation measures will be implemented to avoid affects to the endangered YCR and SWF. Measures are listed in the Environmental Commitments section of the EA. No designated critical habitat will be impacted in the proposed project area.

3.5 Cultural Resources

There will be no impacts to cultural resources. The Arizona State Historic Preservation Office concurred on the determination of “no historic properties affected in Arizona,” (see attached letters in Appendix A). A report titled “Archeological Survey in the Yuma East Wetlands” was prepared by Western Archeological and Conservation Center, National Park Service, 2003 (Bonstead 2003).

3.6 Land Use

The project area will occur within a stretch of the Lower Colorado River area that is used primarily for recreational purposes and some agricultural. The project area offers opportunity for wildlife viewing, fishing, and boating. Approximately 77 acres of lands within the YEW is in agricultural production. The YEW project area lies on tribal, state, and private lands. Where proposed work involves tribal, state, and private lands, approvals will be obtained prior to initiating construction activities, in accordance with special conditions, as specified in the Corp permit. (see Appendix A). The YEW project will enhance, create, and restore riparian and wetlands habitats by providing water flow controlled by inlet and outlet structures to deteriorating wetlands areas and revegetate areas dominated by non-native species (saltcedar) with native plants and shrubs. Recreational opportunities within the YEW project area will be enhanced as more open water area will be created and wildlife viewing opportunities will increase as a result of revegetation and backwater restoration activities.

Implementation of the project features; restoring backwater channels by dredging and excavating , constructing 5-inlet and outlet structures, removal of non-native vegetation, and revegetate within the project area will not change or impact the status of lands and their use within the YEW project area, see attach tribal Resolution No. R-156-04 in Appendix A.

3.7 Cumulative Impacts

Other similar actions or projects that could, or have resulted in changes to the local environment (and result in cumulative impacts when combined with the proposed project) include:

The COY’s Yuma West Wetlands project (located west of the YEW project). This project consists of enhancing and restoring riparian habitat along the river. Reclamation provided some financial assistance to the COY for the restoration efforts. Implementation of future actions within the YEW project area by the COY (revegetation and backwater restoration and enhancement) would restore habitat lost to natural ecological succession for the benefit of fish and wildlife features. In addition, within the YEW project area, Reclamation will be conducting maintenance dredging of the River Mile 31 and 33 backwater restoration projects in 2005. This dredging action, coordinated

with the state fish and game office and the Corps of Engineers, ensures continued water flow to previously restored riparian and wetlands areas. Other restoration projects (revegetation and backwater restoration) for the benefit of fish and wildlife are likely to occur along this stretch of the river by other federal, state, local, and tribal governments, Reclamation's level of involvement at this time is unknown.

No significant adverse cumulative impacts are expected from the proposed action and future similar actions within the project area based on project environmental commitments that have been recommended by the U.S Fish and Wildlife Service and the Corps of Engineers for past and current restoration actions within the area.

4.0 Environmental Commitments

Measures to avoid effects of the proposed project to Yuma clapper rail and the southwestern willow flycatcher and their habitat area:

1. Heavy construction work such as clearing and leveling, dredging/excavating, and placement of water control structures would be done outside the clapper rail breeding season (March 15 to July 10) and the flycatcher migration period (see U.S. Fish and Wildlife Service letter).
2. The Ibis lake marsh area will be closed to recreational use to protect clapper rails.
3. Recreational facilities, including trails, will not cross the existing cottonwood willow area used by flycatchers, and will be on the edges of restored riparian habitat area to allow for use of restoration area by migratory birds including the flycatcher.
4. Best management practices will be used to control dust and maintain air quality.
5. In addition, in accordance with grant agreement No. 04-FG-34-0003, the COY shall comply with Section I.2.A, Items 1-15. No federal funding shall be expended on the federal portion of the project, until all environmental issues are resolved.
6. COY must comply with the Corps of Engineers, File No. 2001-01041-MB, dated November 5, 2003, Special Conditions a. – k.

5.0 Consultation and Coordination

The Corps of Engineers was the lead federal agency for the city of Yuma's Yuma East Wetlands Restoration Project and performed consultation for the project with the U.S. Fish and Wildlife Service (Section 7 consultation), the State Historic Preservation Office (Section 106 consultation), see Appendix A- Permits and Consultations.

Reclamation coordinated with the Bureau of Indian Affairs and the Quechan Indian Tribe.

Reclamation will publish a notice to inform interested public and private entities that an environmental assessment has been prepared and is available for public review.

5.1 List of Preparers

The environmental staff at the U.S. Bureau of Reclamation Yuma Area Office prepared this Environmental Assessment.

6.0 References

EPA 2004. Environmental Protection Agency (Region IX) 2004. Supplemental Environmental Assessment and Finding of No Significant Impact for the Yuma East Wetlands Restoration Project

COE 2000. Corp of Engineers March 20, 2000. Environmental Assessment, Statement of Findings, 404(b)(1) Evaluation, Finding of No Significant Impact, Permit Application No. 944-0154-MB under Regional General Permit No. 22 for Aquatic and Wetland Enhancement Activities.

Bonstead 2003. L. M. Bonstead (2003). Archeological survey in the Yuma East Wetlands, Yuma Crossing National Heritage Area, Yuma Arizona. National Park Service, Intermountain Region Western Archeological, and Conservation Center Tucson AZ.

Phillips 2001. Phillips Consulting. June 30, 2001. Yuma East Wetlands Restoration Plan, Final Draft Conceptual Plan.

Reclamation 1999-2000. Reclamation letter to Fort Yuma =Indian Tribe dated March 20, 2000 (Reduction of Samples).

Reclamation 2004. Grant Agreement No. 04-FG-34-0003 between Reclamation and the City of Yuma, AZ.

Stevens & Phillips 2003. Stevens Ecological and Red Phillips Consulting, September 9, 2003. Yuma East Wetlands Restoration Project Biological Assessment.

Appendix A
(404, ESA, SHPO, BIA, Quechan Resolution)



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
ARIZONA-NEVADA AREA OFFICE
3636 NORTH CENTRAL AVENUE, SUITE 900
PHOENIX, ARIZONA 85012-1939

November 5, 2003

REPLY TO

Office of the Chief
Regulatory Branch

Mr. Charles Flynn
Executive Director
Yuma Crossing National Heritage Area Corporation
180 W. First Street, Suite E
Yuma, Arizona 85364

File Number: 2001-01041-MB

Dear Mr. Flynn:

This is in reply to your application dated September 16, 2003 concerning our permit authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over your proposal to dredge approximately 1,000,000 cubic yards of native sediments to restore backwater channels, construct 5 inlet and outlet structures, remove nonnative vegetation, and revegetate a 1,418 acre area within the floodplain of the Colorado River including wetlands in the Colorado River at Yuma East Wetlands located between Ocean-to-Ocean Bridge and the confluence of the Gila and Colorado Rivers, Yuma, Yuma County, Arizona.

The Corps of Engineers has issued Regional General Permit No. 22 (RGP 22) for Aquatic and Wetland Enhancement Activities in accordance with 33 CFR Part 325.2(e)(2). RGP 22 applies to activities in the Colorado River, including backwaters and adjacent wetlands, within the states of Arizona and California from Davis Dam (River Mile 276) south to San Luis, Arizona (River Mile 0). The Corps of Engineers has determined that your proposed activity complies with the terms and conditions of RGP 22.


You must comply with the general and special conditions of RGP 22 described in the enclosure. Furthermore, you must also comply with the special conditions enclosed in this letter specific to this project.

The time limit for completing activities under this regional general permit authorization ends on March 20, 2006 provided you have commenced or under contract to commence the project. Any work remaining after that time period will need to be reauthorized under a reissued RGP22 or an individual permit.

A regional general permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

If you have questions, please contact Marjorie E. Blaine at (520) 584-4486.

Sincerely,


Cindy Lester P.E.
Chief, Arizona Section
Regulatory Branch

Enclosure(s)

**PROJECT SPECIFIC SPECIAL CONDITIONS
FILE NUMBER 2001-01041-MB**

- a. The permittee shall provide written authorization to the Corps from all landowners whose property is to be impacted 60 days prior to the commencement of any activity on that landowner's property. The written authorization shall specifically state the landowner authorizes the City of Yuma to conduct specific activities (which shall be listed) on their land and shall include a legal description and proof of land ownership.
- b. Should cultural resources or archaeological remains be encountered during construction/excavation, work shall immediately cease in the area of discovery. The permittee shall promptly notify the State Historic Preservation Office at (602) 542-7137 and the Corps at (520) 584-4486.
- c. The permittee shall not disturb native vegetation within the restoration area.
- d. The permittee shall not stockpile material below the ordinary high water mark of the Colorado River or within wetlands.
- e. The permittee shall perform work during low water conditions when the area is naturally dewatered and shall suspend all operations when there is water within the project area. The permittee shall not discharge fill or construction debris into the waters of the Colorado River.
- f. The permittee shall immediately remove all excavated material in excess of that needed as fill to an upland disposal site.
- g. The permittee shall not divert flows outside of the ordinary high water mark of the Colorado River.
- h. The permittee shall implement all measures to minimize impacts to threatened and endangered species as detailed in the Biological Assessment. The permittee shall conduct annual surveys for southwestern willow flycatcher and Yuma Clapper Rail, in accordance with the approved survey protocols, until the area is impacted. The annual survey results shall be provided to the Corps and the U.S. Fish and Wildlife Phoenix office.

The permittee shall submit a detailed phase plan (including a specific revegetation plan) to the Corps 60 days prior to the onset of each phase. The plan shall details regarding the scope of work to be specifically accomplished with that phase. In addition, the revegetation plan shall include results of soil testing, number and type of each species to be planted, whether trees will be from cuttings or, if not, the gallon size to be planted, irrigation requirements,

maintenance, and monitoring. The permittee shall provide monitoring reports annually to the Corps for five years and shall include % canopy cover, estimated height, and % surviving of each species; survivability shall be no less than 80%.

- j. The permittee shall remove all excess fill and/or construction debris/equipment from the site immediately upon completion of construction.
- k. Prior to onset of construction/excavation, the permittee shall provide the contractor(s) with a copy of this permit. The contractor shall read and agree to comply with all conditions herein. A copy of this permit shall be posted on site at all times.

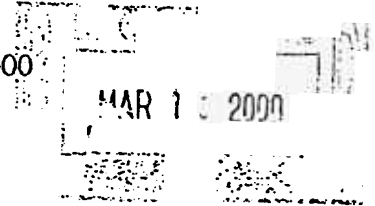


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

March 3, 2000



Marjorie E. Blaine
Senior Project Manager
U.S. Army Corps of Engineers
Tucson Field Office, Regulatory Branch
5205 East Comanche Street
Tucson, AZ 85707

Re: General Permit No. 22 (Public Notice: 9444-0154-MB)

Dear Ms. Blaine:

The U.S. Environmental Protection Agency (EPA) has reviewed Public Notice number 944-0154-MB. Based on the Public Notice the Department of the Army proposes to reissue Regional General Permit No. 22 for wetland and aquatic habitat enhancement and restoration activities to be performed in the backwaters along the Lower Colorado River from Davis Dam in Arizona to San Luis Rio Colorado bordering Sonora, Mexico and Arizona.

EPA supports the proposed activities to be conducted under the general permit which will improve and restore backwater wetland habitat for fish, wildlife, and recreation. The water quality improvements resulting from fish habitat enhancement and streambanks restoration is consistent with the Clean Water Act goals for water quality which provides for the protection and propagation of fish, shellfish, and wildlife. EPA grants the Clean Water Act 401 certification for General Permit No. 22 with the following condition:

“Projects for wetland and aquatic habitat enhancement and restoration activities approved under General Permit No. 22 must comply with approved water quality standards which cover the project area.”

If you have any questions regarding this certification please call me at (415)744-1947 or Kristin Gullatt of my staff at (415)744-1937.

Sincerely,

A handwritten signature in black ink that appears to read "Joel Jones".

Joel Jones, Chief
State, Tribal, and Municipal Programs Office

cc: Tim Vendlinski, WTR-8



United States Department of the Interior

U.S. Fish and Wildlife Service
 2321 West Royal Palm Road, Suite 103
 Phoenix, Arizona 85021-4951
 Telephone: (602) 242-0210 FAX: (602) 242-2513



In Reply Refer to:

AESO/SE

02-21-02-I-0512

October 2, 2003

RECEIVED

OPTIONAL FORM 99 (7-80)

FAX TRANSMITTAL

of pages ▶ 6

To <i>Julian DeSantiago</i>	From <i>M Blaine</i>
Dept./Agency <i>8320</i>	Phone # <i>(520) 584-4486</i>
Fax # <i>(602) 343-6016</i>	Fax # <i>(520) 584-4497</i>
NSN 7540-01-317 7368	5099-101 GENERAL SERVICES ADMINISTRATION

Ms. Marjorie Blaine
 Tucson Project Office
 Los Angeles District
 U.S. Army Corps of Engineers
 5205 East Comanche Street
 Tucson, Arizona 85707

Dear Ms. Blaine:

Thank you for your letter of May 1, 2003 requesting initiation of informal consultation under section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1544) for the issuance of a section 404 permit under the Clean Water Act and a section 10 permit under the River and Harbor Act for the proposed Yuma East Wetlands Project in Yuma County, Arizona and Imperial County, California. We received the final version of the biological assessment for this project from you on September 29, 2003. The species of concern are the endangered Yuma clapper rail (*Rallus longirostris yumanensis*) and southwestern willow flycatcher (*Empidonax traillii eximius*). There is no designated critical habitat in the area of the proposed project.

The Yuma East Wetlands Project is located on both the Arizona and California sides of the Colorado River from the City of Yuma to the confluence of the Colorado and Gila rivers. The proposed project would, over a 5-10 year period, enhance, restore and create 1,418 acres of backwater, cattail-bulrush marsh, and areas containing native riparian plants (cottonwood-willow riparian, mesquite, saltbush and other appropriate species) in an area currently dominated by non-native plant species. Development of low-impact recreational opportunities in portions of the restored area is a significant part of the project plan. Several specific projects are identified in the biological assessment for the three phases of development.

The project area supports existing cattail-bulrush marsh occupied (in 2002-2003) by a single clapper rail. Previously, the clapper rail population at the Ibis Lake marsh was higher; however the habitat quality has declined significantly. Migrating southwestern willow flycatchers have been documented (2002-2003) on the project site. No nesting or summer residency has been documented for the flycatcher.

The proposed action contains measures to avoid the loss of existing marsh, cottonwood-willow, mesquite and other important native plant communities on the site during and after the implementation of the proposed project. These habitats will remain for use by the clapper rail

Ms. Marjorie Blaine

2

and flycatcher during the implementation period. Successful implementation of the proposed project could result in additional acres of suitable habitat being created for these two endangered birds. The actual amount of suitable habitat that could be created by the proposed project is not known.

Several other measures to avoid effects of the proposed project to clapper rails, flycatchers and their habitats are included in the project description. The most significant are:

Heavy construction work such as land clearing and leveling, dredging/excavating, and placement of water control structures would be done outside of the clapper rail breeding season and the flycatcher migration period.

The Ibis Lake marsh area will be closed to recreational use to protect clapper rails.

Recreation facilities, including trails, will not cross the existing cottonwood willow areas used by flycatchers, and will be on the edges of restored riparian habitat areas to allow for use of the restoration areas by migratory birds including the flycatcher.

Individual restoration projects would be accomplished over a number of years, so there would be undisturbed vegetation on the site for use by migratory birds over the implementation period. As restoration areas mature, these native riparian habitats would also be available for use by migratory birds including the flycatcher.

Although not clearly stated in the biological assessment, monitoring of clapper rail and flycatcher use of the proposed project area would continue through the implementation period and provide information to use in avoiding areas of species use.

We concur with your finding of "may affect, not likely to adversely affect" for the Yuma clapper rail and the southwestern willow flycatcher from implementation of the Yuma East Wetlands Project as described in the biological assessment.

Thank you for your efforts to conserve endangered and threatened species. If there are any questions on this concurrence, or other issues relating to this project, please contact Lesley Fitzpatrick (x236) or Tom Gatz (x240).

Sincerely,



for
Steven L. Spangle
Field Supervisor

ENV-1.00- Yuma East

Wetlands

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS



Fort Yuma Agency
P.O. Box 11000
Yuma, Arizona 85366-1000

Memorandum

IN REPLY REFER TO:
Land Operations (928)782-1202

Date: August 28, 2003

To: Jim Cherry, Yuma Area Manager, U. S. Bureau of Reclamation
Attention: External Coordination, J. Simes

From: Superintendent, Fort Yuma Agency

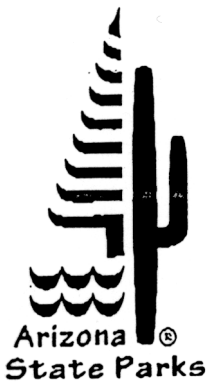
Subject: Yuma East Wetlands

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9/2	-	7210
		7110
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Control No. 6216		
Folio I.D. required		

Agency staff have reviewed the material about the Yuma East Wetlands Project delivered to us by Mr. Simes. We fully support Bureau of Reclamation in providing assistance to this project.

We welcome this opportunity to participate in coordination of Reclamation's activity on this project since part of the project area is on Indian trust land of the Fort Yuma Indian Reservation. Please keep Agency Land Operations Officer William Pyott informed of your progress.

"Management and conserving natural, cultural, and recreational resources"



General Comments

October 27, 2003

RECEIVED

OCT 29 2003

REGULATORY BRANCH
TUSCON FIELD OFFICE

Marjorie E. Blaine, Senior Project Manager
Arizona Section, Regulatory Branch
Tucson Project Office
5205 East Comanche Street
Tucson, AZ 85707

Re: Yuma East Wetlands, Yuma AZ; DOD-Corps; File Number 2001-01041-MB
SHPO-2001-1306 (17356)

Janet Napolitano
Governor

State Parks
Board Members

Chair
Suzanne Pfister
Phoenix

Gabriel Beechum
Casa Grande

John U. Hays
Yarnell

Elizabeth Stewart
Tempe

William C. Porter
Kingman

William Cordasco
Flagstaff

Mark Winkleman
State Land
Commissioner

Kenneth E. Travous
Executive Director

Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
www.azstateparks.com

800.285.3703 from
(520 & 928) area codes

General Fax:
602.542.4180

Director's Office Fax:
602.542.4188

Dear Ms. Blaine:

Thank you for providing a copy of the final report titled "Archeological Survey in the Yuma East Wetlands, Yuma Crossing National Heritage Area, Yuma, Arizona (YUMA 2003A) (undated revision), prepared by Western Archeological and Conservation Center (National Park Service). The revised report satisfactorily addresses issues raised in our July 23, 2003 letter.

We appreciate you continued cooperation with our office in complying with the requirements of historic preservation.

Sincerely,

Jo Anne Mediey
Compliance Specialist/Archaeologist
State Historic Preservation Office

"Managing and conserving natural, cultural, and recreational resources"



No historic properties affected

July 23, 2003

RECEIVED

JUL 28 2003

REGULATORY BRANCH
TUSCON FIELD OFFICE

Marjorie E. Blaine, Senior Project Manager
Arizona Section, Regulatory Branch
Tucson Project Office
5205 East Comanche Street
Tucson, AZ 85707

Re: Yuma East Wetlands, Yuma AZ; DOD-Corps; File Number 2001-01041-MB
SHPO-2001-1306 (16562)

Janet Napolitano
Governor

Dear Ms. Blaine:

State Parks
Board Members

Chair
Suzanne Pfister
Phoenix

Gabriel Beechum
Casa Grande

John U. Hays
Yarnell

Elizabeth Stewart
Tempe

William C. Porter
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602.542.4180

Director's Office Fax:
602.542.4188

Thank you for continuing to consult with our office pursuant to 36 CFR 800 about the above referenced proposed development project and for providing a copy of the supporting cultural resources survey report prepared by the Western Archeological and Conservation Center, National Park Service. I have reviewed the report and offer the following comments:

The area of potential effects (APE) encompasses 1,392 acres east of the City of Yuma, AZ in portions of several sections in Township 16S, Range 22E and 23E and Township 8S Range 22E and 23E. Thick vegetation obscures much of the APE, which has been repeatedly impacted over the years by flooding and other activities. Roads, trails, agricultural fields and other accessible areas were surveyed; no significant prehistoric or historical cultural resources were recorded. It is our understanding that tribes that were consulted about this undertaking raised no cultural resource concerns.

We concur with your finding of no historic properties affected in Arizona.

The maps provide insufficient detail about land ownership/jurisdiction. If the area of potential effect includes land located in California, you may need to consult with the California State Historic Preservation Office.

We request that the survey report be revised to address the following items that are not consistent with SHPO survey report guidelines (see enclosure):

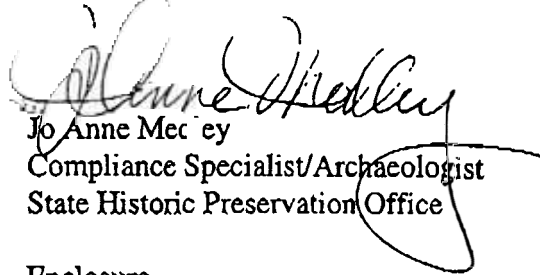
1. Provide report abstract. Linear areas surveyed also should be calculated in acres.
2. Provide USGS map showing APE.
3. Land jurisdiction/ownership must be identified in the report and on maps.
4. Maps should show the California/Arizona border.
5. The Draft Concept Plan (Phillips 2001) provides a list of landowners that includes the Arizona State Land Department (ASLD) and the Bureau of Land Management (BLM). If land under the jurisdiction of these agencies was surveyed, the report should provide permit numbers.

Letter to Ms. Blaine – Yuma East Wetlands – SHPO-2001-1306
July 23, 2003
Page 2

6. Page 7, paragraph 2 - BOR Tucson Area Office – change “BOR” to “U.S. Army Corps of Engineers”.

We appreciate your continued cooperation with our office in complying with the requirements of historic preservation. If you have any questions or concerns, please contact me at (602) 542-7142 or at jmedley@pr.state.az.us

Sincerely,



Jo Anne Medley
Compliance Specialist/Archaeologist
State Historic Preservation Office

Enclosure



QUECHAN INDIAN TRIBE
Fort Yuma Indian Reservation

P.O. Box 1899
 YUMA, ARIZONA 85366-1899
 Phone (760) 572-0213
 FAX (760) 572-2102

RESOLUTION

R-17-02

A RESOLUTION OF THE QUECHAN TRIBAL COUNCIL SUPPORTING THE EAST WETLANDS RESTORATION PLAN AND CONSENT TO THE PROJECT PARTNERSHIP TO SEEK FUNDING FOR THE DESIGN, CONSTRUCTION AND OPERATIONS AND MAINTENANCE OF THE EAST WETLANDS PROJECT.

WHEREAS: THE QUECHAN INDIAN TRIBE OF THE FORT YUMA INDIAN RESERVATION IS A IS A FEDERALLY RECOGNIZED INDIAN TRIBE ORGANIZED UNDER A CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 28, 1936, AND APPROVED BY THE SECRETARY OF THE INTERIOR ON DECEMBER 18, 1936, WITH REVISED AMENDMENTS APPROVED ON NOVEMBER 18, 1974, AND MAY 21, 1997; AND

WHEREAS: THE COLORADO RIVER HAS HISTORICALLY BEEN THE CENTER OF LIFE TO THE QUECHAN PEOPLE AND THE RIVER MADE LIFE POSSIBLE, PROVIDING SUSTENANCE FOR THE TRIBE, INCLUDING FISH, WILDLIFE AND PLANTS IN THE RIPARIAN AREAS, WILLOW TREES THAT WERE USED IN BASKET MAKING, AND ARROW WEED THAT WAS USED TO MAKE ARROWS; AND

WHEREAS: THE YUMA EAST WETLANDS IS ONE OF THE FEW REMAINING AREAS ALONG THE COLORADO RIVER THAT FOSTERS ABUNDANT AND VALUABLE WILDLIFE HABITAT AND THE AREA SUPPORTS AN ARRAY OF PLANT AND WILDLIFE SPECIES, INCLUDING THE ENDANGERED SOUTHWEST WILLOW FLYCATCHER AND THE YUMA CLAPPER RAIL; AND

WHEREAS: THE YUMA EAST WETLANDS ECOSYSTEM AND THE TRIBE'S CULTURAL AND HISTORICAL HERITAGE WILL BE ENHANCED THROUGH REVEGETATION OF NATIVE STANDS AND BOSQUES OF MESQUITE, WILLOW, AND COTTONWOOD TREES; AND

RESOLUTION R-17-02
PAGE TWO

WHEREAS: MANY WILDLIFE POPULATIONS WILL BENEFIT FROM INCREASED NATURAL HABITAT AND REVEGETATION; AND

WHEREAS: THE YUMA EAST WETLANDS RESTORATION PLAN SEEKS TO REESTABLISH THE VITALITY OF THIS FRAGILE ECOSYSTEM IN BALANCE WITH THE TRIBAL AND NON-INDIAN COMMUNITY NEEDS FOR ENVIRONMENTAL EDUCATION, PASSIVE, LOW IMPACT RECREATION, AND ECONOMIC DEVELOPMENT THROUGH ENHANCEMENT OF ECOTOURISM OPPORTUNITIES WITHIN AND ADJACENT TO THE FORT YUMA RESERVATION; AND

WHEREAS: THE YUMA EAST WETLANDS RESTORATION PLAN INCLUDES SIGNIFICANT PORTIONS OF RIPARIAN LANDS OF THE TRIBE WITHIN THE FORT YUMA RESERVATION AND EACH IMPLEMENTATION PHASE OF THE PROJECT REQUIRES CONSULTATION WITH AND APPROVAL OF THE TRIBE PRIOR TO IMPLEMENTATION.

NOW, THEREFORE BE IT RESOLVED: THAT THE QUECHAN TRIBAL COUNCIL HEREBY EXPRESSES THE QUECHAN TRIBE'S SUPPORT OF THE YUMA EAST WETLANDS RESTORATION PLAN, DATED JUNE 30, 2001; AND

BE IT FURTHER RESOLVED: THAT THE PROJECT PLANNING TEAM (PHILLIPS CONSULTING, ITS SUBCONTRACTORS, PROJECT PLANNERS, AND CIP MANAGERS OF THE CITY OF YUMA AND YUMA CROSSING NATIONAL HERITAGE AREA DESIGN TEAM AND BOARD MEMBERS) WILL BE GRANTED REASONABLE ACCESS TO TRIBAL LANDS WITHIN THE FORT YUMA RESERVATION THAT ARE INCLUDED IN THE PLAN FOR THE PURPOSE OF COLLECTING DATA, SURVEYING, ENGINEERING AND PROVIDING ARCHITECTURAL SERVICES; HOWEVER, SUCH ACCESS WILL ONLY BE GRANTED BY THE TRIBAL COUNCIL AFTER REVIEW AND APPROVAL OF A WRITTEN SUBMISSION TO THE COUNCIL WHICH SHALL INCLUDE A SCHEDULE OF ACTIVITIES, A STATEMENT OF PURPOSE, DESCRIPTION OF THE LOCATION, THE ESTIMATED LENGTH OF TIME NECESSARY TO COMPLETE THE ACTIVITY, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE TRIBAL COUNCIL PRIOR TO APPROVAL; AND

BE IT FURTHER RESOLVED: THAT THE CONSTRUCTION, RESTORATION, REVEGETATION, OR OTHER ACTIVITY OF A PERMANENT NATURE AFFECTING TRIBAL LANDS SHALL REQUIRE THE EXPRESS PRIOR WRITTEN APPROVAL OF THE TRIBAL COUNCIL AFTER CONSULTATION WITH THE PROJECT PLANNING TEAM AND OTHERS INVOLVED IN THE PROJECT; AND

RESOLUTION R-17-02
PAGE THREE

BE IT FURTHER RESOLVED: THAT THE QUECHAN TRIBE, THROUGH THE TRIBAL COUNCIL SHALL NEGOTIATE AND ENTER INTO A COMPREHENSIVE MEMORANDUM OF UNDERSTANDING WITH RESPECT TO OWNERSHIP OF IMPROVEMENTS, OPERATION, MAINTENANCE, ACCESS, FUNDING, SECURITY, AND ALL OTHER ASPECTS OF IMPROVEMENTS, AND ACTIVITIES THAT WILL OCCUR AS A RESULT OF THE EAST WETLANDS RESTORATION PLAN UPON TRIBAL LANDS WITHIN THE FORT YUMA RESERVATION; AND

BE IT FURTHER RESOLVED: THAT PRIOR TO IMPLEMENTATION OF ANY PORTION OF THE EAST WETLANDS RESTORATION PLAN ALL WATER ISSUES, IF ANY, SHALL BE RESOLVED TO THE SATISFACTION OF THE TRIBAL COUNCIL AND IN NO EVENT SHALL ANY PROJECT PLAN, WORK, OR OTHER ACTIVITY INFRINGE UPON OR IN ANY WAY AFFECT OR DIMINISH THE RESERVED WATER RIGHTS OF THE QUECHAN INDIAN TRIBE IN THE COLORADO RIVER AND RELATED WATERS; AND

BE IT FURTHER RESOLVED: THAT THE TRIBAL COUNCIL ENCOURAGES AND SUPPORTS EFFORTS BY THE PROJECT PARTNERSHIP, INCLUDING THE QUECHAN INDIAN TRIBE, THE CITY OF YUMA, AND THE YUMA CROSSING NATIONAL HERITAGE AREA TO SEEK FUNDING FOR IMPLEMENTATION OF THE PLAN, INCLUDING GRANTS AND DONATIONS FOR DESIGN, ARCHITECTURAL SERVICES, ENGINEERING, CONSTRUCTION AND OPERATIONS AND MAINTENANCE OF THE YUMA EAST WETLANDS; AND

BE IT FINALLY RESOLVED: THAT THE PRESIDENT OR IN HIS ABSENCE, THE VICE-PRESIDENT IS THE AUTHORIZED OFFICIAL TO NEGOTIATE OR SIGN ALL APPLICABLE DOCUMENTS.

RESOLUTION R-17-02
PAGE FOUR

CERTIFICATION

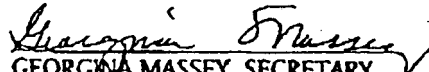
THE FOREGOING RESOLUTION WAS PRESENTED AT A SPECIAL COUNCIL MEETING OF THE QUECHAN TRIBAL COUNCIL WHICH CONVENED ON JANUARY 14, 2002, DULY APPROVED BY A VOTE OF: 3 FOR, 2 AGAINST, 0 ABSTAINED, 2 ABSENT, BY THE TRIBAL COUNCIL OF THE QUECHAN TRIBE, PURSUANT TO THE AUTHORITY VESTED IN IT BY SECTION 16 OF THE RE-ORGANIZATION ACT OF JUNE 18, 1934 (48 STAT. 984) AS AMENDED BY THE ACT OF JUNE 15, 1935 (49 STAT. 378) AND ARTICLE IV, OF THE QUECHAN TRIBAL CONSTITUTION AND BYLAWS. THIS RESOLUTION IS EFFECTIVE AS THE DATE OF ITS APPROVAL.

✶

QUECHAN TRIBE

BY:


MIKE JACKSON, SR., PRESIDENT
QUECHAN TRIBAL COUNCIL


GEORGIA MASSEY, SECRETARY
QUECHAN TRIBAL COUNCIL

ENV- .00- Yuma East Wetlands

BUREAU OF INDIAN AFFAIRS
FORT YUMA AGENCY
P.O. BOX 11000
YUMA, AZ 85366-1000

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		7000
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Project		
Control No. 4001936		
Folder I.D.		
Keyword 6216		

July 30, 2004

Land Operations (928)782-1202

Mr. Charles Flynn
Executive Director
Yuma Crossing National Heritage Area Corporation
200 West First Street
Yuma, Arizona 85364

Dear Mr. Flynn:

At the request of Mr. Jack Simes of the Yuma Area Office of the Bureau of Reclamation, Agency staff have reviewed the plans for Phase One Channel/Wetland Restoration of the Yuma East Wetlands Restoration Project, July 13, 2004, Fred Phillips Consulting. We have also reviewed the following documents:

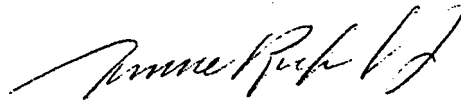
1. U. S. Army Corps of Engineers Regional Permit Number 22, Aquatic and Wetland Enhancement Activities, Lower Colorado River, California and Arizona, March 20, 2000.
2. Environmental Assessment, 404(b)(1) Evaluation, Statement of Findings, Findings of No Significant Impact, Public Interest Review, March 20, 2000, Marjorie E. Blaine, U. S. Army Corps of Engineers.
3. Yuma East Wetlands Restoration Project, Biological Assessment, September 16, 2003, Stevens Ecological Consulting and Fred Phillips Consulting
4. Adoption of March 20, 2000 U. S. Army Corps of Engineers Environmental Assessment, Supplemental Environmental Assessment and Finding of No Significant Impact for the Yuma East Wetlands Restoration Project, City of Yuma, Yuma County, Arizona, December 26, 2003, U. S. Environmental Protection Agency.

ENV-6.00
ENV-8.00 - Corps of Engineers Permits to Others

Based on these reviews and our overall knowledge of the purposes and objectives of the Yuma East Wetlands Restoration Project, we concur in carrying out the Phase One Channel/Wetland Restoration on Indian Trust Land, the Fort Yuma Indian Reservation.

We wish you success in this very commendable endeavor. Please keep us posted.

Sincerely,



Superintendent

cc:
Yuma Area Office, Bureau of Reclamation, Jack Simes
WR WR, Kim Fritz
FY RES
FY BLO File
FY BLO Chrono
FY Supt. Chrono
W Pyott: S Rideshorse: wtp 7/30/04



QUECHAN INDIAN TRIBE
Ft. Yuma Indian Reservation

P.O. Box 1899
Yuma, Arizona 85366-1899
Phone (760) 572-0213
Fax (760) 572-2102

RESOLUTION

R-156-04

A RESOLUTION OF THE TRIBAL COUNCIL OF THE QUECHAN INDIAN TRIBE IN SUPPORT OF CONSTRUCTION OF THE EAST WETLANDS DREDGING PER THE APPROVED BIOLOGICAL ASSESSMENT AND ASSOCIATED REVEGETATION ON APPROXIMATELY ONE HUNDRED TWENTY TOTAL ACRES OF TRIBAL LAND.

WHEREAS: THE QUECHAN INDIAN TRIBE OF THE FORT YUMA INDIAN RESERVATION IS A FEDERALLY RECOGNIZED INDIAN TRIBE ORGANIZED UNDER A CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 28, 1936, AND APPROVED BY THE SECRETARY OF THE INTERIOR ON DECEMBER 18, 1936, WITH REVISED AMENDMENTS APPROVED ON NOVEMBER 18, 1974, AND MAY 21, 1997; AND

WHEREAS: THE QUECHAN TRIBAL COUNCIL HAS PREVIOUSLY ADOPTED TRIBAL RESOLUTION R-17-02 IN SUPPORT FOR THE EAST WETLANDS RESTORATION PLAN, CONDITIONAL UPON RESOLUTION OF ANY WATER RIGHTS ISSUES; AND

WHEREAS: THE ISSUE OF CONCERN RELATING TO WATER RIGHTS HAVE BEEN RESOLVED FOR THROUGH A COMMITMENT OF THE CITY OF YUMA TO BARE SOLE RESPONSIBILITY FOR ANY AND ALL WATER NEEDS AND LIABILITIES IN THE PROJECT AREA; AND

WHEREAS: THE YUMA EAST WETLANDS RESTORATION PLAN WILL BE ACCOMPLISHED IN PHASES AND EACH SUBSEQUENT IMPLEMENTATION PHASE OF THE PROJECT REQUIRES CONSULTATION WITH THE TRIBAL COUNCIL PRIOR TO IMPLEMENTATION; AND

WHEREAS: THE QUECHAN INDIAN TRIBE HAS PREVIOUSLY ADOPTED TRIBAL RESOLUTION R-188-03 WHICH AUTHORIZED THE CONSTRUCTION OF THE YUMA EAST WETLANDS RESTORATION PROJECT (PROJECT) UP TO SIXTY ACRES OF TRIBAL LAND;

**RESOLUTION R-156-04
PAGE TWO**

NOW, THEREFORE, BE IT RESOLVED: THE QUECHAN TRIBAL COUNCIL HEREBY SUPPORTS THE IMPLEMENTATION OF THE PROJECT, CONSISTENT WITH THE YUMA EAST WETLANDS RESTORATION PLAN, DATED JUNE 30, 2001 AND THE BIOLOGICAL ASSESSMENT DATED SEPTEMBER 16, 2003; AND

BE IT FURTHER RESOLVED: THAT THE PROJECT PLANNING TEAM AND CONTRACTORS CONSTRUCTING THE PROJECT (INCLUDING PHILLIPS CONSULTING, THEIR SUBCONTRACTORS, PROJECT PLANNERS AND CIP MANAGERS OF THE CITY OF YUMA, AND YUMA CROSSING NATIONAL HERITAGE AREA DESIGN TEAM AND BOARD MEMBERS) ARE GRANTED ACCESS TO THOSE TRIBAL LANDS INCLUDED IN THE PROJECT FOR CONSTRUCTION AND NECESSARY STAGING; AND

BE IT FURTHER RESOLVED: THAT PRIOR TO THE COMMENCEMENT OF THE PROJECT, THE PROJECT PLANNING TEAM WILL PROVIDE A DETAILED PLAN, INCLUDING ALL EXPECTED STAGING LOCATIONS FOR THE PROJECT AREA FOR REVIEW AND APPROVAL BY THE TRIBAL COUNCIL OR THE COUNCIL'S APPOINTED DESIGNEE PRIOR TO ANY CONSTRUCTION RELATED ACTIVITIES; AND

BE IT FURTHER RESOLVED: THAT ADDITIONAL PHASES OF WORK BEYOND THIS ONE-HUNDRED TWENTY ACRE AREA AND DREDGING PHASE OF THE PROJECT SHALL NOT BE UNDERTAKEN WITHOUT THE CONSENT OF THE TRIBAL COUNCIL OF THE QUECHAN INDIAN TRIBE; AND

BE IT FINALLY RESOLVED: THAT THE PRESIDENT OR IN HIS ABSENCE THE VICE-PRESIDENT IS THE AUTHORIZED OFFICIAL TO NEGOTIATE OR EXECUTE ALL APPLICABLE DOCUMENTS


CERTIFICATION

THE FOREGOING RESOLUTION WAS PRESENTED AT A REGULAR COUNCIL MEETING OF THE QUECHAN TRIBAL COUNCIL WHICH CONVENED ON AUGUST 3, 2004, DULY APPROVED BY A VOTE OF 5 FOR, 0 AGAINST, 0 ABSTAINED, 1 ABSENT, BY THE TRIBAL COUNCIL OF THE QUECHAN TRIBE, PURSUANT TO THE AUTHORITY VESTED IN IT BY SECTION 16 OF THE RE-ORGANIZATION ACT OF JUNE 18, 1934 (48 STAT. 984) AS AMENDED BY THE ACT OF JUNE 15, 1935 (49 STAT. 378) AND ARTICLE IV, OF THE QUECHAN TRIBAL CONSTITUTION AND BYLAWS. THIS RESOLUTION IS EFFECTIVE AS OF THE DATE OF ITS APPROVAL.

QUECHAN TRIBE

BY:


MIKE JACKSON, SR., PRESIDENT
QUECHAN TRIBAL COUNCIL


GEORGINA MASSEY, SECRETARY
QUECHAN TRIBAL COUNCIL