



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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San Francisco, CA 94105-3901

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DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Public Notice for the Draft Environmental Assessment for Moapa Valley Water District, Overton, Nevada

The United States Environmental Protection Agency (“EPA”) Region 9, is considering authorizing the expenditure of funds awarded to the Moapa Valley Water District (“Water District”), Overton, Nevada, to upgrade and expand the Arrow Canyon Well Complex transmission pipeline. The Water District proposed to construct a new water transmission pipeline adjacent to the existing transmission pipeline located in the Water District’s Arrow Canyon Well Complex areas. The present diameter of the existing transmission main from the Arrow Canyon Well Complex to the distribution system is 14 inches. The proposed project will increase the pipeline’s diameter from 14 inches to 24 inches and extend the transmission main pipeline to about 3000 feet. This would allow the Water District to meet current and future development and growth in the Moapa area.

Pursuant to the requirements of the National Environmental Policy Act (“NEPA”), EPA Region 9 and the Bureau of Land Management (“BLM”) have prepared a draft Environmental Assessment (“EA”), referenced number: DOI-BLM-NV-S010-2011-0030-EA, which examines the potential environmental impacts of the proposed action and alternatives along with the no action alternative. EPA and BLM have determined that the proposed action will not have a significant impact on the quality of the human environment.

The draft EA is available for public review in the BLM’s e-planning website: www.blm.gov/nv; click on the map – Southern Nevada District, then select National NEPA Register under the Links of Interest on the District webpage. Paper copies of the draft EA are also available to the general public at the following locations during normal business hours.

Moapa Valley Water District
601 N. Moapa Valley Blvd.
Overton, Nevada

Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA
94105

To obtain additional information about the project, please contact the followings persons:

Patrick Chan, EPA Region 9, by email at chan.patrick@epa.gov or by calling (415) 972-3551; fax no. 415-947-3549; or Shawna Woods, BLM, Las Vegas Field Office, by email at swoods@blm.gov or by calling (702) 515-5099; fax no. (702) 515-5010.

Interested persons, including those who disagree with this proposal may submit comments to EPA Region 9 within 30 calendar days from the date of this public notice. No administrative action will be taken on this proposed project prior to the expiration of the 30 days public comment period. Comments, via letter, fax or email, should be sent to the addresses listed above.

Date: March 30, 2011.

U.S. DEPARTMENT OF THE INTERIOR **BUREAU OF LAND MANAGEMENT**

E-Gov for Planning and NEPA (ePlanning)

DOI-BLM-NV-S010-2011-0030-EA

Help

> NEPA Register > DOI-BLM-NV-S010-2011-0030-EA

NEPA Project Summary

NEPA #:	DOI-BLM-NV-S010-2011-0030-EA	Status:	Active
Project Name:	Moapa Water District Water Transmission ension	Decision Date:	12/10/2010
EIS OEPC #:		FONSI Date:	12/10/2010
Applicant:	Moapa Valley Water District		
Case File Number/ Project Number	N=50866		
Start Date:			
End Date:			

Project Description:

Moapa Valley Water District (the District) has a well and existing water transmission pipeline (N-50866) in Arrow Canyon. The District proposes to expand the current water transmission system. The current pipe is 14 inches in diameter with a 20 feet wide by 2,983 feet long ROW grant. The District proposes to install a 24 inch pipeline adjacent to the existing pipeline and have the 14 inch pipe in place for emergency backup. The District has requested a 40 foot wide ROW during construction with an upgraded permanent ROW of 30 foot width. (30 feet by 2,983 length = 2.04 acres of permanent ROW). The short term ROW would be 10 feet by 2,398 feet and encompass 0.68 acres. The District has requested the short term ROW through February 2012. This would allow The District to meet current and future development and growth in the Moapa area. Attached is an environmental assessment for your review.

Project Location:

Arrow Canyon Mount Diablo Meridian, Nevada T. 14 S., R 65 E., section 7 SESENE, EESENE, section 8, NWNENW, SENENWNW, SNWNW

Project Lead:	Shawna Woods		
Phone Number:	(702) 515-5000		
Office(s):	Las Vegas FO	Lead Office:	Las Vegas FO
Counties:	Clark		
Program(s):	Air Quality Cultural Resources Energy Fish and Wildlife Land and Realty	Special Interest(s):	
Cooperating Agencies:	EPA		

Links:

[Document](#) [Tiered EA/EIS Document](#)

**U.S. Department of the Interior
Bureau of Land Management**

Environmental Assessment

DOI-BLM-NV-S010-2011-0030-EA

March 1, 2011

Right-of-Way for Water Pipeline Expansion and Short Term Right-of-Way.

APPLICANT

Moapa Valley Water District

COOPERATING AGENCY

Environmental Protection Agency

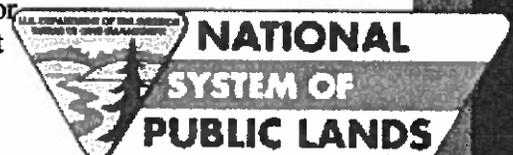
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PREPARING OFFICE

**U.S. Department of the Interior
Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130**



**Environmental Assessment:
DOI-BLM-NV-
S010-2011-0030-EA**

March 1, 2011

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Chapter 1. Introduction

1.1. Identifying Information:

Moapa Valley Water District Pipeline Expansion

1.1.1. Title, EA number, and type of project:

Title: Moapa Valley Water District Pipeline Expansion

EA Number: DOI-BLM-NV-S010-2011-0030-EA

Type: Right-of-Way and Short Term Right-of Way

1.1.2. Location of Proposed Action:

LEGAL DESCRIPTION:

Mount Diablo Meridian, Nevada, T. 14 S., R., 65 E., section 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, section 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

1.1.3. Name and Location of Preparing Office:

Lead Office - Bureau of Land Management, Southern Nevada District Office, Las Vegas Field Office, Las Vegas, Nevada 89130;

Office Number: NVS00056

1.1.4. Identify the subject function code, lease, serial, or case file number:

N-50866/B/ and N-50866-01

1.1.5. Applicant Name:

Moapa Valley Water District

1.2. Purpose and Need for Action:

To respond to a Federal Land Policy Management Act (FLPMA) request for a rights-of-way across BLM administered land. To provide for current and future customer needs in the Moapa Valley by upgrading the current water transmission line.

1.3. Scoping, Public Involvement and Issues:

This proposal has been reviewed by Bureau of Land Management resource team members. Their comments and evaluations are included in this environmental assessment.

Chapter 2. Proposed Action and Alternatives

2.1. Description of the Proposed Action:

Moapa Valley Water District (the District) has a well and existing water transmission pipeline (N-50866) in Arrow Canyon. The District proposes to expand the current water transmission system. The current pipeline is 14 inches in diameter with a 20 feet wide by 2,983 feet long right-of-way (ROW) grant (1.369 acres). The District proposes to install a 24 inch pipeline adjacent to the existing pipeline and leave the 14 inch pipeline in place for emergency backup. The District has requested a 40 foot wide ROW during construction with an upgraded permanent ROW of 30 foot width. (30 feet by 2,983 length = 2.05 acres of permanent ROW). The short term ROW would be 10 feet by 2,983 feet and encompass 0.68 acres. The District has requested the short term ROW through February 2012. This would allow The District to meet current and future development and growth in the Moapa area.

Stipulations will be attached to the right-of-way grant which will include conservation and protection of the natural resources, cultural resources, T&E Species, and the environment.

The proposed ROW is in concurrence with the Las Vegas Resource Management Plan, Environmental Impact Statement (RMP) approved October 5, 1998.

A summary of this ROW proposal is available for review by the public on the internet under NEPA number: DOI-BLM-NV-S010-2011-0030-EA

The valid existing ROW holders have been sent notification letters regarding the proposed project and requested to send comments within 15 days. The notification letters were mailed on December 15, 2010. To date, BLM has not received any responses.

Soil Disturbance:

The entire ROW is previously disturbed.

The ROW would be granted for a period of 30 years.

2.2. Description of Other Alternatives Analyzed in Detail:

Under a "no action" alternative, BLM land would not be made land available for issuance of the ROW. No action would result in the applicant not being able to install the pipeline. Future needs for the Moapa Valley Water District would not be met.

2.3. Alternatives Considered but not Analyzed in Detail

Other alternatives were not analyzed since the proposal is to construct an upgraded pipeline adjacent to the existing pipeline. The proposed pipeline would be connected to the existing well and facilities upon completion. No other alternatives or route is available.

2.4. Conformance

The proposed action is in conformance with the Record of Decision for the approved Las Vegas Resource Management Plan and Final Environmental Impact Statement (RMP), decisions RW-1, and RW-1-h, approved October 5, 1998.

- RW-1 — “Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development.”
- RW-1-h— “All public land within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy Management Act.”

Rights-of-way are allowable on BLM administered lands per Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations (43 CFR 2800), at the discretion of the Secretary of the Interior.

Chapter 3. Affected Environment:

SUPPLEMENTAL AUTHORITIES

The following table shows those resources considered for analysis. Those resources in the Present/May be Affected column, will be analyzed further in this column. Those resources in the Present/Not affected or Not Present column — along with the rationale — have been eliminated from further analysis.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Quality		X		Ensure dust control measures and/or permits are implemented in accordance with air quality compliance oversight agency requirements for the duration of the project(s).
Area of Critical Environmental Concern (ACEC)	X			The proposed project area is not within an ACEC or any critical desert tortoise habitat.
Cultural/ Historical	X			There are no issues given previous review and area is previously disturbed
Paleontological Resources	X			There are no issues.
Environmental Justice	X			No minority or low income group would be disproportionately impacted by health or environmental effects.
Farmlands Prime or Unique	X			The proposed action does not occur in prime or unique farmland.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Invasive Species / Noxious Weeds		X		Land disturbance activities and vehicle traffic present a high risk for weed introduction and spread. Arrow Canyon is an area within close proximity to wilderness and other high value areas, making weed mitigation and post activity treatment a priority. A weed plan must be in place before the signing of the EA to ensure that weed mitigation measures are understood and become part of the operating process. The use of herbicides is not guaranteed in desert tortoise habitat, and therefore the possible measures of control must be formulated and agreed to in the assessment process, to maintain the weed population at or below ambient levels.
Native American Religious Concerns	X			No Native American concerns were identified.
Floodplains	X			Pipeline will be buried. Project does not lie within a floodplain area. There will not be an impact to flood plain areas due to this project.
Riparian/Wetlands	X			Not present.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Threatened, Endangered or Candidate Plant Species	X			Not present.
Threatened, Endangered or Candidate Animal Species.		X		See EA language in section 7 log number NV-052-11-034.
Migratory Birds			X	Addressed in EA.
Livestock Grazing	X			Not present. Project is not within a designated or active grazing allotment.
Lands Access		X		<p>The location of this proposed action is at a key access point along a designated vehicle route which visitors utilize to access that portion of the Wilderness. Individuals will be able to continue to access that portion of the Wilderness via non-motorized means, however vehicle access to the Wilderness boundary via the designated route would be limited during construction. Following completion of construction, visitors will be able to access Arrow Canyon Wilderness via the designated motorized vehicle route as before.</p> <p>Note</p> <p>Construction activities will be scheduled in the summer when access demands are</p>

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				lower.
Waste - Hazardous/Solid	X			No hazmat issues. Include standard Hazmat stipulations.
Water Resources		X		Applicant should utilize best management practices to reduce potential increase of sedimentation and impacts to water quality of the Muddy River.
Wild & Scenic Rivers	X			Not present.
Wilderness (Study Area)			X	The proposed action is not located within or adjacent to designated Wilderness, WSAs or ISAs. No buffers are created around Wilderness. The proposed action is located approximately 1.5 miles from the boundary of Arrow Canyon Wilderness. The proposed action for construction is temporary in nature and related activities would not be seen or heard from most locations within the Wilderness. The location of this proposed action is at a key access point along a designated vehicle route which visitors utilize to access that portion of the

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				Wilderness. Individuals will be able to continue to access that portion of the Wilderness via non-motorized means, however vehicle access to the Wilderness boundary via the designated route would be limited during construction. Following completion of construction, visitors will be able to access Arrow Canyon Wilderness via the designated motorized vehicle route as before.
Forests and Rangelands (HFRA only)		X		Proposed action will not impact rangeland health due to the previous disturbance near this ROW. The proposed ROW is adjacent to a road in a previously disturbed area containing low densities of cactus and yucca. No impacts are expected.
Human Health and Safety	X			Need to follow safety precautions during construction of ROW.

Other resources of the human environment that have been considered for this environmental assessment (EA) are listed in the table below. Elements that may be affected are further described in the EA. Rationale for those elements that would not be affected by the proposed action and alternative is listed in the table below.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management	X			Proposed action does not occur in an authorized grazing allotment.
Green House Gas Emissions (Climate Change)		X		Currently there are no emission limits for suspected Greenhouse Gas (GHG) emissions, and no technically defensible methodology for predicting potential climate changes from GHG emissions. However, there are, and will continue to be, several efforts to address GHG emissions from federal activities, including BLM authorized uses.
Geology/ Mineral Resources/ Energy Production	X			No mining claims or mining operations present. If excavation that produces mineral materials within the ROW must be used within the ROW or stockpiled on site for sale by the BLM. If mineral materials are to be stockpiled on site for sale, the disposal of the mineral materials should be analyzed in the EA. A contract will be necessary before the stockpiled mineral materials can be removed from the ROW.
Paleontological Resources	X			No issues.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Socioeconomic Values	X			This project will not disproportionately impact social or economic values.
Soils	X			The proponent should utilize Best Management Practices (BMP's) to minimize erosion.
Hydrology		X		Applicant should consult wit the Army Corp of Engineers and Nevada Depart. of Environmental Protection to determine if any permits are required.'
BLM Natural Areas	X			There are no such designations within the Field office.
Vegetation Excluding Federally Listed Species		X		<p>There is no known occurancs of BLM sensitive species within the area. If there unknown occurancs of BLM sensitive species within the project site, due to the small amount of disturbance, potential impacts would be negligible.</p> <p>Note</p> <p>The proponent is required to restore the short term ROW (10 feet by 2,398 feet). Contact Fred Edwards, BLM Botanist for guidance.</p>

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	
Visual Resources		X		The proposed action occurs in VRM Class II, which aims to retain the character of the existing landscape. Since the expanded line will be adjacent to the existing line, it is not expected to draw the attention of the casual observer. Even though there will be new disturbance, it will follow the existing line of the original right-of-way. All temporary disturbances must be restored to match the character of the undisturbed surrounding landscape.
Recreation	X			Not present
Fuels/Fire Management	X			Follow fire restriction orders as issued annually.
Fish and Wildlife, Excluding Federally Listed Species		X		Addressed in EA

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Areas with Wilderness Characteristics	X			<p>The proposed action is located in an area which was inventoried for wilderness characteristics and completed the requirements per Section 603 of FLPMA. The following is a list of the Wilderness Inventory Unit (WIU) Number/Name, and determination:</p> <p>NV-050-0215 (IPP-09)/Arrow Canyon Range The unit underwent an accelerated intensive inventory due to a special project. The results of that intensive inventory determined the unit did not meet the elements of wilderness characteristics and was released from further consideration.</p>
Woodland Forestry		X		<p>Cactus and yucca may be present within the project impact area. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. If unable to be avoided, all cactus and yucca within permanent and temporary impact areas must be salvaged and replanted in temporary impact</p>

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				areas or undisturbed portions of the project area. Unless otherwise directed by the BLM botanist, all replanted cactus and yucca must be watered and otherwise maintained for a period of one year. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor (or other approved by the BLM botanist) with at least three years experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.

3.1. Air Quality:

The United States Environmental Protection Agency (USEPA) changed the standard for ozone from .084 ppb to .075 ppb, in March of 2008. This new standard will require implementation of Volatile Organic Compound (VOC) reduction strategies. There are a number VOC reduction strategies, including but not limited to reformulated fuel, vapor recovery, double walled under ground storage tanks, increase mass transit and car pooling. It is not known at this time which of these reduction strategies would be implemented by Clark County Department of Air Quality and Environmental Management (CCDAQEM) as part of the State Implementation Plan (SIP) to show attainment for the ozone standard. BLM will work closely with Clark County to ensure BLM authorizations are included as part of the SIP for the affected area. It is anticipated that the USEPA will issue new non-attainment designations in 2010, so Clark County does not have any SIP or plan requirements under the revised NAAQS at this time.

3.2. Threatened, Endangered or Candidate Animal Species:

Threatened, Endangered Species

Threatened and endangered species are placed on a federal list by the U. S. Fish and Wildlife Service (USFWS) and receive protection under the Endangered Species Act of 1973, as amended.

The only T&E species known to occur in the vicinity of the project area is the threatened desert tortoise (*Gopherus agassizii*). In the Mojave region, the desert tortoise occurs primarily on flats and bajadas with soils ranging from sand to sandy-gravel characterized by scattered shrubs and abundant inter-shrub space for herbaceous plant growth. They are also found on rocky terrain and slopes. Historical survey data indicates that the area surrounding the project site is low density tortoise habitat, Area C.

3.3. Migratory Birds:

Under the Migratory Bird Treaty Act of 1918 (MBTA) and subsequent amendments (16 U.S.C. 703-711), it is unlawful to take, kill, or possess migratory birds. A list of the protected bird species can be found in 50 C.F.R. §10.13. The list of birds protected under this regulation is extensive and the project site has potential to support many of these species, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*). Typically, the breeding season is when these species are most sensitive to disturbance, which generally occurs from March 15 through July 30.

3.4. Wildlife:

The proposed project area supports and is adjacent to lands that support wildlife characteristic of the Mojave desert. Biological diversity varies according to topography, plant community, and proximity to water, soil type, and season. Several common species of reptiles that may be present in the vicinity of the proposed project site may include the western whip-tail (*Cnemidophorus tigris*), desert iguana (*Dipsosaurus dorsalis*), side-blotched lizard (*Uta stansburniana*), zebra-tail lizard (*Callisaurus draconoides*), desert tortoise (*Gopherus agassizii*), western shovel-nosed snake (*Chionactis occipitalis*) and garter snake (*Thamnophis* sp.). Common bird species that may be present in the vicinity of the proposed project site may include the rock wren (*Salpinctes obsoletus*), black-throated sparrow (*Amphispiza quinquestriata*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), phainopepla (*Phainopepla nitens*), red-tailed hawk (*Buteo jamaicensis*), and western burrowing owl (*Athene cunicularia hypugaea*). Common mammal species include the black-tailed hare (*Lepus californicus*), the desert cottontail (*Sylvilagus audubonii*), coyote (*Canis latrans*), badger (*Taxidea taxus*), kit fox (*Vulpes macrotis*) and many species of rodents.

3.5. BLM Sensitive Species:

BLM sensitive species are species that require special management consideration to avoid potential future listing under ESA and that have been identified in accordance with procedures set forth in BLM Manual 6840. The following sensitive species are known to potentially occur within the parcel:

Western burrowing owl (*Athene cuniculari hypugaea*)

The Western burrowing owl is a diurnal bird of prey specialized for grassland and shrubsteppe habitats in western North America. The owls are widely distributed throughout the Americas and can be found from central Alberta, Canada, to Tierra del Fuego in South America. Burrowing owl habitat typically consists of open, dry, treeless areas on plains, prairies, and desert floors. Burrowing owls most frequently use minimal burrows created by other animals such as prairie dogs (*Cynomys* spp.), ground squirrels (*Spermophilus* spp.), coyotes (*Canis latrans*), or desert tortoise (*Gopherus agassizii*). The burrows are used for nesting, roosting, cover, and catching

prey. In recent decades, the range and species count have been declining primarily due to agricultural, industrial, and urban development that reduce burrow availability.

Chapter 4. Environmental Effects:

4.1. Air Quality:

Simulations using the Argonne National Laboratory cumulative air modeling assessment indicated potential for future ozone concentrations from development of disposed lands to temporarily exceed the 0.084 ppb standard for select areas of Las Vegas Valley. The temporary exceedances were considered a “worst-case” scenario because the model was constructed using very conservative approaches and only included reformulated fuels as a VOC reduction strategy.

The Argonne National Laboratory air-quality model also assumed a disposal rate of approximately 4,000 acres per year based upon the rate of sales at the time and the assumption that the market could support this rate of disposal into the foreseeable future. In the past 2-3 years, deteriorating economic conditions have reduced demand for additional housing and land; the number of acres actually disposed has dropped considerably in the Las Vegas Valley from a high of 10,000 acres [2003-2006] to a low of 100 acres [2007-2010]. The current downward trend in land sales is expected to continue for the next several years based on the present economic conditions.

The results projected in the ozone model still adequately address future expected levels of ozone in the Las Vegas Valley. Future ozone concentrations resulting from development of disposed lands probably will be less than predicted by the model because of the greatly reduced rate of land disposal, conservative modeling approaches and likely implementation of VOC reduction measures not considered in modeling scenarios. The current 0.075 ppb ozone standard is not likely to be exceeded based upon this rationale, but there is some uncertainty involved with modeling results. In order to address uncertainty, the following measures will be implemented. BLM will coordinate CCDAQEM to ensure federal actions are consistent with the future guidelines provided by CCDAQEM. BLM, in coordination with CCDAQEM, also will determine if additional modeling is needed in the future if disposal rates increase to initially assumed values and specific VOC reduction measures are identified and implemented under a revised SIP.

A dust control permit will be required for this proposed action. Ensure compliance with dust regulations for the duration of the proposed action.

4.2. Threatened, Endangered or Candidate Species

Threatened, Endangered Species

This project will disturb a total of 2,739 acres of tortoise habitat. Since tortoise sign has been found in the vicinity and undisturbed habitat exists in the area, there is potential for tortoises to wander into the project area. If not noticed and avoided during construction, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way). Section 7 Consultation for this project is covered under the Las Vegas Valley Biological Opinion (1-5-95-F-251) contingent on compliance with the attached terms and conditions.

4.3. Migratory Birds:

Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present on the project site. The proponent will be required to adhere to the following mitigation measures:

1) To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30th.

2) If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

4.4. Wildlife:

Wildlife species in the general area include small mammals, rodents, birds and reptiles. These species would be displaced as lands are disturbed within the project area. The primary direct impact of the proposed action on wildlife would be killing or maiming of ground dwelling animals during construction and the loss of habitat. Additional impacts associated with the mortality from vehicular traffic may also be realized upon the completion of construction and subsequent use of the project area.

No extra mitigation should be required since most animals will leave the area on their own during construction activities, eliminating harm to wildlife.

4.5. Sensitive Species:

The direct impacts of the proposed action on the western burrowing owl would be loss of nesting habitat and forage, mortality and harassment of individual animals, and decrease in habitat value of adjacent remaining "wildland" areas due to increased human activity in the area. This species is protected by the Migratory Bird Treaty Act and the proponent will be required to adhere to the mitigation measures for migratory birds.

Equation 4.1. Section 4.6 Cumulative Impacts:

Cumulative impacts of the proposed action, there is a limited amount of new disturbance, the impacts would be minor in nature. There are no significant individual or cumulative effects anticipated as a result of either the proposed action or any alternative. Cumulative impacts associated with this action were previously analyzed in the Las Vegas Resource Management Plan and Final Environmental Impact Statement, Record of Decision approved October 5, 1998.

**Chapter 5. Tribes, Individuals,
Organizations, or Agencies Consulted:**

Table 5.1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Brad Huza	Moapa Valley Water District	
Susan Rose	Moapa Valley Water District	
Diane Simpson Colebank	Environmental Principal, Logan Simpson Design, Inc.	
Patrick Chan	Environmental Protection Agency, Region 9	

Chapter 6. List of Prepares

Table 6.1. List of Prepares:

Name	Title	Responsible for the Following Section(s) of this Document
Shawna Woods	Realty Specialist	NEPA Creator/ Author
Lisa Christianson	Environmental Protection Specialist	Air Quality, Greenhouse Gas Emissions
Mark Slaughter	Botanist	Botanist, Forest Initiative, Healthy (Cactus/Yucca), Threatened, Endangered or Candidate (Plant Species), Vegetation Excluding Listed Species
Mark Boatwright	Archaeologist	Cultural Resources, Native American Religious Concerns, Paleontology,
Katie Kleinick	Natural Resource Specialist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species),
Sarah Peterson	Hydrologist	Floodplains, Hydrologic Conditions, Riparian/ Wetlands, Soils, Water Resources/Quality (Drinking/Surface/Ground), Wetlands/Riparian Zones, Wild & Scenic Rivers
George Varhalmi	Geologist	Geology/Mineral Resources/Energy Production,
Nora Caplette	Natural Resource Specialist	Invasive Species/ Noxious Weeds
Kirsten Cannon	Public Affairs Specialist	Public Affairs
Lauren Brown	NRS Restoration Ecologist	Visual Resources
John Evans	Environmental Specialist	Environmental Justice
Krystal Johnson	WH&Burro Specialist	WH&Burro, Farmlands, Livestock
Chris Linehan	Recreation Specialist	Recreation
Sendi Kalcic	Wilderness Planner	Areas with Wilderness Characteristics
Greg Marfil	Fire	Fire Management Specialist
Vanessa Hice	Assistant Field Manager	Division of Lands

Exhibit A
Stipulations N-50866/B/
and N-50866-01

1.0 Special Stipulations

- 1.1 During construction and maintenance activities, annual fire control measures will be followed as posted by the Bureau of Land Management, Las Vegas Field Office.
- 1.2 Applicant should consult Army Corp of engineers and Nevada Department of Environmental Protection to determine if permits are required.
- 1.3 The pipeline trench shall be backfilled or covered at the end of each day during hours of inactivity or the trenches shall be dug in such a manner that the side and or end wall are sloped to allow and animals that inadvertently fall in a means to climb out.
- 1.4 Access to the Arrow Canyon Wilderness Area and private property in the area will be maintained on a limited basis during construction. Following completion of the project, visitors will be able to access the area as before.
- 1.5 The applicant is required to restore the short term right-of-way upon completion of the project. The BLM staff Botanist will provide guidance.

2.0 General Stipulations

- 2.1. The right-of-way is issued subject to all valid existing rights.
- 2.2. Signs or advertising devices shall not be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- 2.3. The right-of-way shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 2.4. Holder shall mark the exterior boundaries of the right-of-way with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 2.5. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this right-of-way within its authorized limits.

- 2.6. Holder shall maintain the right-of-way in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 2.7. Holder shall maintain copy of the authorization along with stipulations on construction site at all times. In the event that the public land underlying the right-of-way encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or any part thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
- 2.8. Within 90 days of construction completion, the Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the right-of-way:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;
ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:
ARCGIS interchange, shapefile or geodatabase format.
CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

3.0 Air Quality

- 3.1. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder shall be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from

appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

Prior to relinquishment, abandonment, or termination of this right-of-way, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

- 3.2. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

4.0 Cultural

- 4.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or Federal lands shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Holder. Holder shall be responsible for the resultant mitigation costs.

5.0 Hazardous Material/Pesticides/Liability

- 5.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

- 5.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way potentially affecting the right-of-way of which the Holder is aware.
- 5.3. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of way.
- 5.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year.

Pesticides shall not be permanently stored on public lands authorized for use under this right-of-way.

- 5.5. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Holder's use or occupancy of the right-of way, regardless of whether the Holder has actually developed or caused development to occur on the right-of-way, from the time of the issuance of this right-of-way to the Holder, and during the term of this right-of-way. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the right-of-way.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the right-of way regardless of whether the Holder has actually developed or caused development to occur on the right-of-way from the time of the issuance of this right-of-way to the Holder and during the term of this right-of-way.

- 5.6. Mineral material generated, and not needed for the development of the proposed action within the right-of-way site, requires a specific BLM use authorization in accordance with regulations at 43 CFR 3600 prior to the removal of in place excess mineral material. All mineral material needs to be used on site within the right-of-way or stockpiled on site for sale by the BLM.

6.0 Survey Monuments

- 6.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the holder shall be responsible for the survey cost.

7.0 Vegetation/Noxious Weeds/Land surface Treatment/Soil/Water/Riparian

- 7.1. There are no conflicts with any T/E plant species. All cactus and yucca that might be impacted within the temporary and permanent right-of-way area must be salvaged and replanted in temporary or undisturbed areas of the project area.

Unless otherwise directed by the BLM botanist, all replanted cactus and yucca must be watered and otherwise maintained for a one year period. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor or other approved BLM botanist with at least three years of experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.

- 7.2. The Holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the right-of-way stipulations.

This action will occur within a previously disturbed area in the Las Vegas Field Office. Land disturbance activities and vehicle traffic present there is a high risk for weed introduction and spread making weed mitigation and post activity treatment a priority. A weed plan with mitigation measures must be in place to ensure the measures are identified, understood and agreed to.

- 7.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.
- 7.4. Soil/Water/Riparian: If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling.

8.0 **Migratory Birds**

- 8.1. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs from March 15th - July 30th.

If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

9.0 **Threatened and Endangered Wildlife and Plant Species Stipulations**

- 9.1. The Holder will comply with the terms and conditions of the **Biological Opinion for this project** on file at the Bureau of Land Management, Las Vegas Field Office and included below.

Terms and Conditions of Biological Opinion 1-5-97-F-251 **Area C**

See attached copy of the Biological opinion for Area C:

Case Number: N-50866
NEPA Project#: DOI-BLM-NV-S010-2011-0030-EA
Sec. 7 Log #: NV-052-11-034

Terms and Conditions of Biological Opinion in Area C
File No. 1-5-97-F-251

In order to be exempt from the prohibitions of section 9 of the Act, the applicant must comply with the following terms and conditions, which implement the reasonable and prudent measures described below. These terms and conditions are non-discretionary.

1. Measures shall be taken to minimize take of desert tortoises due to project-related activities.
 - a. The Bureau, or their designee, shall provide a fact sheet to all foremen, workers, and other employees working on the project. The fact sheet will include information on the life history of the desert tortoise, legal protection for desert tortoises, penalties for violations of Federal and State laws, general tortoise activity patterns, reporting requirements, measures to protect tortoises, terms and conditions of the biological opinion, and personal measures employees can take to promote the conservation of desert tortoises. The definition of "take" will also be explained. Workers are encouraged to carpool to and from project site. The fact sheet shall be approved by the Service prior to implementation.
 - b. A speed limit of 25 miles per hour shall be required for all vehicles on the project site and unposted dirt access roads.
 - c. During construction activities, tortoise burrows should be avoided whenever possible. If a tortoise is found onsite during project activities which may result in take of the tortoise (e.g., in harms way), such activities shall cease until the tortoise moves, or is moved, out of harms way. The tortoise shall be moved by either a qualified tortoise biologist or individual trained in the proper technique of handling and moving desert tortoises. All workers will also be instructed to check underneath all vehicles before moving such vehicles. *Tortoises often take cover under vehicles.*
 - d. A tortoise biologist shall not be required onsite during construction activities unless explicitly determined by the Bureau, or Bureau and Service, that an onsite biologist is necessary.
 - e. The FWS must approve the selected consulting firm/biologist to be used by the applicant to implement the terms and conditions of this biological opinion or permit issued by the Bureau. Any biologist and/or firm not previously approved must submit a curriculum vitae and be approved by the FWS before authorized to represent the Bureau in meeting compliance with the terms and conditions of this biological opinion. Other personnel may assist with implementing mitigation measures, but must be under direct field supervision by the approved qualified biologist.

In accordance with *Procedures for Endangered Species Act Compliance for the Mojave Desert Tortoise* (Service 1992), a qualified desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related fields as determined by the Bureau. The biologist must have demonstrated prior field experience using accepted resource agency techniques to survey for desert tortoises and tortoise sign, which should include a minimum of 60 days field experience. All tortoise biologists shall comply with the Service-approved handling protocol (Desert Tortoise Council 1994, revised 1999) prior to conducting tasks in association with terms and conditions of this biological opinion. In addition, the biologist shall have the ability to recognize and accurately record survey results.

Exhibit A
N-50866
2011 7 of 13

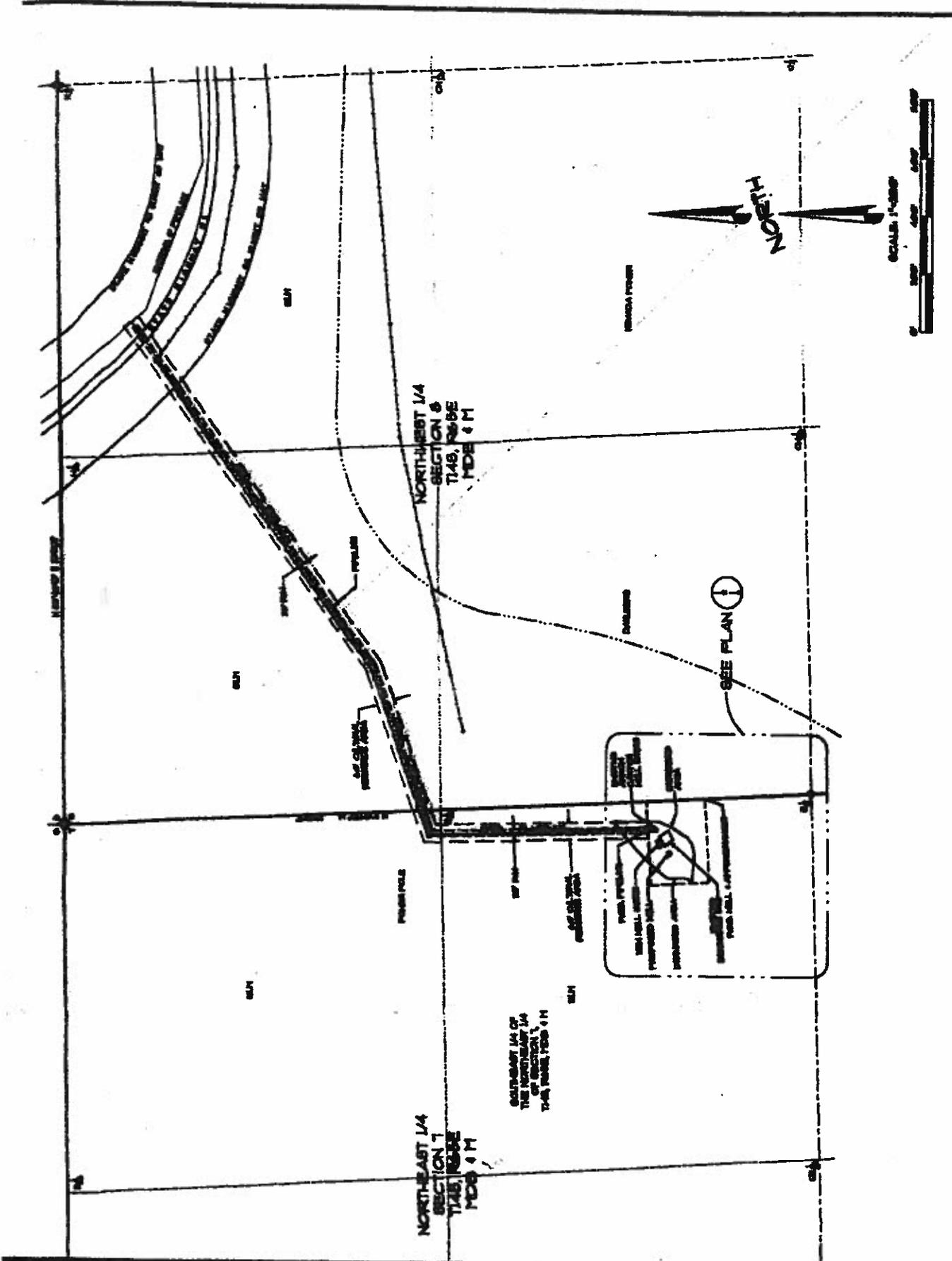


Exhibit B
N 60864
page 1 of 1

STATE OF ILLINOIS
DEPARTMENT OF LAND SURVEYING



KENNY C. GUINN
Governor

SCOTT K. SISCO
Interim Director

STATE OF NEVADA
DEPARTMENT OF CULTURAL AFFAIRS

Nevada State Historic Preservation Office

100 N. Stewart Street

Carson City, Nevada 89701

(775) 684-3448 • Fax (775) 684-3442

www.nvshpo.org

RONALD M. JAMES
State Historic Preservation Officer

November 15, 2006

Patrick Chan
Environmental Protection Specialist
Drinking Water Office
Water Division
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco CA 94105-3901

RE: Logandale Well Treatment System, Moapa Valley Water District, Logandale, Moapa Valley, Clark County.

Dear Mr. Chan:

The Nevada State Historic Preservation Office (SHPO) reviewed the subject undertaking, the additional information sent directly from the Moapa Valley Water District, and the information this office collected from the Clark County Assessor's website and Google Earth. In order to determine the archaeological sensitivity of the project area, the SHPO consulted the online statewide archaeological inventory (NVCRIIS). According to these records, the project area has not been inventoried for cultural resources and no sites appear to be located in the immediate vicinity of the project area. Given the previous disturbances visible in the photos sent from the Moapa Valley Water district and the aerial photos from the Clark County Assessor's website and Google Earth, it is unlikely that significant, undisturbed, archaeological resources would be present in the area of potential effects for the subject undertaking. The SHPO would not recommend an archaeological inventory of the proposed project area.

The SHPO concurs with the U.S. Environmental Protection Agency's determination that the proposed undertaking will not pose an effect to any historic properties.

If buried or previously unidentified resources are located during project activities, the SHPO recommends that all work in the vicinity of the find cease and this office be contacted for additional consultation per NRS 383.150-383.190 and 36 CFR 800.13.b.3..

Patrick Chan
November 15, 2006
Page 2 of 2

If you have any questions concerning this correspondence, please contact me by phone at (775) 684-3443 or by E-mail at rlpalmer@clan.lib.nv.us.

Sincerely,

Rebecca Lynn Palmer
Review and Compliance Officer, Archaeologist



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

April 1, 2011

Ronald M. James
State Historic Preservation Officer
Nevada State Historic Preservation Office
100 North Stewart Street
Carson City, NV 89701-4285

Subject: Request for Review and Concurrence on A Finding of No Historic Properties Effected Construction of Water Transmission Pipelines by Moapa Valley Water District, Nevada, to be Financed in Part with EPA Grant Funds

Dear Mr. James:

The U.S. Environmental Protection Agency (EPA) Region 9 is proposing to provide partial funding to Moapa Valley Water District (MVWD), Logandale, Nevada, for the purpose of upgrading and extending its existing Arrow Canyon Well Complex area drinking water transmission pipelines. The undertaking would take place within the MVWD's service area, which is situated in the Moapa Valley, Clark County, Nevada.

The U.S. Bureau of Land Management (BLM) and EPA Region 9 have developed a draft Environmental Assessment (EA) for the proposed project. To meet the obligations of the Federal National Historic Preservation Act (NHPA), BLM and EPA Region 9 have consulted archaeologist opinions, cultural resource studies and evaluate any historic properties that may exist within or adjacent to the undertaking's area of potential effects. The draft EA has made a tentative determination that no historic properties would be affected by the proposed undertaking. A copy of the draft EA is enclosed with this cover letter.

Previous consultation on the Moapa Valley Water District's Logandale Well Treatment System was completed, and a copy of the concurrence letter from your office is also enclosed. The proposed upgrading and extension of the water transmission pipeline would occur in an area previously disturbed and has no identified historic properties.

Please review the enclosed draft EA in accordance with the regulations and rules of the NHPA and the information provided in this letter. If you agree that there would be no effect on historic properties, please indicate your concurrence by signing below. You can also provide us your comments in a separate letter. If you have any questions on the proposed project or the draft EA, please feel free to call me at 415-972-3551 or by e-mail at Chan.Patrick@epamail.epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Chan".

Patrick Chan
Environmental Protection Specialist
Drinking Water Office
Water Division

Signature for SHPO Concurrence

Date

Enclosures

Cc: Shawna Woods, BLM, Las Vegas Field Office

Brad Huza, General Manager, Moapa Valley Water District, Logandale, NV

Diane Simpson Colebank, Environmental Principal, Logan Simpson Design, Inc., Tempe, AZ

