

How is NRHP eligibility determined?

The NHPA of 1966, as amended (16 U.S.C. § 470), requires federal agencies to take into account the effects of their undertakings on historic properties and afford the SHPO and other parties with a demonstrated interest a reasonable opportunity to comment on such undertakings. Regulations for Protection of Historic Properties (36 C.F.R. Part 800) implement Section 106 of the NHPA. These regulations define a process for the responsible federal agencies to consult with SHPO or the THPO, Native American groups, other interested parties, and, when necessary, the Advisory Council on Historic Preservation (ACHP) to ensure that historic properties are duly considered as federal projects are planned and implemented.

To be determined eligible for inclusion in the NRHP, properties must be important in American history, architecture, archaeology, engineering, or culture. They also must possess integrity of location, design, settings, materials, workmanship, feeling, and association, and meet at least one of four criteria listed on this page.

Properties may be of local, state, or national importance. Typically, historic properties are at least 50 years old, but may be younger if they are of exceptional importance.

CULTURAL RESOURCES

AFFECTED ENVIRONMENT

Cultural Resource Regulations

Cultural resource investigations were performed to establish the proposed action’s compliance with federal laws identified below. Cultural resources generally include archaeological sites, historic buildings and structures, artifacts and objects, and places of traditional, religious, and cultural significance. *Historic property* refers to cultural resources that are listed in or eligible for listing in the National Register of Historic Places (NRHP).

For the proposed action, FHWA is the lead agency responsible for compliance with the National Historic Preservation Act (NHPA). Under NHPA, the lead federal agency must take into consideration the effects of its actions on historic properties (sites or places eligible for or listed in the NRHP). NHPA stipulates that the lead federal agency make determinations of NRHP eligibility and project effects in consultation with the State Historic Preservation Office (SHPO). The State Historic Preservation Officer (also SHPO) is the appointed official in each state charged with administering the national historic preservation program mandated by NHPA.

In 1992, NHPA amendments allowed federally recognized Native American tribes to assume any or all of the functions of a SHPO with respect to tribal land [Section 101(d)(2)]. Pursuant to these amendments, the Community applied for and was granted Tribal Historic Preservation Officer (THPO) status in February 2009. As a result, federal agencies must consult with THPO in lieu of SHPO for actions occurring on, or affecting historic properties on, Community land.

National Environmental Policy Act

NEPA requires federal agencies to consider the impacts of their activities on the human environment, which includes historic properties. NEPA stipulates that:

- federal agencies work to preserve important historical and cultural aspects of our national heritage [Section 101(b)(4)]

- compliance studies involving historic properties require coordination with other preservation laws such as NHPA

National Historic Preservation Act

Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and afford SHPO and/or THPO and other parties with a demonstrated interest a reasonable opportunity to comment on such undertakings. Section 106 compliance is implemented through the regulations for *Protection of Historic Properties* (36 C.F.R. Part 800). To be determined eligible for inclusion in the NRHP, properties must be at least 50 years old, meet at least one of four criteria of significance, and retain sufficient historic integrity to convey that significance. The four criteria of significance are:

- Criterion A – be associated with events that have made a significant contribution to the broad patterns of our history
- Criterion B – be associated with the lives of persons significant in our past
- Criterion C – embody the distinctive characteristics of a type, period, or method of construction; or represent the work of a master; or possess high artistic values; or represent a significant distinguishable entity whose components may lack individual distinction
- Criterion D – have yielded, or may be likely to yield, information important in prehistory or history

Integrity is assessed in terms of location, design, workmanship, materials, setting, feeling, and association. The significance of property may be at the local, state, or national level, depending on its historical associations. Typically, historic properties are at least 50 years of age, but more recent properties may be considered for listing if they are of exceptional significance.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act established that it is the policy of the federal government

to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise their traditional religions. If a place of religious importance to American Indians may be affected by a proposed federal project, the American Indian Religious Freedom Act promotes consultation with Indian religious practitioners, which may be coordinated with Section 106 consultation under NHPA (see above). Amendments to Section 101 of NHPA strengthened the interface between the two Acts by clarifying that:

- Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion in the NRHP [16 U.S.C. § 470a(d)(6)(A)].
- In carrying out its responsibilities under Section 106, a federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A) [16 U.S.C. § 470a(d)(6)(B)].

National Register Bulletin #38

Amendments to NHPA in 1980 directed the Secretary of the Interior to study means of “preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways . . .” and to recommend ways to “preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage” (16 U.S.C. § 470a note). As an eventual response, federal guidelines were established (as published in National Register Bulletin #38 [Bulletin #38]) to define, document, and evaluate traditional cultural properties (TCPs) (Parker and King 1990). Bulletin #38 was intended to help determine whether properties thought to have traditional cultural importance would be NRHP-eligible and to assist federal agencies in evaluating such properties.

A TCP is generally defined as a property eligible for inclusion in the NRHP “because of its association with cultural practices or beliefs of a living community

that a) are rooted in that community’s history, and b) are important in maintaining the continuing cultural identity of the community” (Parker and King 1990). The guidelines in Bulletin #38 were appropriate for evaluating potential TCPs associated with the proposed action.

Identification of Cultural Resources

Previously Recorded Resources

A records search was performed in 2002 that covered a broad portion of the valley between the Sierra Estrella and SMPP. Over 300 previously recorded archaeological sites within or partly within the Study Area were identified from archaeological investigations conducted between 1955 and 2002. These sites were categorized as:

- prehistoric artifact scatters (166 sites)
- prehistoric habitations (45 sites)
- prehistoric villages (14 sites)
- prehistoric and historic canals (14 sites)
- historic trash dumps (13 sites)
- prehistoric rock piles, rings, and outlines (12 sites)
- prehistoric lithic scatters/quarries (4 sites)
- prehistoric mounds (9 sites)
- prehistoric petroglyphs (10 sites)
- historic structures/foundations (4 sites)
- historic roads (1 site)
- prehistoric trails (3 sites)
- historic mining operations (3 sites)
- unknown sites (no information available) (4 sites)

The identified sites were:

- listed in the NRHP (2 sites)
- determined to be NRHP-eligible (27 sites)
- determined to be potentially NRHP-eligible (122 sites)
- determined to be NRHP-ineligible (15 sites)
- not assessed for NRHP eligibility (136 sites)

Three years later, a supplemental records search was performed to address newly included areas of the Study Area along I-10 (Papago Freeway) and SR 101L (Agua Fria Freeway). The additional investigation

identified 27 previously recorded prehistoric and historic archaeological sites, 5 historical-period linear sites (railroad lines, roadways, and canals), and 129 historic building properties. In addition, historical maps indicated that several prehistoric canal alignments had been documented in the Study Area. Of the archeological sites, 5 were considered NRHP-eligible, 5 were not eligible, 9 were not evaluated for eligibility, and the eligibilities of 8 were unknown because information was lacking. Historically documented prehistoric canals in the area were viewed as potentially eligible resources that should be investigated if encountered. The 5 historical-period linear sites were considered eligible. Of the 129 historic building properties, 25 were previously recommended as NRHP-eligible, 37 were recommended as not eligible, and 67 had not been evaluated.

Field Survey

After known sites were researched by records investigations, field surveys were conducted to identify historic properties that could be affected by the proposed action. In 2003 and 2004, the initial cultural resources survey for the project documented 19 archaeological sites and 191 isolated occurrences (Darling 2005). The survey resulted in the recording of 6 new archaeological sites and the expansion of the boundaries of 4 previously recorded sites. In addition, the conditions of 9 other previously recorded sites were updated, with no changes to their previously defined boundaries. The isolated occurrences included individual artifacts, features, and small groupings of artifacts that did not qualify as sites. Of the newly recorded or updated sites, 19 were determined NRHP-eligible and one of the sites was determined not eligible.

In 2005, 2006, and 2009, supplemental surveys were performed (Brodbeck and Pratt 2005; Brodbeck 2006a; Dorigo 2006; Fackler et al. 2009). The purposes of these surveys were to:

- evaluate the NRHP eligibility of properties with historic buildings that were not documented in earlier studies and, consequently, provide the information needed to determine whether they qualified as Section 4(f) resources under the Department of Transportation Act [see Chapter 5, *Section 4(f) Evaluation*]

The South Mountains as a Traditional Cultural Property

The South Mountains are highly valued and considered sacred by some Native American communities. The Community, which includes the Akimel O’odham (River Pima) and Pee Posh (Maricopa) tribes, and other Native American entities—including the Colorado River Indian Tribes and three O’odham groups: the Salt River Pima-Maricopa Indian Community, the Ak-Chin Community, and the Tohono O’odham Nation—consider the South Mountains to play a role in their cultures, identities, histories, and oral traditions. Because of their importance in the Community’s history and cultural identity, the South Mountains are NRHP-eligible as a TCP under Criteria A and B.



View to southwest from the South Mountains toward the Community.

Through the course of preparing the DEIS, the Community has continuously expressed to ADOT its concerns about the roadway going through the South Mountains and the possible irreversible impacts on the South Mountains from the proposed action. In addition to a large portion of the South Mountains being protected as a city park, all of the mountain range and some of the surrounding landscape are also afforded protection under the provisions set forth in Section 4(f) as an NRHP-eligible TCP.

The South Mountains appear in the creation stories of the Akimel O’odham and Pee Posh tribes and, as such, are regarded as sacred. From the perspective of the Akimel O’odham and Pee Posh, the South Mountains are part of a continuum of life and not an individual entity that can be isolated and analyzed. The South Mountains TCP extends beyond SMPP. The South Mountains qualify as a Section 4(f) resource and are discussed in Chapter 5.

The South Mountains continue to be a focus for tribal tradition and ceremony and contain petroglyph sites, shrines, trails, named places in traditional stories, and traditional resources. The South Mountains also remain as a resource area for upland plants and animals used by Native Americans.

The portions of the South Mountains on Community land are the Main Ridge North and Main Ridge South, at the western end.

In addition to the mountains themselves, two specific areas (sites) in the Study Area were identified as contributing components of the TCP based on their own merit as historic properties. Both are considered NRHP-eligible under Criterion D.

Site AZ T:12:197 (ASM)^a contains a trail segment, two rock features, and an artifact scatter. Although the site’s age and function are unknown, its position on the landscape is unique and possibly associated with traditional religious and ceremonial activities associated with the South Mountains. Site AZ T:12:198 (ASM) has a collection of well-preserved prehistoric petroglyphs situated within the boundary of the South Mountains TCP. While the rock art is prehistoric in age, these sites continue to function in the living Akimel O’odham and Pee Posh communities and often serve as shrines or spiritual places. Both sites are eligible under Criterion D.

^a Site naming conventions follow protocols prescribed by the Arizona State Museum (ASM).

The South Mountains as a historic resource

SMPP, which occupies much of the land area of the South Mountains and is NRHP-eligible, has played a key role in the development of the City of Phoenix’s parks and recreation program. It is NRHP-eligible because of its rich history:

- The park’s origins began in 1924 when prominent local citizens, aided by then-Congressman Carl Hayden, started a process to obtain 13,000 acres from the federal government. The parkland was conveyed in 1927 by BLM to the City of Phoenix by a grant under the Recreation and Public Purposes Act.
- The National Park Service developed the original Master Plan for the park in 1934; this represented the largest municipal park planning effort in the United States.
- The development of the park from 1933 to 1942 was the direct result of President Franklin D. Roosevelt’s New Deal programs, which provided relief from the Great Depression by employing the Civilian Conservation Corps (CCC).
- Today, the park retains many of its original CCC-constructed buildings, structures, and facilities, and it retains its master-planned layout and design.

In 1989, the City of Phoenix listed SMPP in the City of Phoenix Historic Property Register as a Nonresidential Historic District. The City of Phoenix Historic Preservation Office is in the process of nominating SMPP for listing in the NRHP. SHPO has concurred that SMPP is eligible for the NRHP under Criteria A, B, C, and D for its numerous important historical associations.

- survey additional alignment configurations introduced as part of the iterative EIS process
- survey agricultural fields that had been plowed since the original survey

Of the documented sites from the 2005 supplemental survey, one prehistoric site, six historic sites, and two historic linear sites—a railroad and a canal—were determined NRHP-eligible. As a result of the findings, the action alternatives were reconfigured to avoid the historic properties determined NRHP-eligible.

In 2006, two additional surveys were performed. These surveys assessed historic sites that had not been previously evaluated for NRHP eligibility and that had been included in the area of potential effects as a result of shifts in the action alternative alignments. The properties include SMPP, the Roosevelt Canal, and three farmhouses. SMPP was determined NRHP-eligible. The Roosevelt Canal was determined eligible with contributing and noncontributing components. The three farmhouses were determined not eligible.

In 2009, another supplemental survey and an additional records search were conducted to identify surveys conducted and sites recorded within 1 mile of the W59 and E1 Alternatives since the original records search. The supplemental survey documented nine isolated occurrences, but no new archaeological sites or historic properties.

A survey and records search of two additional areas within the Study Area occurred in September 2011. These efforts focused on areas where Western Area Power Administration (Western) towers and lines would be relocated to accommodate the proposed freeway. The surveys covered 101 acres and documented eight sites: six NRHP-eligible sites and two NRHP-ineligible sites. Three previously unrecorded sites were discovered.

NRHP-eligible and formerly eligible properties exist near Dobbins Road in Laveen near the W59 Alternative. The Hudson Farm district is eligible for listing in the NRHP under Criterion A for its association with Laveen’s agricultural development. In addition, four structures—the two cement stave silos on the Hudson Farm, the dairy flat barn on the Hackin Farmstead/Dairy, and the dairy head-to-toe barn on the Tyson

Farmstead/Barnes Dairy—are individually eligible under Criterion C for their design and construction (Solliday and Macnider 2012).

Although previously recommended as eligible for the NRHP (Brodbeck and Pratt 2005), the Dobbins Road Streetscape (6100 Block of West Dobbins Road) was reevaluated and determined to be not eligible because many components of the streetscape, including buildings, vegetation, and views of agricultural fields, have lost their historic character (Solliday and Macnider 2012). SHPO concurred with these eligibility recommendations on July 16, 2012.

Identification of Traditional Cultural Properties

A TCP evaluation within the proposed action’s area of potential effects was conducted. Ten locations were identified by the Community as places of cultural importance that could qualify as NRHP-eligible TCPs. The NRHP eligibility of two of the properties was confirmed by FHWA through consultation with the Community. To be in full accordance with NHPA, all ten potential TCPs were evaluated for NRHP eligibility.

Traditional Cultural Properties

The initial field survey for the proposed action (Darling 2005) identified ten potential TCPs: the South Mountains, two prehistoric village sites, an active shrine site, two prehistoric petroglyph sites, and four prehistoric trail sites. As a result of TCP evaluations and consultations with the Community, five TCPs have been identified within the area of potential effects. The South Mountains were determined eligible for NRHP listing as a TCP under Criteria A and B. The two prehistoric villages, Villa Buena [AZ T:12:9 (ASM)] and Pueblo del Alamo [AZ T:12:52 (ASM)], were determined eligible for listing in the NRHP as TCPs under Criterion A and as archaeological sites under Criterion D. An active shrine site, AZ T:12:112 (ASM), was determined eligible as a TCP under Criterion A and as an archaeological site under Criterion D. One petroglyph site, AZ T:12:198 (ASM), was determined eligible as a TCP under Criterion A and as an archaeological site under Criterion D.

In addition, two of the ten potential TCPs identified by the initial field survey were found to be eligible for listing in the NRHP under Criterion A as contributors to the South Mountains TCP. These included a prehistoric trail site [AZ T:12:197 (ASM)] and a prehistoric petroglyph site [AZ T:12:198 (ASM)], both of which retained qualities that contributed to the NRHP eligibility of the South Mountains TCP.

Four sites identified as potential TCPs included three trail sites and one heavily altered rock art site. The trail sites—AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM)—were determined not eligible for NRHP listing as TCPs but eligible under Criterion D as archaeological sites. The rock art site, AZ T:12:208 (ASM), was determined to be not eligible for NRHP listing as a TCP but eligible under Criterion D as an archaeological site.

ENVIRONMENTAL CONSEQUENCES

Prehistoric Site Impacts, Action Alternatives, Western and Eastern Sections

All action alternatives would affect archaeological resources. All but one of the archaeological sites are eligible for the NRHP under Criterion D. Table 4-46 presents the number and types of NRHP-eligible archaeological sites that would be affected by the action alternatives.

The action alternatives in the Western Section would affect artifact scatters, mostly visible in agricultural fields; the scatters likely represent the remains of prehistoric habitations and related agricultural activities. In contrast, the E1 (Preferred) Alternative would affect NRHP-eligible archaeological sites that are activity-specific sites, such as small artifact scatters, lithic quarries, and trails. The construction footprint would avoid a petroglyph site in the E1 Alternative corridor.

The W59 (Preferred) Alternative would affect the greatest number of sites in the Western Section, while the W101 Alternative and its Options would affect the fewest. When comparing impacts on archaeological sites, however, it is important to consider the types of sites being affected. Although the W101 Alternative would

Table 4-46 Archaeological Resources Affected, Action Alternatives

Action Alternative ^a	Number of Sites Affected	Site Type	NRHP ^b Eligibility Criterion	Mitigation Required ^c
Western Section				
W59	5	2 village sites ^d , 3 artifact scatters	D ^e	Yes
W71	4	1 village site ^d , 3 artifact scatters		
W101 Western Option	3	1 village site ^d , 2 artifact scatters		
W101 Central Option	2	1 village site ^d , 1 artifact scatter		
W101 Eastern Option	2	1 village site ^d , 1 artifact scatter		
Eastern Section				
E1	7	1 artifact scatter (limited activity site) 2 lithic quarry sites ^f 4 trail sites ^{g, h}	D	Yes

^a Impacts associated with the No-Action Alternative are presented on page 4-132.
^b National Register of Historic Places
^c Mitigation requirements are presented on page 4-146.
^d Village sites are eligible for listing in the NRHP under Criterion A.
^e a cultural resource or site having yielded, or one that may be likely to yield, information important in prehistory or history
^f One lithic quarry site had petroglyphs destroyed by modern development.
^g The ages of trail sites are unknown, but likely have historic and prehistoric associations.
^h Some trails have associated artifacts and features.

affect the fewest number of archaeological sites, the sites that would be affected include an artifact scatter of one extensive prehistoric Hohokam village. Similarly, the W71 Alternative would affect the same village site, and the W59 Alternative would affect two other prehistoric Hohokam village sites of similar extent. These sites have been identified through observations of surface artifacts, which may or may not be reliable indicators of buried cultural features. Without archaeological testing, the full extent, distribution, and condition of buried archaeological resources are unknown within and among action alternatives. To further clarify, the process of identifying sites through observations of surface artifacts to be documented through archaeological test excavations later in the process would not be atypical, but would represent the standard, accepted analytical progression.

Historic Site Impacts, Action Alternatives, Western and Eastern Sections

All of the Western Section action alternatives would cross the historic Southern Pacific Railroad and the

Roosevelt Canal, which are NRHP-eligible; the segments of the Roosevelt Canal that would be crossed by the W101 Alternative and Options, however, are not eligible because the canal segments are modern realignments. The segments of the Roosevelt Canal that would be crossed by the W59 (Preferred) and W71 Alternatives are NRHP-eligible because they are well-preserved and represent the original design and construction.

As discussed in Chapter 3, *Alternatives*, the 62nd Avenue Option of the W59 Alternative was advanced for further study because this option would avoid historic properties (Hudson Farm district and the dairy barn on the Tyson Farmstead/Barnes Dairy) and would not conflict with City-approved zoning in Laveen Village. Therefore, the W59 Alternative would have no adverse effect on these resources. SHPO concurred with these findings of effect on September 14, 2012.

Although the E1 (Preferred) Alternative would cross SMPP, no features contributing to its historic significance would be affected by the proposed action

(however, see the TCP discussion in the following section). Table 4-47 summarizes known historical sites that would be affected by the action alternatives.

Impacts on TCPs, Action Alternatives, Western and Eastern Sections

The Community has expressed concerns that the proposed action may interfere with the perpetuation of its cultural traditions and identity through the loss of spiritual and physical connections; loss of social memory; interference with cultural knowledge, creation stories, and song traditions; and damage to the knowledge that resides in Villa Buena and Pueblo del Alamo. To prevent adverse effects, the Community submitted a proposal to develop an enhancement and management plan for the Villa Buena and Pueblo del Alamo TCPs. These enhancement measures may include short-term (traditional religious activities, exhibits to increase awareness of losses and gains to culture, additional tribal consultation, and protection of sites of equivalent importance) and long-term (cultural preservation and education) programs. THPO concurred with this approach on October 22, 2012.

FHWA and ADOT have committed to implementing the TCP enhancement and management plan for these two sites. As a result, the W71 and W101 Alternatives in the Western Section would not adversely affect the NRHP-eligible TCP attributes of Villa Buena, while the W59 Alternative would not adversely affect the NRHP-eligible TCP attributes of Pueblo del Alamo. SHPO concurred with the effect determination on October 25, 2012.

In the Eastern Section, the E1 (Preferred) Alternative would adversely affect the South Mountains TCP. A second TCP, an active shrine, is located within the E1 Alternative footprint, but would be avoided by construction. The Community has concurred with proposed mitigation of direct and indirect adverse impacts on the South Mountains TCP. In a letter from the Lt. Governor to the Director at FHWA dated June 23, 2010, the Community submitted a proposal for the “Evaluation of Traditional Cultural Property and Adverse Effects of Transportation Corridor Development posed by the proposed construction of the current Pecos Alignment of the South Mountain Freeway.”

What actions have been taken to reduce or avoid impacts on cultural resources?

The section, *Alternatives Development and Screening*, beginning on page 3-1, outlines the process undertaken to identify the range of action alternatives presented in detail in the DEIS. Through the screening process, some action alternatives were eliminated completely from the study because of the severity of impacts they would have caused on cultural resources. Design adjustments to the W59, W71, W101, and E1 Alternatives have been made to further reduce or avoid impacts on known cultural resources in the Study Area. Specific measures taken include:

- The South Mountain Freeway, as proposed in 1988, would have resulted in a direct use of just over 40 acres of SMPP (ADOT 1988a). Using approximately the same alignment as planned in 1988, R/W needs of the proposed action through SMPP would result in an actual use of just under 31.3 acres; the design as planned in the DEIS would use approximately 9 acres less than what was planned in 1988 (see page 5-23).
- The alignment of the South Mountain Freeway, as planned in 1988, was located to avoid bisecting SMPP and to avoid the creation of remnant parcels of parkland. As such, the alignment was placed on the SMPP and Community boundary lines (see Figure 5-14, on page 5-23). The intent behind this decision has not changed with the proposed action.
- In the mid-1980s, as plans progressed to design and construct the South Mountain Freeway, ADOT purchased land adjacent to the SMPP boundary and turned it over to the City of Phoenix; the intent was to replace parkland that would be converted to the freeway use. The approximately 16-acre property is located on the western side of the SMPP boundary.
- The alignment options for the W59 Alternative were adjusted near Dobbins Road to avoid historic resources.

Table 4-47 NRHP^a-eligible Historical Sites (non-TCP^b), Action Alternatives

Action Alternative ^c	Site	NRHP Eligibility Criterion	Status of Section 106 Consultation	Affected	Mitigation Required ^d
Western Section					
W59	Roosevelt Canal ^e	Criterion A	Ongoing	No	No
	Historic Southern Pacific Railroad ^f			No	No
W71	Roosevelt Canal			No	No
	Historic Southern Pacific Railroad			No	No
W101 Western Option	Historic Southern Pacific Railroad			No	No
W101 Central Option					
W101 Eastern Option					
Eastern Section					
E1	Phoenix South Mountain Park/Preserve	Criteria A, B, C, D	Ongoing	Yes	No ^g

^a National Register of Historic Places

^b traditional cultural property

^c Impacts associated with the No-Action Alternative are presented on this page.

^d Mitigation requirements are presented on page 4-146.

^e The Roosevelt Canal has been recommended as NRHP-eligible for its associations with the development of historical irrigation districts in the lower Salt River and Buckeye valleys. A portion of the open canal would be routed beneath the W59 and W71 Alternatives. The freeway would be constructed on a bridge to eliminate potential impacts.

^f The Wellton-Phoenix-Eloy main line of the Arizona Eastern Railroad (which became part of what is most generally known as the historic Southern Pacific Railroad and is now part of the Union Pacific Railroad) was recommended as NRHP-eligible for its association with the development of Arizona’s railroad network. The railroad has been maintained and upgraded over the years and remains an important component of Arizona’s transportation network. All action alternatives in the Western Section would cross the railroad on a grade-separated structure. Given that the railroad’s setting has been highly modified by modern development, it is expected that a bridge crossing would not affect the qualities of the railroad that contribute to its eligibility to the NRHP. Therefore, no impacts on the railroad would occur.

^g The E1 (Preferred) Alternative would not significantly adversely affect qualities of SMPP that qualify it for listing in the National Register of Historic Places.

This proposal addresses several key points related to the proposed freeway:

- “... the current proposal only addresses partial measures for the mitigation of adverse effects posed by the Pecos alignment to Traditional Cultural Property (TCP) including individual sites and the mountain (*Muhadagi Doag* – South Mountain) and may be used in the preparation and finalization of the Environmental Impact Statement (EIS).”
- “The attached proposal also acknowledges the engineering solutions provided by ADOT in the form of overpasses for the avoidance and protection

of sensitive cultural sites as acceptable concepts and that implementation of their design and construction will require further consultation in the event these go forward. This includes especially the implementation of proposed massive cuts through the western ridges of *Muhadagi Doag* and earthworks required for construction of the Pecos alignment, which will significantly impact the mountain and the surrounding cultural landscape.”

- “... this proposal identifies the important and significant overlap of wildlife and culture corridors and the significance of all plants and animals in the

traditional culture of the Akimel O’odham and Pee Posh of this Community.”

Consultation with THPO and other tribes regarding appropriate mitigation of the South Mountains TCP is ongoing (Table 4-48 documents past efforts). SHPO concurred with TCP eligibility, potential project effects, and proposed TCP mitigation on May 15, 2012.

The E1 Alternative would have an adverse effect on the South Mountains TCP. The conversion and permanent loss of part of the mountains to a transportation use by the action alternative would be compounded by the following related Community-expressed concerns focused on impacts on the Community’s history, culture, traditions, and its ability to maintain and sustain its cultural identity.

- The proposed action’s cuts through the South Mountains would remove two archaeological sites identified as contributing components of the South Mountains TCP, based on their own merits as historical properties (considered NRHP-eligible under Criteria A and D).
- The proposed action’s cuts through the South Mountains would result in the modification of the spiritual landscape of Native peoples.
- The E1 Alternative location between the Community and the South Mountains would alter access by Native American groups to culturally important places.
- The location and operation of the E1 Alternative would interfere with ceremonial practices and religious activities of some Native American groups [the sections, *Public Parkland Resources (SMPP) Associated with the South Mountains, NRHP-Eligible Historic Resources (SMPP) Associated with the South Mountains*, and *The South Mountains (Muhadagi Doag) as a Traditional Cultural Property*, beginning on pages 5-14, 5-25, and 5-26, respectively, further elaborate the extent of impacts on the resources].

No-Action Alternative

The No-Action Alternative would not affect archaeological and cultural resources in the Study Area. Cultural resources in protected areas, such as SMPP, would not be affected by construction activities associated with the proposed action.

Table 4-48 Record of Section 106 Consultation

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
8/20/03 (FHWA ^a)	<ul style="list-style-type: none">• To initiate Section 106^b consultations• To request concurrence that consultations continue to address eligibility, area of potential effects, project scope and effect, and the development of a PA^d as alternatives alignments are developed• To provide an opportunity to review the initial records search report of the overall Study Area (Burden 2002)	Arizona State Land Department	— ^c	No response	—	—	—	—
		Bureau of Indian Affairs	10/27/03	Concurred	—	—	—	—
		Bureau of Land Management	9/22/03	Concurred	—	—	—	—
		Bureau of Reclamation	9/11/03	Concurred	—	—	—	—
		City of Avondale	—	No response	—	—	—	—
		City of Chandler	—	No response	—	—	—	—
		City of Phoenix – City Archaeologist	9/17/03	Concurred, with comments	—	—	—	—
		City of Phoenix –Historic Preservation Office	9/8/03	Noted that records search report did not address some known historic resources	—	—	—	—
		City of Tolleson	—	No response	—	—	—	—
		Salt River Project	11/10/03	Concurred	—	—	—	—
		State Historic Preservation Office	9/19/03	Concurred	—	—	—	—
		Ak-Chin Indian Community	—	No response	—	—	—	—
		Gila River Indian Community	—	No response	—	—	—	—
		Hopi Tribe	9/10/03	Concurred	—	—	—	—
		Salt River Pima-Maricopa Indian Community	—	No response	—	—	—	—
		Tohono O’odham Nation	—	No response	—	—	—	—
		Yavapai-Apache Nation	—	No response	—	—	—	—
12/9/03 (ADOT ^e)	<ul style="list-style-type: none">• To request concurrence on draft PA	Arizona State Land Department	—	No response	—	—	—	—
		Bureau of Land Management	12/30/03	Concurred	—	—	—	—
		Bureau of Reclamation	12/18/03	Concurred, with comments	—	—	—	—
		City of Phoenix – City Archaeologist	12/17/03	Concurred	—	—	—	—
		City of Phoenix – Historic Preservation Office	—	No response	—	—	—	—
		Salt River Project	4/1/04	Concurred	—	—	—	—
		State Historic Preservation Office	1/12/04	Concurred	—	—	—	—

Note: The correspondence listed in this table can be found in Appendix 2-1.

^a Federal Highway Administration ^b part of the National Historic Preservation Act ^c not applicable ^d programmatic agreement ^e Arizona Department of Transportation

(continued on next page)

Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
12/9/03 (ADOT) (continued)	• To request concurrence on draft PA	Gila River Indian Community	—	No response	—	—	—	—
		Hopi Tribe	12/11/03	Deferred participation in PA to Gila River Indian Community; requested continued participation in Section 106 consultations	—	—	—	—
3/4/04 (FHWA)	• To notify the ACHP ^f about the project and determine Council participation	ACHP	3/30/04	Declined participation; encouraged the development of a PA without ACHP involvement	—	—	—	—
7/1/05 (ADOT)	• To request concurrence on the adequacy of the field survey ^g report (Darling 2005) • To request concurrence on second draft PA	Arizona State Land Department	—	No response	—	—	—	—
		Bureau of Indian Affairs	8/3/05	Declined participation in PA; concurred verbally	—	—	—	—
			8/11/05	Written response received	—	—	—	—
		Bureau of Land Management	7/26/05	Concurred	—	—	—	—
		Bureau of Reclamation	7/12/05	Concurred	—	—	—	—
		City of Phoenix – City Archaeologist	7/18/05	Concurred, with comments	—	—	—	—
		Salt River Project	8/8/05	Concurred	—	—	—	—
7/7/05 (FHWA)	• To request concurrence on the adequacy of the field survey report (Darling 2005) • To request information regarding TCP ^j concerns • To request adequacy of draft PA • To request participation in the PA	State Historic Preservation Office	7/11/05	SHPO ^h did not concur; comments on the eligibility of the isolated occurrences and historic canals, and on the draft PA	1/12/06	ADOT requested concurrence on eligibility recommendations for the isolated occurrences and prehistoric sites for the initial field survey report (Darling 2005); noted that the isolated occurrences would be considered in the overall treatment plan.	1/23/06	SHPO concurred that the 19 prehistoric sites are eligible individually under Criterion D, ⁱ but noted that a broader context is needed to understand the significance of the Study Area and surrounding setting.
		Ak-Chin Indian Community	—	No response	—	—	—	—
		Chemehuevi Indian Tribe	—	No response	—	—	—	—
		Cocopah Indian Tribe	—	No response	—	—	—	—
		Colorado River Indian Tribes	—	No response	—	—	—	—
		Fort McDowell Yavapai Nation	8/5/05	Concurred	—	—	—	—
		Fort Mojave Indian Tribe	—	No response	—	—	—	—
		Fort Yuma-Quechan Tribe	—	No response	—	—	—	—
7/7/05 (FHWA)	• To request concurrence on the adequacy of the field survey report (Darling 2005) • To request information regarding TCP ^j concerns • To request adequacy of draft PA • To request participation in the PA	Gila River Indian Community	9/30/05	Identified South Mountains, Villa Buena, and Pueblo del Alamo as TCPs	11/22/2005	Acknowledged South Mountains TCP; requested boundary for South Mountains TCP and input on appropriateness of TCP evaluation for Villa Buena and Pueblo del Alamo	—	—

^f Advisory Council on Historic Preservation ^g ground (field) survey for cultural resources ^h State Historic Preservation Office ⁱ see page 4-128 for criterion definition ^j traditional cultural property

Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
7/7/05 (FHWA) (continued)	<ul style="list-style-type: none">• To request concurrence on the adequacy of the field survey report (Darling 2005)• To request information regarding TCPi concerns• To request adequacy of draft PA• To request participation in the PA	Havasupai Tribe	—	No response	—	—	—	—
		Hopi Tribe	—	No response	—	—	—	—
		Hualapai Tribe	—	No response	—	—	—	—
		Kaibab-Band of Paiute Indians	—	No response	—	—	—	—
		Navajo Nation	—	No response	—	—	—	—
		Pascua Yaqui Tribe	—	No response	—	—	—	—
		Pueblo of Zuni	7/12/05	Concurred	—	—	—	—
		Salt River Pima-Maricopa Indian Community	—	No response	—	—	—	—
		San Carlos Apache Nation	—	No response	—	—	—	—
		San Juan Southern Paiute	—	No response	—	—	—	—
		Tohono O’odham Nation	—	No response	—	—	—	—
		Tonto Apache Tribe	—	No response	—	—	—	—
		White Mountain Apache Tribe	—	No response	—	—	—	—
		Yavapai-Apache Nation	—	No response	—	—	—	—
8/3/05 (ADOT)	<ul style="list-style-type: none">• To request concurrence of adequacy of draft PA• To request participation in final PA	Yavapai-Prescott Indian Tribe	7/22/05	Deferred participation to Southern Tribes	—	—	—	—
		City of Avondale	—	No response	—	—	—	—
		City of Chandler	—	No response	—	—	—	—
		City of Glendale	—	No response	—	—	—	—
8/17/05 (ADOT)	<ul style="list-style-type: none">• To request participation in final PA and in discussions regarding effects on TCPs	City of Tolleson	—	No response	—	—	—	—
		Ak-Chin Indian Community	—	No response	—	—	—	—
		Chemehuevi Indian Tribe	—	No response	—	—	—	—
		Cocopah Indian Tribe	—	No response	—	—	—	—
		Colorado River Indian Tribes	—	No response	—	—	—	—
		Fort McDowell Yavapai Nation	—	No response	—	—	—	—
		Fort Mojave Indian Tribe	—	No response	—	—	—	—
		Fort Yuma-Quechan Tribe	—	No response	—	—	—	—
		Gila River Indian Community	—	No response	—	—	—	—
		Havasupai Tribe	—	No response	—	—	—	—
		Hopi Tribe	—	No response	—	—	—	—
		Hualapai Tribe	—	No response	—	—	—	—

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Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
8/17/05 (ADOT) (continued)	• To request participation in final PA and in discussions regarding effects on TCPs	Kaibab-Band of Paiute Indians	—	No response	—	—	—	—
		Navajo Nation	—	No response	—	—	—	—
		Pascua-Yaqui Nation	—	No response	—	—	—	—
		Salt River Pima-Maricopa Indian Community	10/2/05	Concurred (Concurring Party)	—	—	—	—
		San Carlos Apache Nation	—	No response	—	—	—	—
		San Juan Southern Paiute	—	No response	—	—	—	—
		Tohono O’odham Nation	11/8/05	Concurred (Concurring Party)	—	—	—	—
		Tonto-Apache Tribe	—	No response	—	—	—	—
		White Mountain Apache Tribe	—	No response	—	—	—	—
		Yavapai-Apache Nation	—	No response	—	—	—	—
8/31/05 (ADOT)	• To request concurrence on adequacy of draft PA • To request participation in final PA	Flood Control District of Maricopa County	—	No response	—	—	—	—
		Maricopa County Department of Transportation	9/20/05	Concurred	—	—	—	—
		Roosevelt Irrigation District	—	No response	—	—	—	—
8/31/05 (ADOT)	• To request concurrence on adequacy and eligibility recommendations of the addendum records search and field survey reports (Brodbeck and Touchin 2005; Brodbeck and Pratt 2005)	Arizona State Land Department	—	No response	—	—	—	—
		Bureau of Land Management	—	No response	—	—	—	—
		Bureau of Reclamation	9/19/05	Concurred	—	—	—	—
		City of Phoenix – City Archaeologist	11/1/05	Concurred, with comments	—	—	—	—
		City of Phoenix – Historic Preservation Office	—	No response	—	—	—	—
		Salt River Project	9/13/05	Concurred, with comments (dated 9/19/05)	—	—	—	—
		State Historic Preservation Office	9/19/05	SHPO did not concur; requested revisions	9/29/05	ADOT requested concurrence on the eligibility recommendations in the addendum records search and field survey reports (Brodbeck and Touchin 2005; Brodbeck and Pratt 2005); letter not in file	10/3/05	SHPO concurred with eligibility recommendations
9/27/05 (FHWA)	• To notify ACHP of revised PA	Advisory Council on Historic Preservation	12/27/05	ACHP declined participation	—	—	—	—

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Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
9/29/05 (FHWA) (continued)	<ul style="list-style-type: none">• To request comments on draft PA by 10/3/05• To request participation in final PA• To request information on TCP concerns• To provide meeting minutes from TCP meeting held in Sacaton on September 20, 2005	Gila River Indian Community	—	No direct response; see letter from the Gila River Indian Community dated September 30, 2005	—	—	—	—
11/30/05 (FHWA)	<ul style="list-style-type: none">• To request participation in PA	Gila River Indian Community	—	No response	—	—	—	—
3/7/06 (FHWA)	<ul style="list-style-type: none">• To request concurrence on adequacy of technical reports and eligibility recommendations (Brodbeck and Pratt 2005; Brodbeck and Touchin 2005; Burden 2002; Darling 2005)• To request concurrence on adequacy of draft PA• To request participation in the PA	U.S. Army Corps of Engineers	—	No response	—	—	—	—
6/26/06 (FHWA)	<ul style="list-style-type: none">• To request concurrence on the adequacy of the second addendum cultural resources report and eligibility recommendations (Brodbeck 2006a)• To request concerns regarding TCPs (tribes only)	Arizona State Land Department	—	No response	—	—	—	—
		Bureau of Indian Affairs	—	No response	—	—	—	—
		Bureau of Land Management	—	No response	—	—	—	—
		Bureau of Reclamation	8/1/06	Concurred	—	—	—	—
		City of Avondale	7/25/06	Concurred	—	—	—	—
		City of Chandler	7/3/06	Concurred	—	—	—	—
		City of Glendale	—	No response	—	—	—	—
		City of Phoenix – City Archaeologist	7/5/06	Concurred	—	—	—	—
		City of Phoenix – Historic Preservation Officer	8/16/06	Concurred	—	—	—	—
		City of Tolleson	—	No response	—	—	—	—
		Flood Control District of Maricopa County	7/6/06	Concurred	—	—	—	—
		Maricopa County Department of Transportation	7/5/06	Concurred	—	—	—	—

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Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
6/26/06 (FHWA) (continued)	<ul style="list-style-type: none">• To request concurrence on the adequacy of the second addendum cultural resources report and eligibility recommendations (Brodbeck 2006a)• To request concerns regarding TCPs (tribes only)	Roosevelt Irrigation District	—	No response	—	—	—	—
		Salt River Project	7/7/06	Concurred	—	—	—	—
		State Historic Preservation Office	7/19/06	Concurred; with comments on eligibility of SMPP	—	—	—	—
		U.S. Army Corps of Engineers	—	No response	—	—	—	—
		Ak-Chin Indian Community	—	No response	—	—	—	—
		Chemehuevi Indian Tribe	—	No response	—	—	—	—
		Cocopah Indian Tribe	—	No response	—	—	—	—
		Colorado River Indian Tribes	7/6/06	Notified ADOT by phone call that South Mountains are a TCP for the Colorado River Indian Tribes.	7/6/06	During the same phone call, ADOT requested written response from Colorado River Indian Tribes regarding the TCP concerns.	No response	—
		Fort McDowell Yavapai Nation	—	No response	—	—	—	—
		Fort Mojave Indian Tribe	—	No response	—	—	—	—
		Fort Yuma-Quechan Tribe	—	No response	—	—	—	—
		Gila River Indian Community	—	No response	—	—	—	—
		Havasupai Tribe	—	No response	—	—	—	—
		Hopi Tribe	7/3/06	Concurred	—	—	—	—
		Kaibab-Band of Paiute Indians	—	No response	—	—	—	—
		Navajo Nation	—	No response	—	—	—	—
		Pascua Yaqui Tribe	8/1/06	No concerns with project (e-mail)	—	—	—	—
		Pueblo of Zuni	—	No response	—	—	—	—
		Salt River Pima-Maricopa Indian Community	—	No response	—	—	—	—
		San Carlos Apache Nation	7/17/06	Concurred; no TCP concerns	—	—	—	—
		San Juan Southern Paiute	—	No response	—	—	—	—
		Tohono O’odham Nation	—	No response	—	—	—	—
		Tonto Apache Tribe	—	No response	—	—	—	—
		White Mountain Apache Tribe	7/7/06	No TCP concerns	—	—	—	—
		Yavapai-Apache Nation	—	No response	—	—	—	—
		Yavapai-Prescott Indian Tribe	8/14/06	Concurred; no TCP concerns	—	—	—	—

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Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
6/28/06 (FHWA)	• To request concurrence on the adequacy of the TCP report and eligibility recommendations (Brodbeck 2006b)	Gila River Indian Community	9/25/06; 12/19/06	Confirmed receipt of report and notified FHWA that a response was pending review with the Gila River Indian Community’s Cultural Resource Standing Committee; provided comments on the report and requested revisions; concurred with some TCP eligibility recommendations	—	—	—	—
		State Historic Preservation Office	8/1/06	Did not concur; further response contingent on Gila River Indian Community response	—	—	—	—
12/11/06 (FHWA)	• To request signature on final PA	Arizona State Land Department	—	No response	—	—	—	—
		Bureau of Land Management	—	No response	—	—	—	—
		Bureau of Reclamation	—	No response	—	—	—	—
		City of Avondale	—	No response	—	—	—	—
		City of Chandler	2/22/07	Declined signing the PA	—	—	—	—
		City of Glendale	—	No response	—	—	—	—
		City of Phoenix–City Archaeologist	—	No response	—	—	—	—
		City of Phoenix–Historic Preservation Officer	1/8/07	Signed PA	—	—	—	—
		City of Tolleson	—	No response	—	—	—	—
		Flood Control District of Maricopa County	1/30/07	Signed PA; no cover letter	—	—	—	—
		Maricopa County Department of Transportation	1/16/07	Signed PA; no cover letter	—	—	—	—
		Roosevelt Irrigation District	—	No response	—	—	—	—
		Salt River Project	1/15/07	Signed PA; cover letter dated 1/16/07	—	—	—	—
		U.S. Army Corps of Engineers	—	No response	—	—	—	—
		Ak-Chin Indian Community	—	No response	—	—	—	—
		Chemehuevi Tribe	—	No response	—	—	—	—
		Cocopah Tribe	—	No response	—	—	—	—
		Colorado River Indian Tribe	—	No response	—	—	—	—
		Fort McDowell Yavapai Nation	1/11/07	Signed PA; cover letter dated 1/17/07	—	—	—	—
		Fort Mojave Indian Tribe	—	No response	—	—	—	—

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Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
12/11/06 (FHWA) (continued)	• To request signature on final PA	Fort Yuma-Quechan Tribe	—	No response	—	—	—	—
		Gila River Indian Community	—	No response	—	—	—	—
		Havasupai Tribe	—	No response	—	—	—	—
		Hopi Tribe	—	No response	—	—	—	—
		Hualapai Tribe	—	No response	—	—	—	—
		Kaibab-Paiute Tribe	—	No response	—	—	—	—
		Navajo Nation	—	No response	—	—	—	—
		Pascua Yaqui Tribe	—	No response	—	—	—	—
		Pueblo of Zuni	—	No response	—	—	—	—
		Salt River Pima-Maricopa Indian Community	—	No response	—	—	—	—
		San Carlos Apache Tribe	—	No response	—	—	—	—
		San Juan Southern Paiute	—	No response	—	—	—	—
		Tohono O’odham Nation	—	No response	—	—	—	—
		Tonto Apache Tribe	2/3/07	Signed PA; no cover letter	—	—	—	—
		White Mountain Apache Tribe	—	No response	—	—	—	—
12/20/06 (FHWA)	• To request signature on final PA	Yavapai-Apache Nation	1/3/07	Signed PA; no cover letter	—	—	—	—
		Arizona State Museum	1/10/07	Signed PA	—	—	—	—
		State Historic Preservation Office	12/28/06	Signed PA	—	—	—	—
1/18/07 (FHWA)	• To request agreement for disclosing the location of AZ T:12:112 (ASM) to pertinent project team members	Gila River Indian Community	—	No response	—	—	—	—
5/15/07 (ADOT)	• To request concurrence on adequacy of the Jackson Farmstead evaluation report and eligibility recommendation	City of Phoenix–Historic Preservation Officer	—	No response	—	—	—	—
		State Historic Preservation Office	5/31/07	Concurred	—	—	—	—
5/24/07 (FHWA)	• Sent ACHP copy of final PA [36 C.F.R. 800.6(b)(iv)]	Advisory Council on Historic Preservation	—	No response required	—	—	—	—
6/13/07 (FHWA)	• To request concurrence on TCP boundary revision • To request agreement to disclose the location of AZ T:12:112 (ASM) to pertinent team members • To request meeting on cultural resources issues	Gila River Indian Community	7/2/07	Requested additional consultation on revised TCP report prior to its submission for NRHP determination and agreed that a meeting to discuss AZ T:12:112 (ASM) was needed; suggestion was made to include SHPO	—	—	—	—

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Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
4/22/08 (FHWA)	<ul style="list-style-type: none">To request meeting to discuss options for minimizing harm to sites AZ T:12:112 (ASM) and AZ T:12:198 (ASM)To request a proposal for a study of Muhadagi Doag (South Mountains) TCP and a meeting to discuss avoidance measures	Gila River Indian Community	11/18/08	Provided a draft scope of work for a TCP evaluation for the traditional uses and significance of Muhadagi Doag (South Mountain)	1/13/09 and 4/28/10	FHWA provided additional information and clarification on the requested scope of work for the TCP evaluation. FHWA sent a follow-up letter requesting any comments on the Muhadagi Doag TCP proposal.	6/23/10	Provided a revised scope of work, which would define the cultural significance of the TCP and serve as partial mitigation for adverse effects that would result from the project
9/13/10	<ul style="list-style-type: none">Meeting to discuss cultural resources studies for the South Mountain EIS	ADOT, Gila River Indian Community, Cultural Resource Management Program	—	—	—	—	—	—
9/16/10 (FHWA)	<ul style="list-style-type: none">To request signature on the PA	Western Area Power Administration	10/18/10	Signed PA, cover letter dated 10/25/10	—	—	—	—
10/19/10	<ul style="list-style-type: none">Meeting to discuss cultural resource avoidance and the results of cultural resources surveys	ADOT, Gila River Indian Community, Cultural Resource Management Program	—	—	—	—	—	—
2/1/11 (FHWA)	<ul style="list-style-type: none">To request concurrence on approach for the mitigation of effects on historic properties near the W59 Alternative and Dobbins Road	State Historic Preservation Office	2/4/11	Concurred	—	—	—	—
2/7/11 (FHWA)	<ul style="list-style-type: none">To request concurrence on the adequacy of the revised TCP report NRHP-eligibility recommendations	Gila River Indian Community	8/17/11	Provided comments; did not concur	—	—	—	—
4/14/11	<ul style="list-style-type: none">Meeting to discuss cultural resources issues and the Section 106 consultation process	FHWA, ADOT, Gila River Indian Community, Cultural Resource Management Program, Tribal Historic Preservation Officer	—	—	—	—	—	—
8/8/11 (FHWA)	<ul style="list-style-type: none">To request concurrence on determination of project effects and adequacy of the field survey report for geotechnical work at the 59th Avenue railroad crossing	State Historic Preservation Office	8/11/11	Concurred	—	—	—	—
		Union Pacific Railroad	—	No response	—	—	—	—
10/31/11 (FHWA)	<ul style="list-style-type: none">To request signature on the PA	Bureau of Indian Affairs	—	No response	—	—	—	—
1/23/12 (FHWA)	<ul style="list-style-type: none">To request signature on the PA	Bureau of Indian Affairs	—	No response	—	—	—	—

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Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
4/24/12 (FHWA)	• To request concurrence on TCP NRHP eligibility, adequacy of draft TCP mitigation plans, and Section 4(f) determinations	State Historic Preservation Office	5/15/12	Concurred with comments	—	—	—	—
		Gila River Indian Community	7/3/12	Concurred	—	—	—	—
6/11/12	• Meeting to discuss Section 106 consultations for TCPs	FHWA, ADOT, Gila River Indian Community	—	—	—	—	—	—
7/11/12 (FHWA)	• To request concurrence on reassessment of eligibility of resources near Dobbins Road	Arizona State Land Department	—	No response	—	—	—	—
		Bureau of Land Management	—	No response	—	—	—	—
		Bureau of Reclamation	7/25/12	Concurred	—	—	—	—
		City of Phoenix-Historic Preservation Office	7/18/12	Concurred	—	—	—	—
		City of Phoenix-Pueblo Grande Museum	7/17/12	Concurred	—	—	—	—
		Salt River Project	7/13/12	Concurred	—	—	—	—
		State Historic Preservation Office	7/16/12	Concurred	—	—	—	—
8/8/12 (FHWA)	• To request concurrence on eligibility and project effects on resources near Chandler Boulevard extension	Arizona State Land Department	8/14/12	Concurred	—	—	—	—
		Arizona State Museum	9/11/12	Concurred	—	—	—	—
		Bureau of Indian Affairs	9/21/12	Concurred	—	—	—	—
		Bureau of Land Management	—	No response	—	—	—	—
		Bureau of Reclamation	8/13/12	Acknowledged receipt of consultation letter	—	—	—	—
		City of Avondale	—	No response	—	—	—	—
		City of Chandler	9/10/12	Concurred	—	—	—	—
		City of Glendale	8/13/12	Concurred	—	—	—	—
		City of Phoenix-Historic Preservation Officer	8/29/12	Concurred	—	—	—	—
		City of Phoenix-Pueblo Grande Museum	9/26/12	Concurred	—	—	—	—
		City of Tolleson	—	No response	—	—	—	—
		Flood Control District of Maricopa County	8/20/12	Concurred	—	—	—	—

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Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
8/8/12 (FHWA) (continued)	• To request concurrence on eligibility and project effects on resources near Chandler Boulevard extension	Maricopa County Department of Transportation	—	No response	—	—	—	—
		Salt River Project	8/24/12	Concurred	—	—	—	—
		State Historic Preservation Office	8/13/12	Deferred response until Gila River Indian Community response	10/11/12	Provided Gila River Indian Community response	10/17/12	Concurred
		U.S. Army Corps of Engineers	—	No response	—	—	—	—
		Western Area Power Administration	—	No response	—	—	—	—
		Ak-Chin Indian Community	—	No response	—	—	—	—
		Chemehuevi Indian Tribe	—	No response	—	—	—	—
		Cocopah Indian Tribe	8/27/12	Concurred	—	—	—	—
		Colorado River Indian Tribes	—	No response	—	—	—	—
		Fort McDowell Yavapai Nation	8/21/12	Concurred	—	—	—	—
		Fort Mojave Indian Tribe	—	No response	—	—	—	—
		Fort Yuma-Quechan Tribe	—	No response	—	—	—	—
		Gila River Indian Community	9/10/12	Concurred; recommended site visit	—	—	—	—
		Havasupai Tribe	—	No response	—	—	—	—
		Hopi Tribe	8/14/12	Concurred	—	—	—	—
		Hualapai Tribe	—	No response	—	—	—	—
		Kaibab-Band of Paiute Indians	—	No response	—	—	—	—
		Navajo Nation	—	No response	—	—	—	—
		Pascua Yaqui Tribe	—	No response	—	—	—	—
		Pueblo of Zuni	—	No response	—	—	—	—
		Salt River Pima-Maricopa Indian Community	8/14/12	Deferred to Gila River Indian Community	—	—	—	—
		San Carlos Apache Nation	—	No response	—	—	—	—
		San Juan Southern Paiute	—	No response	—	—	—	—
		Tohono O’odham Nation	—	No response	—	—	—	—
		Tonto Apache Tribe	8/14/12	Concurred	—	—	—	—
		White Mountain Apache Tribe	8/17/12	Concurred	—	—	—	—
		Yavapai-Apache Nation	—	No response	—	—	—	—

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Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
9/6/12 (FHWA)	<ul style="list-style-type: none">To request concurrence on project effects to resources near Dobbins Road	Arizona State Land Department	9/20/12	Concurred	—	—	—	—
		Bureau of Land Management	—	No response	—	—	—	—
		Bureau of Reclamation	—	No response	—	—	—	—
		City of Phoenix-Historic Preservation Office	—	No response	—	—	—	—
		City of Phoenix-Pueblo Grande Museum	9/27/12	Concurred	—	—	—	—
		Salt River Project	9/24/12	Concurred	—	—	—	—
		State Historic Preservation Office	9/14/12	Concurred	—	—	—	—
9/26/12 (FHWA)	<ul style="list-style-type: none">To request concurrence on the adequacy of the TCP Enhancement Plan for the Pueblo del Alamo and Villa Buena TCPsTo request concurrence on a finding of “no adverse effect” for the Pueblo del Alamo and Villa Buena TCPs	Gila River Indian Community	10/22/12	Concurred	—	—	—	—
10/23/12 (FHWA)	<ul style="list-style-type: none">To request concurrence on a finding of “no adverse effect” for the Pueblo del Alamo and Villa Buena TCPs and Section 4(f) determination	State Historic Preservation Office	10/25/12	Concurred	—	—	—	—
10/31/12 (FHWA)	<ul style="list-style-type: none">To request concurrence with adequacy of the field survey report for the Western Area Power Administration power line shiftsTo request concurrence with a finding of “adverse effect” for Pueblo del Alamo under Criterion D as an archaeological site as it pertains to the Western Area Power Administration power line shiftsTo request concurrence with a finding of “no adverse effect” for Pueblo del Alamo as a TCP under Criterion A as it pertains to the Western Area Power Administration power line shifts	Gila River Indian Community	Response pending	—	—	—	—	—
		State Historic Preservation Office	11/5/12	Concurred	—	—	—	—
		Western Area Power Administration	11/20/12	Concurred	—	—	—	—

(continued on next page)

Table 4-48 Record of Section 106 Consultation (continued)

Date Sent (from)	Purpose of Consultation	Consulting Parties	Date Responded	Response	Reply Date	Response	Response Date	Response
1/31/13	<ul style="list-style-type: none">to request concurrence on the adequacy of the Traditional Cultural Properties Technical Summary reportto request concurrence on the Traditional Cultural Property NRHP eligibility recommendationsto request concurrence on the finding of project effect for Traditional Cultural Propertiesto request concurrence on the management recommendations for the treatment of Traditional Cultural Properties	Bureau of Indian Affairs	02/19/13	Concurred	—	—	—	—
		City of Phoenix	02/20/13	Concurred	—	—	—	—
		Ak-Chin Indian Community	—	No response	—	—	—	—
		Chemehuevi Tribe	—	No response	—	—	—	—
		Cocopah Tribe	02/11/13	Concurred	—	—	—	—
		Colorado River Indian Tribes	02/25/13	Concurred	—	—	—	—
		Fort McDowell Yavapai Nation	02/04/13	Concurred	—	—	—	—
		Fort Mojave Indian Tribe	—	No response	—	—	—	—
		Havasupai Tribe	—	No response	—	—	—	—
		Hopi Tribe	02/06/13	Concurred	—	—	—	—
		Hualapai Tribe	—	No response	—	—	—	—
		Kaibab-Paiute Tribe	—	No response	—	—	—	—
		Navajo Nation	03/20/13	Concurred	—	—	—	—
		Pascua Yaqui Tribe	—	No response	—	—	—	—
		Quechen Inidan Tribe	—	No response	—	—	—	—
		San Carlos Apache Tribe	02/05/13	Concurred	—	—	—	—
		San Juan Southern Paiute	—	No response	—	—	—	—
		Salt River Pima-Maricopa Indian Community	—	No response	—	—	—	—
		Tonto Apache Tribe	02/06/13	Concurred	—	—	—	—
		Tohono O'odham	—	No response	—	—	—	—
		White Mountain Apache Tribe	02/21/13	Concurred	—	—	—	—
		Yavapai-Apache Nation			—	—	—	—
		Pueblo of Zuni			—	—	—	—

Because of the growth of the Phoenix metropolitan area as it is currently planned and as it is projected to occur, cultural resource properties and sites in areas zoned for development may eventually be disturbed. In most instances, federally required surveys to locate and assess cultural resources sites would not be required and would not occur. However, City of Phoenix ordinances do require developers to perform cultural resources studies to acquire building permits. The potential does exist that, in some instances, important sites would not be discovered and mitigation, even in the form of documentation, would not occur. Further, the No-Action Alternative would not preclude the proposal and possible implementation of a project similar to the proposed action from occurring in the future.

MITIGATION

ADOT EPG Responsibilities

Specific mitigation strategies would vary depending on the types of cultural resources that would be affected. Strategies to mitigate adverse effects to the prehistoric sites eligible for NRHP listing under Criterion D, including Villa Buena and Pueblo del Alamo, would include:

- A preconstruction testing plan would be developed and implemented for the sites by ADOT EPG’s Historic Preservation Team. The testing plan would define locations of test excavations within sites to determine whether important archaeological deposits exist within the area of potential effects. The Historic Preservation Team would consult with SHPO and other consulting parties as required. Depending on the results of the testing program, follow-up data recovery excavations might also be required.
- A burial agreement with the Arizona State Museum (ASM) and concerned Native American tribes would be developed to outline procedures for proper removal, treatment, and reburial of any human remains and associated funerary objects that might be encountered.

Impacts on the Roosevelt Canal and historic Southern Pacific Railroad would be avoided through the use of bridges to span the resources.

Bulletin #38 - Traditional Cultural Properties

For the proposed action, several sites were evaluated for eligibility as TCPs, consistent with Bulletin #38 (Parker and King 1990; see page 4-126). The evaluation was conducted to:

- Ensure that the entity under consideration is a “property” – The entity evaluated must be a tangible property, that is, “a district, site, building, structure, or object.” The NRHP defines a “site” as “the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure” (Parker and King 1990).
- Consider the property’s integrity – To be eligible for inclusion in the NRHP, a property must have “integrity of location, design, setting, materials, workmanship, feeling, and association” (36 C.F.R. Part 60). In the case of a TCP, the National Park Service (NPS) poses two fundamental questions to ask about integrity (Parker and King 1990): 1) does the property have an integral relationship to traditional cultural practices or beliefs? and 2) is the condition of the property such that the relevant relationships survive?
- Apply the NRHP criteria outlined in National Register Bulletin #15, *How to Apply the National Register Criteria for Evaluation* (NPS 1990) – The entity is to be evaluated against the four basic NRHP criteria set forth in the NRHP-published regulations (36 C.F.R. Part 60). If the property meets one or more of the criteria, it may be eligible (Parker and King 1990). These criteria were discussed earlier under NHPA.
- Determine whether any of the NRHP criteria considerations (36 C.F.R. Part 60.4) make the property ineligible (NPS 1990; Parker and King 1990) – In general, a property is not eligible for inclusion in the NRHP if it represents a class of properties to which one or more of the seven criteria considerations listed in 36 C.F.R. Part 60.4 apply and is not part of a district that is eligible (Parker and King 1990; NPS 1990). These considerations are:
 - **Consideration A:** Ownership by a religious institution or use for religious purposes – A “religious property” requires additional justification for nomination because of the necessity to avoid any appearance of judgment by government about the merit of any religion or belief (NPS 1990).

- **Consideration B:** Relocated properties – Properties that have been moved from their historically important locations are not usually eligible for inclusion in the NRHP because “the significance of (historic properties) is embodied in their locations and settings as well as in the (properties) themselves” and because “one basic purpose of the National Register is to encourage the preservation of historic properties as living parts of their communities” (NPS 1990).
- **Consideration C:** Birthplaces and graves – Although not usually eligible for inclusion in the NRHP as such (NPS 1990), it is possible for the birth or burial itself to have been ascribed such cultural importance that its association with the property contributes to its significance.
- **Consideration D:** Cemeteries – Cemeteries are not ordinarily eligible for inclusion in the NRHP unless they “derive (their) primary significance from graves of persons of transcendent importance, from age, from distinctive design values, or from association with historic events” (NPS 1997).
- **Consideration E:** Reconstruction – A property constructed to reproduce the form and detail of a property or portion of a property that has vanished is not normally eligible for inclusion in the NRHP unless it meets strict criteria (Parker and King 1990; NPS 1990).
- **Consideration F:** Commemoration – Properties constructed to commemorate a traditional event or person cannot be found eligible for inclusion in the NRHP based on association with that event or person alone (Parker and King 1990).
- **Consideration G:** Significance achieved within the past 50 years – Properties that have achieved significance within only the 50 years preceding their evaluation are not eligible for inclusion in the NRHP unless “sufficient historical perspective exists to determine that the property is exceptionally important and will continue to retain that distinction in the future” (NPS 1997).

In addition to the considerations above, TCPs were defined and documented in terms of a given property’s period of significance, boundary, and relevant setting (Parker and King 1990). A property’s period of significance may be described in terms of traditional periods (e.g., the dawn of time) or by its period of use for traditional purposes.

Because effects of the proposed action on NRHP-eligible properties are not and would not be always fully known, ADOT—on behalf of FHWA and in conjunction with tribal and local authorities, Western, and the U.S. Bureau of Indian Affairs (BIA)—developed a Programmatic Agreement (PA) for the proposed action. A PA is a document that spells out the terms of a formal, legally binding agreement between lead agencies and other interested parties for the proper treatment and management of affected cultural resources. A PA establishes a process for consultation, review, and compliance with federal and State preservation laws as the effects of the project on historic properties become known. ADOT would follow the terms and conditions of the Section 106 PA developed for the proposed action (Appendix 4-4, page A561). No ground-disturbing activities would be conducted until ADOT EPG has notified the District Engineer that the terms and stipulations of the PA have been fulfilled.

To mitigate impacts on the South Mountains TCP, ADOT and FHWA would fund an eligibility report for the TCP to be prepared by the Community.

Consultation is continuing with the Community and other tribes regarding other appropriate mitigation strategies; selected, limited disclosures of locations of cultural resources sites; and other cultural resources issues related to the proposed action.

Other measures to reduce impacts on the NRHP-eligible cultural resources associated with the South Mountains are included in Chapter 5, *Section 4(f) Evaluation*, beginning on page 5-23.

ADOT Design Responsibilities

The placement of a freeway between the Community and the South Mountains would affect access to culturally important places. Although pedestrian access to traditional cultural places would be modified extensively by the proposed action, access would be provided by proposed crossings under the freeway [see the section, *Biological Resources*, beginning on page 4-117, and Chapter 5, *Section 4(f) Evaluation*]. These multifunctional

Coordination Associated with the Section 106 Consultation Process

Coordination efforts regarding cultural resources were extensive (see Chapter 2, *Gila River Indian Community Coordination*; Chapter 6, *Comments and Coordination*; and Appendix 2-1, beginning on page A223). The following is a sample of the degree of coordination undertaken.

Agencies at the federal, tribal, State, and local levels have been engaged in document reviews, development of a PA for the proposed action, and the eligibility evaluation of cultural resources. NHPA Section 106 consultations were initiated with correspondence from FHWA in August 2003. The letter requested concurrence with the adequacy of the initial records search report and recommended that a PA be developed for the proposed action. Concurrence was received from SHPO, BLM, BIA, Reclamation, SRP, and the Hopi Tribe. The City of Phoenix’s Pueblo Grande Museum concurred, with comments, and the City of Phoenix Historic Preservation Officer noted that no historic resources were included in the records search report. The Yavapai-Prescott Indian Tribe deferred participation in the proposed action to the southern tribes. No responses were received from ASLD, City of Avondale, City of Chandler, City of Tolleson, Tohono O’odham Nation, Ak-Chin Indian Community, Gila River Indian Community, Salt River Pima-Maricopa Indian Community, and the Yavapai-Apache Nation.

A draft PA to establish protocol and procedures to be followed for cultural resources investigations in the area covered by the agreement was prepared and submitted for concurrence in December 2003. Concurrence letters from SHPO, BLM, SRP, and the City of Phoenix’s Pueblo Grande Museum were received, and Reclamation concurred, with comments. The Hopi Tribe declined participation in the PA (deferring to the Community), but requested continued participation in Section 106 consultations. Responses were not received from ASLD, the City of Phoenix Historic Preservation Officer, and the Community. In March 2004, ACHP was informed of the proposed freeway and the ongoing PA effort. Later that month, the Council responded that there was insufficient information to warrant its involvement, but

the Council recommended that development of the PA continue.

The initial field survey report was distributed to the consulting agencies in July 2005, with a request for concurrence on the report’s adequacy and eligibility recommendations. Concurrence with the report findings was received from BLM, Reclamation, and SRP. BIA concurred verbally in August 2005, and the City of Phoenix Archaeologist at the Pueblo Grande Museum concurred, with comments. In response to SHPO comments, the report was amended to include that isolated occurrences would be considered in the overall treatment plan, and ADOT again requested concurrence. SHPO concurred in January 2006 that the 19 prehistoric sites were eligible under Criterion D, but stated that a broader context would be required to understand the importance of the proposed action area and surrounding setting.

In July 2005, correspondence was sent to consulting Native American groups to 1) request concurrence on the adequacy of the field survey report, 2) request information on TCP concerns, 3) request concurrence on the draft PA, and 4) request participation as Concurring Parties to the PA (see Appendix 2-1, beginning on page A223). Concurrence letters with no TCP concerns were received from the Zuni Pueblo, the Yavapai-Prescott Indian Tribe, and the Fort McDowell Yavapai Nation. The Gila River Indian Community identified the South Mountains, Villa Buena, and Pueblo del Alamo as TCPs. No response was received from the Fort Yuma-Quechan Tribe, Fort Mojave Indian Tribe, Chemehuevi Indian Tribe, Cocopah Indian Tribe, Colorado River Indian Tribe, Ak-Chin Indian Community, Yavapai-Apache Nation, White Mountain Apache Tribe, Tonto Apache Tribe, Tohono O’odham Nation, San Juan Southern Paiute Tribe, San Carlos Apache Tribe, Salt River Pima-Maricopa Indian Community, Pascua Yaqui Tribe, Navajo Nation, Kaibab Paiute Tribe, Hualapai Tribe, and the Hopi Tribe.

Municipalities in the Study Area (other than Phoenix) were contacted in August 2005 to request concurrence on the adequacy of the draft PA and to request

participation in the final PA; the Cities of Chandler, Avondale, Glendale, and Tolleson did not respond. Of 21 tribes that were requested to participate in the final PA, only the Salt River Pima-Maricopa Indian Community and the Tohono O’odham Nation concurred. The other 19 tribes did not respond.

In response to an additional August 2005 agency request to concur on the adequacy of the draft PA and to request participation in the final PA, only MCDOT concurred. FCDMC and RID did not respond.

Additional consultation occurred in August 2005, when agencies were asked to review and concur with the adequacy of the addendum record search and field survey reports. Reclamation concurred, and SRP and the City of Phoenix’s Pueblo Grande Museum concurred, with comments. No response was received from ASLD, BLM, and the City of Phoenix Historic Preservation Officer. SHPO did not concur and requested revisions. The eligibility recommendations in the addendum reports were revised and resubmitted in late September 2005. SHPO concurred with the eligibility recommendations of the amended reports.

ACHP was notified of the revised PA in late September 2005. The Council responded in late December 2005 that its involvement was still not warranted.

Several December 2006 letters requested signatures on the final PA from those parties who had expressed an interest in participating in the PA. The final PA was signed by FHWA, SHPO, and ADOT. Concurring parties who signed the PA are SRP, MCDOT, the City of Phoenix, FCDMC, ASM, the Fort McDowell Yavapai Nation, the Tonto Apache Tribe, and the Yavapai-Apache Nation.

In August 2010 and June 2011, in response to requests from Western and BIA, respectively, FHWA revised the PA to include Western and BIA as concurring parties. Furthermore, FHWA and ADOT took the opportunity to invite Native American Tribes that did not sign the original PA to participate as concurring parties.

See subsequent consultation efforts listed in Table 4-48.

crossings would facilitate pedestrian access to culturally important places. The E1 Alternative was designed to avoid a site that is a contributing element to the South Mountains TCP and an active shrine site, resulting in no adverse effects on these resources. Fencing along the sites at the R/W would limit access to the site by freeway users, but Community members would continue to gain access to the site as they currently do.

Many of the agricultural fields in the action alternatives' footprints have been in production with crops such as alfalfa that have prevented inspection of the ground surface for cultural resources. These gaps in the cultural resources inventory would be investigated by ADOT in the design phase, prior to any construction or other ground-disturbing activities.

Measures to avoid, minimize, and mitigate adverse impacts on the NRHP-eligible South Mountains, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs would be considered (see Chapter 5) and approaches would be developed through consultation with the Community and other affected tribes.

Contractor Responsibilities

If previously unidentified cultural resources are encountered during activity related to the construction of the proposed freeway, the contractor would stop work immediately at that location and would take all reasonable steps to secure the preservation of those resources and notify the ADOT EPG Historic Preservation Team immediately and make arrangements for the proper treatment of those resources. The ADOT EPG Historic Preservation Team would, in turn, notify the appropriate agency(ies) to evaluate the significance of those resources.

SHPO CONCURRENCE

SHPO has been involved and will continue to be involved in the cultural resources issues related to the proposed action. SHPO concurred with the adequacy of the initial

records search report and the draft PA for the proposed action. SHPO signed the PA in December 2006 and, following amendments to the initial field survey report, concurred that the 19 prehistoric sites were eligible under Criterion D, but stated that a broader context would be required to understand the significance of the Study Area and surrounding setting. SHPO did not concur with the eligibility recommendations of the addendum records search and field survey reports, and requested revisions. The addendum reports were revised and resubmitted in late September 2005. SHPO concurred with the eligibility recommendations of the amended reports (see Appendix 2-1, beginning on page A223).

SHPO concurred with TCP eligibility, potential project effects, and proposed South Mountains TCP mitigation on May 15, 2012. SHPO concurred with the finding of no adverse effects on the Villa Buena and Pueblo del Alamo TCPs on October 25, 2012.

SHPO concurred with the initial eligibility recommendations for historic resources near Dobbins Road on July 19, 2006, and then with the approach to reassess the eligibility of these resources on February 4, 2011. SHPO concurred with the eligibility recommendations of the reassessment of Dobbins Road resources on July 16, 2012, and also concurred with findings of effect on these resources on September 14, 2012.

CONCLUSIONS

Coordination efforts to assess possible impacts of implementation of the proposed action on cultural resources have been extensive. As part of this coordination, adjustments have been made to the action alternatives to avoid and reduce impacts on known cultural resources in the Study Area. Avoidance of impacts entirely would not be possible; implementation of any of the action alternatives would affect prehistoric and historic cultural resources:

- Each of the Western Section action alternatives would cross the NRHP-eligible Wellton-Phoenix-Eloy main

line of the historic Southern Pacific Railroad. The W59 (Preferred) and W71 Alternatives would cross segments of the Roosevelt Canal. All three action alternatives would cross prehistoric artifact scatters attributable to Hohokam habitation sites; archaeological testing is recommended to determine the full extent of the resources.

- The E1 (Preferred) Alternative in the Eastern Section would adversely affect NRHP-eligible archaeological sites and the South Mountains TCP.

Cultural resources impacts caused by implementation of any of the Western Section action alternatives would be inconsequential with respect to differentiating among the action alternatives. The types of impacts would be typical of those experienced in constructing and operating other parts of the region's freeway system. Impacts would be effectively mitigated through use of strategies outlined on page 4-146. In addition, implementation of the enhancement and managment plan for the Villa Buena and Pueblo del Alamo TCPs would prevent adverse effects on these sites. Impacts on the South Mountains TCP caused by implementation of the E1 Alternative in the Eastern Section would be substantial and unique in context.

Under the No-Action Alternative, no project-related impacts on cultural resources would occur; continuing urban development from projected growth in the Study Area may result in the undocumented loss of cultural resources in the area. City of Phoenix ordinances do require developers to perform cultural resources studies to acquire building permits.

Mitigation measures are described previously in this section. Because effects on NRHP-eligible sites are not fully known, a PA has been developed and adopted. The PA describes the process for proper treatment and management of affected resources (see text box on the previous page).