

Prologue to the Final Environmental Impact Statement and Record of Decision

This prologue provides an introduction to the Tier 1 Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the North-South Corridor Study (NSCS).

Introduction

The Tier 1 FEIS and ROD were prepared in accordance with requirements of the National Environmental Policy Act (NEPA; 40 Code of Federal Regulations [CFR] §§ 1500–1508 and 23 CFR § 771) for the NSCS. They incorporate analyses and conclusions presented in the Tier 1 Draft Environmental Impact Statement (DEIS) for the proposed action, public comments on the DEIS and responses, and new information that became available after public release of the DEIS. The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Arizona Department of Transportation (ADOT) pursuant to 23 United States Code (USC) 327 and a Memorandum of Understanding dated April 16, 2019, and executed by the Federal Highway Administration and ADOT.

ADOT, the lead agency for the proposed action, signed the cover sheet of the Tier 1 DEIS on September 6, 2019. A notice of its availability was published in the *Federal Register* on September 6, 2019, which established the public comment period for the document. Notice of availability was also published in several newspapers, media outlets, and on ADOT's website at the start of the comment period. The public comment period concluded on October 29, 2019. Three public hearings were held during the public comment period at three different locations in Pinal County, Arizona. Court reporters were present to accept verbal comments on the Tier 1 DEIS at the hearings. The document and supporting materials were made available on the ADOT study website (<https://azdot.gov/planning/transportation-studies/north-south-corridor-study-proposed-new-transportation-route-pinal>). All of the materials presented at the public hearings—including the presentation, display banners, aerial maps, an interactive electronic version of the Tier 1 DEIS, and an online comment form—were available at the public forums. A study informational handout and the comment form were available in both English and Spanish. Those attending the public hearings could request assistance with Spanish translation during the presentation. Written comments (emails, letters, and comment forms) were accepted throughout the public comment period. Responses to all comments received on the Tier 1 DEIS are included in Appendix O, *Agency and Public Comments*, of this Tier 1 FEIS and ROD. More information on the public involvement process for the Tier 1 DEIS may be found in Chapter 5, *Comments, Coordination, and Public Involvement*.

Follow-up coordination with various stakeholders between the Tier 1 DEIS and the Tier 1 FEIS and ROD was used to obtain updated information, request clarification on comments, and consider revisions to the DEIS. Review of this updated information confirmed that the preferred alternative still meets the project's purpose and need. The Tier 1 FEIS and ROD affirm the Preferred Corridor Alternative as the Selected Corridor Alternative and present updated information on the affected environment, changes in the assessment of impacts, the selection of mitigation measures, wetland and floodplain findings, the results of coordination, and corrections to the Tier 1 DEIS. No modifications to the Preferred Corridor Alternative have occurred since the Tier 1 DEIS was published because the corrections and updated information incorporated in the Tier 1 FEIS and ROD did not reveal any significant adverse environmental impacts not previously considered in the Tier 1 DEIS.

Consistent with 49 USC § 304a and 23 USC § 139n, the NSCS Tier 1 FEIS is being issued as a single combined Tier 1 FEIS and ROD.

Combined Final Environmental Impact Statement and Record of Decision

Section 304a(b) of 49 USC and 23 USC § 139(n)(2) (combined FEIS and ROD provisions) direct the lead agency, to the maximum extent practicable, to expeditiously develop a single document that consists of an FEIS and ROD, unless certain conditions exist:

1. The FEIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns, or
2. There is a significant new circumstance, or information relevant to environmental concerns, that bears on the proposed action or the impacts of the proposed action.

The NSCS has met the requirements for the issuance of a single combined FEIS and ROD. The ROD signals formal federal approval of the Tier 1 FEIS. The ROD authorizes Tier 2 study and design, land acquisition, and construction to proceed, based on the availability of funds. The ROD is included as Chapter 7, *Record of Decision*.

Summary of Updated Information

The following sections summarize the updated information included in the Tier 1 FEIS and ROD, on a chapter-by-chapter basis.

Chapter 1, Purpose and Need

Agency comments on the Tier 1 DEIS noted that Pinal County's regionally significant routes had been updated, and thus information shown in the document was outdated. The Tier 1 FEIS and ROD were revised to reflect this updated information. The new regionally significant routes information shows several changes to the arterial roadway network and the proposed roadways and improvements that are included in the *Pinal Regional Transportation Plan*, approved by Pinal County voters in 2018. The North-South Corridor (Corridor) and the extension of State Route (SR) 24 are represented in the *Pinal Regional Transportation Plan*. While the alignment of the corridor shown in the *Pinal Regional Transportation Plan* is largely consistent with the Selected Corridor Alternative, the Plan states that "Alignments currently under study by the Arizona Department of Transportation" and should, therefore, be construed as conceptual and not representative of the actual alignment.

The *Pinal Regional Transportation Plan*, which was developed by the Pinal Regional Transportation Authority, describes transportation projects in Pinal County that will be implemented over 20 years and that will be supported by a half-cent sales tax approved by Pinal County voters through a 2018 ballot initiative. However, the legality of the half-cent sales tax is currently being challenged, and funding is being held in reserve until such time as the issue is resolved in the courts (information as of July 2021).

Chapter 2, Alternatives

After reviewing input from the public, including proposed new alternatives, the study team determined that the identified Eastern and Western Alternatives and the No-Action Alternative represented a range of reasonable alternatives that were the subject of detailed study in the Tier 1 DEIS and the subsequent Tier 1 FEIS and ROD.

Chapter 2 was revised with updated information on Pinal County's regionally significant routes. Since funding related to the 2018 sales tax ballot initiative approved by Pinal County voters remains in dispute, and because the projects are not currently included as funded in the County's transportation improvement plan, no additional traffic modeling was conducted. Section 2.4.1, *Programmed Transportation Projects*, was revised to reflect this. Subsequent Tier 2 studies will need to consider the traffic impacts of planned and funded projects at the time of the study.

As a result of comments received on the Tier 1 DEIS, changes were made to Section 2.1.2.3, *Existing Nonroadway Transportation Facilities*, to address updates regarding the Magma Arizona Railroad, which is planned to serve the proposed Resolution Copper mine.

Chapter 3, Affected Environment and Environmental Consequences

In Chapter 3, Section 3.1.4, *Approach to Identification of the Selected Corridor Alternative*, was added. This section follows the *Approach to Identification of a Preferred Corridor Alternative*, and summarizes the process followed to validate the Preferred Corridor Alternative as the Selected Corridor Alternative.

In Section 3.2.3.3, *Planned Land Use*, a discussion of the *San Tan Valley Special Area Plan* was added. The Plan was adopted by the Pinal County Board of Supervisors in late 2018, after the drafting and initial review of the Tier 1 DEIS. The *San Tan Valley Special Area Plan* focuses on land use, economic development, transportation facilities, utilities, and parks and recreational facilities for the unincorporated San Tan Valley area, which has seen significant growth in the past 10 years.

The *San Tan Valley Special Area Plan* relied on similar data sources as the Tier 1 DEIS, such that the population and employment projections in the Plan are consistent with the data used in the Tier 1 DEIS. It is notable that the high-level traffic analysis performed for the Plan found that the regionally significant routes primary roadway network, as defined with future widenings and extensions, will provide sufficient capacity to support the estimated trips generated by existing and proposed land uses. A roadway network gap map was prepared and included in Section 3.2.3.3, *Planned Land Use*, of the Tier 1 FEIS and ROD to illustrate the transportation network deficiencies contributing to traffic congestion experienced in the San Tan Valley and Queen Creek area during peak travel periods (see Figure 3.2-4). The figure highlights the arterial roadway network components that require widening to provide the sufficient capacity noted in the Plan's text. A Tier 2 study to implement the Corridor, or a segment of the Corridor, may consider some of these improvements as components of a project to realize the full improvements of the Selected Corridor Alternative of the NSCS.

In Section 3.11.3.1, *Vegetation and Wildlife Resources*, Figure 3.11-1 was revised to reflect additional wildlife linkages noted in comments received on the Tier 1 DEIS. In addition, proposed critical habitat for the yellow-billed cuckoo was removed from Figure 3.11-1 to reflect revisions to the limits of proposed critical habitat made by the U.S. Fish and Wildlife Service in February 2020. Text in this section was revised to note the multiple wildlife crossings of the Central Arizona Project Canal in the area, and to recognize areas of wildlife movement through the study area.

Several animal species called out in comments as occurring in the study area were added, as well as changes to the U.S. Fish and Wildlife Service's proposed rule to list the roundtail chub as threatened (that rule has since been withdrawn, since the initial Tier 1 DEIS was drafted). The acuña cactus (*Echinomastus erectocentrus* var. *acunensis*) was added because its habitat is known to occur within or near the vicinity of the proposed action.

The Sonoran desert tortoise (*Gopherus morafkai*), although not presently listed as threatened or endangered under the Endangered Species Act, is a candidate for listing and is afforded special protection under a candidate conservation agreement between federal and state agencies in Arizona. ADOT is a signatory to this agreement. As a result, information regarding the Sonoran desert tortoise was also added.

In Section 3.11.3.2, *Threatened and Endangered Species*, text referencing the proximity of the E4 Alternative to proposed critical habitat for the yellow-billed cuckoo was deleted to reflect the U.S. Fish and Wildlife Service's February 2020 revisions to proposed critical habitat for that species. Those revisions eliminated the area that was previously within 0.25 mile of the E4 Alternative from the limits of proposed critical habitat. In addition, Table 3.11-2 was modified to delete text stating proposed critical habitat for yellow-billed cuckoo occurs at Picacho Reservoir since that area is not included in the revised

limits. Text was added to the subsection on yellow-billed cuckoo referencing the *Federal Register* publication that included the revised limits of proposed critical habitat, and reference to proposed critical habitat at Picacho Reservoir was deleted.

In Section 3.11.5, *Potential Avoidance, Minimization, and Mitigation Strategies*, clarifications were made to the mitigation strategies presented to better organize and define them. Additional assurances were noted in Section 3.11.6, *Subsequent Tier 2 Analysis*, regarding biological survey work to be completed at the time of Tier 2 studies.

In Section 3.13, *Waters of the United States*, changes with respect to potential jurisdictional waters were made as a result of comments received on this section, clarifying the definition of “navigable waters” and current guidance provided by the U.S. Environmental Protection Agency, based on that agency’s adoption of the Navigable Waters Protection Rule. In addition, all references to ephemeral features as *potential waters of the United States* were revised to *aquatic resources*.

Chapter 5, Comments, Coordination, and Public Involvement

Section 5.2.5, *Agency Coordination and Input after Tier 1 Draft Environmental Impact Statement*, was added to note changes to the DEIS following public release and review.

Section 5.3, *Public Review of the Tier 1 Draft Environmental Impact Statement*, was added to summarize information regarding the public review of the Tier 1 DEIS. This included a discussion of the public comment review and responses (which are included in their entirety in Appendix O, *Agency and Public Comments*).

Chapter 6, Evaluation of Alternatives

In Chapter 6, Section 6.2.2, *Action Corridor Alternatives*, the *Stakeholder Input* subsections were revised to address comments received on the Tier 1 DEIS.

Section 6.3.3, *Post DEIS Review of the Preferred Alternative*, was added to outline the outreach effort and verification of information that occurred after the Tier 1 DEIS was publicly released. This section includes a subsection on public and agency preferences, which summarizes the position and comments of the agencies and members of the public following the release of the Tier 1 DEIS.

This section also summarizes the *Pinal Regional Transportation Plan*, which was approved by Pinal County voters in 2018 and includes a tax levy for transportation projects in Pinal County (including the North-South Corridor). It is noted that the tax is currently under review by the courts, and a decision is pending (as of July 2021).

The section discusses the Rittenhouse Army Heliport and the Pinal County Joint Land Use Study, which was finalized in February 2020. The Arizona Army National Guard, which operates the facility, confirmed that the Western Alternatives in Segment 1 of the study area (W1a, W1b), as well as the E1a Alternative, would adversely affect the facility.

The section also addresses consultation with the Four Southern Tribes (Ak-Chin Indian Community, Gila River Indian Community, Salt River Pima-Maricopa Indian Community, and Tohono O’odham Nation) following release of the Tier 1 DEIS, which documented their perspectives on a cultural site that would be affected by the Segment 1 Western Alternatives (W1a, W1b), as well as the E1a Alternative. The tribes took this opportunity to reaffirm their preference for the E1b Alternative in Segment 1, if a build alternative were chosen.

A discussion of public comments and the preferences of the Town of Florence and City of Coolidge in Segment 3 was added. While public comments were divided on a preference for an alternative in Segment 3, both the Town of Florence and City of Coolidge affirmed that they found the selected alternative acceptable.

A section was added regarding Segment 4 to address the City of Eloy and City of Coolidge's preferred alternatives (W4 Alternative and E4 Alternative, respectively).

Finally, Section 6.3.4 was revised to refer to the Selected Corridor.

Chapter 7, Record of Decision

Chapter 7 is a new chapter providing the ROD for the NSCS. It presents ADOT's final decision on the proposed action. Subsequent chapters were renumbered to reflect this additional chapter (Chapter 8, *References*, and Chapter 9, *Preparers*).

Appendices

The following appendices were updated or added for the Tier 1 FEIS and ROD:

- Appendix A, *Agency Coordination*. The appendix was updated with information collected since the drafting and review of the Tier 1 DEIS.
- Appendix C, *Alternatives Screening*. The appendix was updated to correct an inconsistency in the main text of the *Corridor Selection Report* and its appended evaluation matrix, regarding conservation and wildlife management land.
- Appendix D, *Summary of Avoidance, Minimization, and Mitigation Strategies*. The appendix was updated to include avoidance, minimization, and mitigation strategies that were added in Chapter 3. The summary was also reorganized to provide easier review of the strategies.
- Appendix I, *Biological Resources Information*. This appendix was updated to include an updated list from the U.S. Fish and Wildlife Service of threatened and endangered species that may occur in the study area. The Arizona Game and Fish Department On-Line Environmental Review Tool was updated to generate a list of species and compared with the 2017 report. Species that were not likely to be found in the North-South Corridor and were not in the updated report were removed, and species that were not previously addressed but were included in the updated report were added to Chapter 3.
- Appendix J, *Section 106 Consultation*. The appendix was updated with correspondence issued and received since the drafting and review of the Tier 1 DEIS.
- Appendix N, *Public Hearing*. The appendix includes the public involvement summary report. The draft of this report (December 2019) was posted to the study website in April 2020. The report was finalized with no changes from the draft.
- Appendix O, *Agency and Public Comments*. This new appendix provides the agency and public comments received on the Tier 1 DEIS, and ADOT's response to the comments. It has three main sections addressing frequently asked questions, agency comments, and public comments.
- Appendix P, *Implementation Plan*. This new appendix outlines an approach for implementing the North-South Corridor.

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