

CHAPTER 2

Gila River Indian Community Coordination

COORDINATION EFFORTS AND GILA RIVER INDIAN COMMUNITY INTERACTION PERTAINING TO THE PROPOSED ACTION

Interaction with the Gila River Indian Community (Community) regarding the proposed action has been important to individuals, organizations, agencies, and jurisdictions; as such, the proposed action-related issues directly pertaining to the Community have been consolidated into this chapter of the Final Environmental Impact Statement (FEIS). Where appropriate, however, references are still made to Community-related issues throughout the FEIS, and the references are noted in this chapter for readers wishing to learn more about these topics.

Public comments strongly suggest a desire to understand how much coordination has occurred with the Community regarding the proposed action and also a desire for the Arizona Department of Transportation (ADOT) and Federal Highway Administration (FHWA) to exhaust efforts to study alternatives for the proposed action on Community land. This chapter presents:

- the roles and responsibilities associated with coordination efforts
- coordination efforts undertaken by ADOT and FHWA with the Community up to the time of FEIS publication

- major project-related concerns of the Community as understood by ADOT and FHWA
- status of Community interaction and determinations at the time of FEIS publication
- anticipated future actions pertaining to Community coordination

Discussions with the Community related to a predecessor of the proposed action date back to the mid- to late 1980s. At that time, Proposition 300 had been approved by Maricopa County voters and ADOT planners were in the process of identifying appropriate locations for what would become the proposed action. Review of applicable literature and other reports reveals coordination with Community representatives occurred during this period. Since that time, proposals similar to the proposed action have been considered by the Community, including two alignments studied for a privately funded toll road proposal in the mid-1990s.

The Community is an active member of the Maricopa Association of Governments (MAG) Regional Council and participated in past decisions regarding the current *Regional Transportation Plan* (RTP).

For the proposed action, decisions made by the Community have affected the direction of the

environmental impact statement (EIS) process, including:

- processes associated with development and location of alternatives to be studied in detail in the FEIS (see Chapter 3, *Alternatives*)
- analyses of impacts of the proposed action on and off Community land (see Chapter 4, *Affected Environment, Environmental Consequences, and Mitigation*)
- evaluation of resources afforded protection under Section 4(f) of the Department of Transportation Act [see Chapter 5, *Section 4(f) Evaluation*]

This chapter documents instances where efforts have been made to coordinate with the Community regarding the proposed action. Content and nature of the coordination efforts are limited in the FEIS for two reasons:

The Community is a sovereign nation, and its requests to keep certain Community information confidential must be respected (see sidebar on this page).

As with any nation whose cultural beliefs and practices are respected, ADOT and FHWA are committed to publishing only nonsensitive information regarding Community beliefs and practices.

What is a sovereign nation?

Tribal sovereignty is based in the inherent authority of Native American tribes to govern themselves. Sovereignty is limited only by rights tribes have abdicated in treaties. Sovereignty is recognized under current federal policy, with an emphasis on government-to-government relations and formal communications between each tribe and the federal government. While this notion of sovereignty is manifested in many areas, generally Native American land is held in trust by the United States. The federal government is obligated by this trust responsibility to represent the best interests of tribes and their members. This specific responsibility is delegated to the U.S. Bureau of Indian Affairs (BIA), a branch of the U.S. Department of the Interior.

Given their sovereign status, many tribes operate as nations within a nation. For instance, many tribes have an executive, legislative, and judicial system, as well as more localized forms of government administration and public services. Tribes have the authority to regulate land uses and activities on their lands. States have very limited authority over activities within tribal land. From a practical standpoint, this means that ADOT and FHWA do not have the authority to survey tribal land, make land use (including transportation) determinations directly affecting tribal land, or condemn tribal land for public benefit through an eminent domain process.

BACKGROUND INFORMATION

Figure 2-1 illustrates the location of the Community and its seven districts in context with neighboring jurisdictions in Maricopa County and the Study Area.

The Community comprises the Pima and Maricopa tribes, with a total enrollment of approximately 21,000. The total population living on Community land is

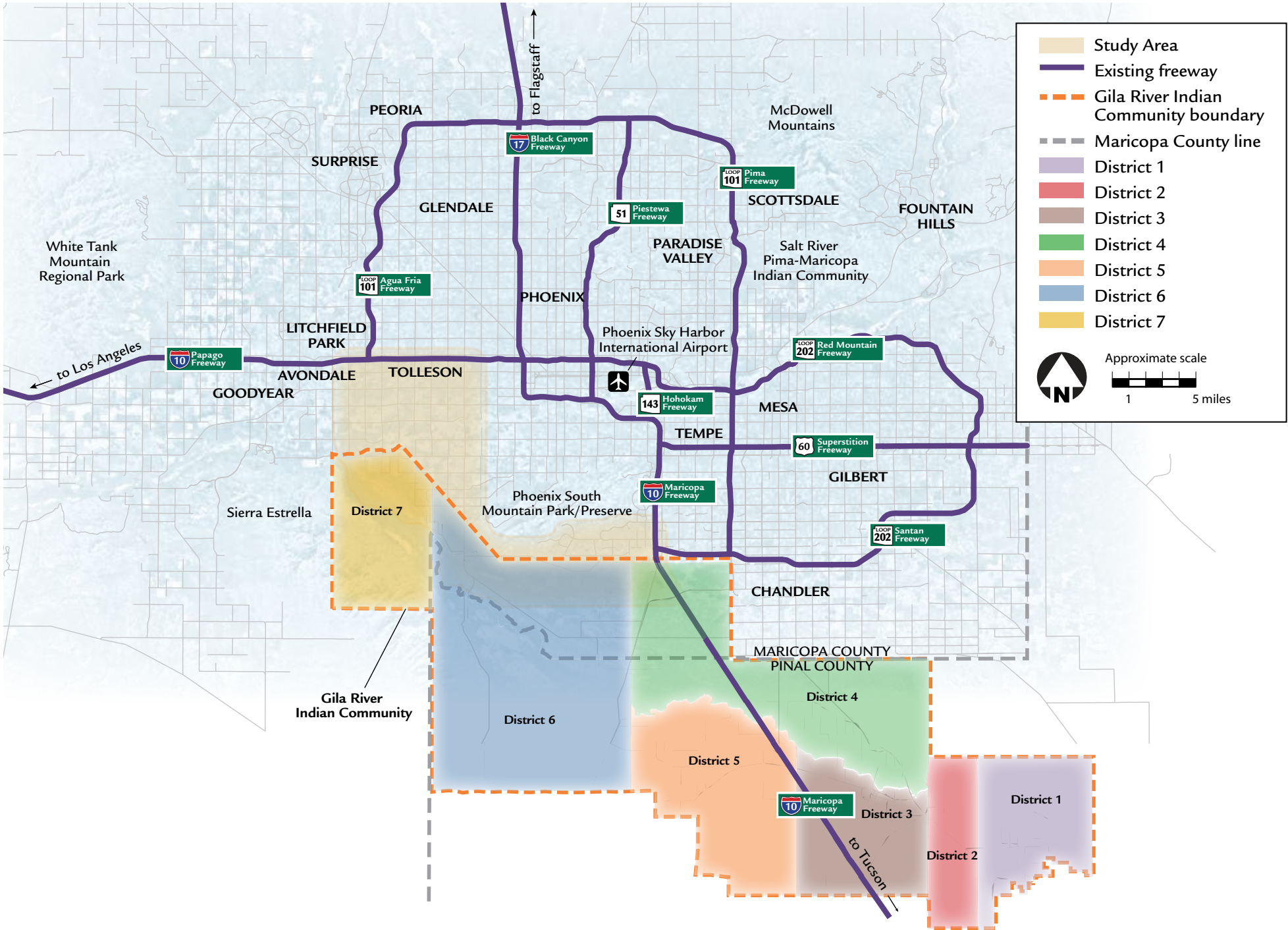
approximately 14,000. The Community traces its ancestry to the Hohokam, prehistoric Native Americans who lived and farmed in the Gila River Basin centuries ago (the section, *Cultural Resources*, beginning on page 4-140, provides more information regarding Community history). The reservation was established by an Act of Congress in 1859 and formally established by Constitution in 1939. The Community continues to grow and diversify its industrial, agricultural, retail, tourism, casino, and recreational economic base while balancing its historical, cultural, and traditional practices. The Community operates three industrial parks, three gaming facilities, and a golf resort. Agricultural practices remain important to the Community. Approximately 15,000 acres of Community farms support crops such as cotton, wheat, millet, alfalfa, barley, melons, pistachios, olives, citrus, and vegetables. Independent farms on another 22,000 acres produce similar crops.

Community land consists of tribal land and allotted land, and both are held in trust by BIA (see sidebar on this page regarding allotted lands). Tribal land is held in trust by BIA for each tribal government, whereas allotted land was given to individual families. The land allotment process on the reservation began in 1914 and was completed in 1921, with 4,869 allotments of irrigable and nonirrigable land, or more than 97,000 acres in all. In general, each allocation consisted of 10 acres of irrigable land and 10 acres that were nonirrigable (grazing). Some allotments have been subdivided among heirs. The number of allotments currently stands at 4,898.

What is allotted land?

Allotted land is land given to individual families from tribal governments for agricultural and homesteading purposes. The General Allotment Act of 1887 established land trusts for the Community and individual tribal members. The Act also established BIA as trustee over allotted land as well as tribal land. As trustee, BIA is the federal agency responsible for maintaining records of tribal and allotted land ownership and leases, along with other land records.

Figure 2-1 Gila River Indian Community and its Governing Districts



The Gila River Indian Community is the largest reservation in the Phoenix metropolitan area. With approximately 372,000 acres, it is the seventh-largest in Arizona. Portions of Districts 4, 6, and 7 lie within the Study Area, and representatives from each of those districts have served as members of the South Mountain Citizens Advisory Team (see page 2-9).

Given their sovereign status, many tribes operate as nations within a nation. For instance, similar to the U.S. government, the Community has executive, legislative, and judicial branches at the tribal government level, as well as more localized forms of governmental administration at the district level (Community 2010a). The government processes relevant to Community coordination and the proposed action are further described in the following sections.

EXECUTIVE BRANCH

The Community elects a Governor and Lieutenant Governor every 3 years to lead the executive branch of government. The executive branch is composed of an executive team and staff, whose primary work involves the daily operation of the Community's programs and departments and the development and implementation of strategic plans for the tribe.

GILA RIVER INDIAN COMMUNITY COUNCIL AND SPECIAL COMMITTEES

The Community Council is the primary decision-making and legislative body for the Community. It consists of 17 members elected by residents of the Community's seven districts (see Figure 2-1).

Several standing committees, consisting of council members and other appointed parties, including at least one Community member at large, assist the Community Council on policy and procedural matters in their respective subject areas. After review of an item at the committee level, recommendations are presented to the Community Council for final action. The project team primarily interacts with the Natural Resources Standing Committee (NRSC) and the Transportation Technical Team (TTT).

The NRSC is a special committee reporting to the Community Council that reviews all land use actions under its jurisdiction, acts as a key decision-making agent in actions pertaining to land use effects on Community land, and issues right-of-entry permits for non-Community members wishing to conduct a survey or other data collection tasks on Community land.

The TTT is a special committee established by the Community Council, under the direction

of the Governor, to facilitate informed decisions on transportation requests. The TTT includes representatives from the executive branch leadership, Community Council, Department of Transportation, Communications and Public Affairs Office, I-10/Pecos Road Landowners Association, and other Community groups. Objectives of the TTT include 1) assessing the effect of any proposed new or improved roadway or thoroughfare within the Community; 2) formulating options for the Community Council to consider in negotiations with federal, State, and local governments; and 3) developing and implementing negotiation strategies to achieve goals related to proposed roads within the Community. The TTT participates in the multidisciplinary team responsible for reviewing proposed road modifications, reporting planning results, developing legal infrastructure, reviewing the role of the Community's Department of Transportation, and revising the general land use plan (see *Governmental Departments*, beginning on page 2-8).

DISTRICTS

Each of the seven districts in the Community has a governing Executive Committee and representative members on the Community Council. Community Council representatives provide the perspective of their districts, while the Executive Committee oversees tribal functions on a more localized level. Generally, actions taken by the Community Council can supersede actions taken at a district level.

DEPARTMENTS

The Community has 17 departments responsible for planning, municipal functions, community services, economic development, education, environmental protection, and other services. Key departments with regard to the proposed action are described below.

The Department of Transportation is responsible for developing, implementing, operating, and maintaining a cost-effective, integrated transportation network that supports current and future land and economic development while protecting the natural, cultural, and traditional environment. It has four divisions: planning and rights-of-way, road construction and surveying, road maintenance, and fleet management.

The Economic Development Department provides assistance to the Community in generating additional economic wealth and creating jobs through economic development, business support, and entrepreneurship programs. The department assists tribal corporations, identifies public sector investments, and administers lending programs for tribal entrepreneurs. The department also pursues valid leads and prospects for economic development, including outside the Community, and administers a tourism grant.

The Department of Land and Water Resources includes the Office of Land Use Planning and Zoning, which has administrative responsibility for right-of-entry permits (in conjunction with the NRSC), the archaeological ordinance and cultural resource management program, the zoning ordinance, and the general land use plan, among other duties.

The Department of Environmental Quality's primary responsibility is to protect human health and the environment with long-term goals to reduce injuries, illnesses, or fatalities attributable to pollution.

BUREAU OF INDIAN AFFAIRS

BIA is a part of the U.S. Department of the Interior. Its mission is to enhance the quality of life, promote economic opportunity, and carry out the responsibility to protect and improve the trust assets of American Indians, including those of the Community. The role of BIA has changed significantly in the last three decades in response to a greater emphasis on Indian self-governance and self-determination. However, BIA provides a wide spectrum of services to tribes, including social services, education, natural resources management, law enforcement, operation of irrigation systems, and other services. Its most important role is as the trustee of tribal and allotted lands. BIA oversees real estate issues on the allotted land located within the Community boundary and is responsible for granting right-of-entry permits for access to allotted land. BIA issued a new right-of-entry permit to ADOT in April 2010 to study impacts of an off-Community alignment on the Community as well as impacts of an on-Community alignment.

GILA RIVER INDIAN COMMUNITY COORDINATION

ADOT and FHWA have striven to be mindful and respectful of Community protocols and perspectives and have worked to engage the Community throughout the EIS process. Discussion of a potential major transportation facility south of the South Mountains dates back to at least 1986 in communications referring to ADOT’s Southwest Loop Highway study, among other studies. Over the years, the Community has commented on studies and proposals prepared by ADOT, the City of Phoenix, Maricopa County Department of Transportation, and MAG, as documented in letters and resolutions indicating Community positions and concerns regarding a major transportation facility near its land.

In 1996, the Community Council adopted resolution GR-64-96 (see page A156, in Appendix 1-1), which recognized that ADOT was seeking proposals to develop a toll road for a corridor near the South Mountains, expressed concerns about potential impacts on the Community and degradation of landforms associated with the South Mountains, acknowledged that a South Mountain Freeway could mitigate high volumes of traffic on 51st Avenue, and adopted two alignments on Community land as having sufficient merit to bear further consideration.

In 2000, the District 6 Executive Committee initiated a Community action to oppose the development and study of a freeway across District 6 land. Later that year, the District 6 action was recommended to the Community Council as a resolution.

In August 2000, the Community Council, in support of the resolution approved by the District 6 Executive Committee, ratified resolution GR-126-00 (see page A157, in Appendix 1-1). The resolution acknowledged MAG and ADOT’s intentions to develop recommendations for an alignment of a proposed freeway and documented the concerns of District 6 and the Community regarding the natural environment and potential impacts of new roadway facilities. The resolution cites a number of facts and concerns: the importance of 51st Avenue as a travel route for the western portion of the Community, the projected

increase in traffic on 51st Avenue (7,000 vehicles per day [vpd] in 1997 to 23,000 vpd in 2030), the increase in negative noise and visual impacts, speeding vehicles, the safety and welfare of Community residents, and areas of significant cultural and religious importance to the Community, among other concerns. The Community Council concluded by strongly opposing any future alignment on Community land.

In addition to written and verbal communications, Table 2-1 lists over 100 meetings held since the EIS process began in 2001 up until 2009, indicative of the level of effort undertaken by ADOT and FHWA to

engage the Community (written communications can be found beginning on page A250, in Appendix 2-1). Depending on the meeting, Community representatives were invited to specifically discuss such topics as:

- procedural requirements and Community protocols
- the possibilities of studying alternatives on Community land
- Community concerns regarding impacts from the proposed action on and off Community land

Table 2-2 lists coordination efforts with the Community that have been undertaken by the project team since 2010, focusing on the proposed on-Community alignment.

Table 2-1 Meetings to Engage the Community, 2001–2009

2001 Meetings		2002 Meetings	
Project initiated in July 2001		January 11	Community/BIA/ADOT/FHWA Coordination Meeting
May 10	Community ^a /BIA ^b /ADOT ^c /FHWA ^d Coordination Meeting	January 23	District 6 Meeting
July 13	Community/BIA/ADOT/FHWA Coordination Meeting	February 4	District 1 Meeting
August 28	Natural Resources Standing Committee	February 8	Community/BIA/ADOT/FHWA Coordination Meeting
August 10	Community/BIA/ADOT/FHWA Coordination Meeting	March 8	Community/BIA/ADOT/FHWA Coordination Meeting
September 14	Community/BIA/ADOT/FHWA Coordination Meeting	March 22	Community Cultural Resources Advisory Committee
October 12	Community/BIA/ADOT/FHWA Coordination Meeting	April 10	District 2 Meeting
October 30	Agency Scoping Field Review	April 12	Community/BIA/ADOT/FHWA Coordination Meeting
October 31	Agency Scoping Workshop	April 20	I-10/Pecos Road Landowners Association
November 8	Gila Borderlands Advisory Committee	May 10	Community/BIA/ADOT/FHWA Coordination Meeting
November 9	Community/BIA/ADOT/FHWA Coordination Meeting	August 9	Community/BIA/ADOT/FHWA Coordination Meeting
November 17	I-10 ^e /Pecos Road Landowners Association	September 13	Community/BIA/ADOT/FHWA Coordination Meeting
November 19	District 4 Executive Committee Meeting	October 11	Community/BIA/ADOT/FHWA Coordination Meeting
December 3	District 4 Meeting	November 9	I-10/Pecos Road Landowners Association
December 10	District 7 Meeting	November 20	Elderly Concerns Group
December 12	Elderly Concerns Group	November 29	District 6 Meeting
December 14	Community/BIA/ADOT/FHWA Coordination Meeting	December 13	Community/BIA/ADOT/FHWA Coordination Meeting

Note: Gila River Indian Community representatives were also invited to participate in South Mountain Citizens Advisory Team meetings. (continued on next page)

Table 2-1 Meetings to Engage the Community, 2001–2009 (continued)

2003 Meetings		2004 Meetings		2005 Meetings		2008 Meetings	
January 10	Community/BIA/ADOT/FHWA Coordination Meeting	January 9	Community/BIA/ADOT/FHWA Coordination Meeting	January 2	I-10/Pecos Road Landowners Association	November 18	Community/ADOT Coordination Meeting
January 11	I-10/Pecos Road Landowners Association	February 13	Community/BIA/ADOT/FHWA Coordination Meeting	January 14	Community/BIA/ADOT/FHWA Coordination Meeting	2009 Meetings	
January 28	Natural Resources Standing Committee	March 12	Community/BIA/ADOT/FHWA Coordination Meeting	January 19	Community Progress Meeting	March 4	Community/ADOT/MAG ^f Coordination Meeting
February 14	Community/BIA/ADOT/FHWA Coordination Meeting	March 13	I-10/Pecos Road Landowners Association	January 27	BIA Coordination Meeting	March 31	Community/ADOT/MAG Coordination Meeting
February 18	District 4 Meeting	April 23	Community/BIA/ADOT/FHWA Coordination Meeting	January 28	Community Fair	April 21	Community/ADOT/MAG Coordination Meeting
February 22	Youth Council	June 11	Community/BIA/ADOT/FHWA Coordination Meeting	February 2	Community/BIA/ADOT/FHWA Coordination Meeting	May 28	Community/ADOT/MAG/City of Phoenix Coordination Meeting
February 24	District 7 Meeting	July 9	Community/BIA/ADOT/FHWA Coordination Meeting	March 11	Community/BIA/ADOT/FHWA Coordination Meeting	December 7	Community/BIA/ADOT/FHWA/MAG/City of Phoenix/Elected Officials Coordination Meeting
March 14	Community/BIA/ADOT/FHWA Coordination Meeting	August 9	District 6 Meeting	April 8	Community/BIA/ADOT/FHWA Coordination Meeting		
March 14	Community Fair	August 13	Community/BIA/ADOT/FHWA Coordination Meeting	April 20	BIA Coordination Meeting		
April 11	Community/BIA/ADOT/FHWA Coordination Meeting	August 14	I-10/Pecos Road Landowners Association	June 12	I-10/Pecos Road Landowners Association		
June 13	Community/BIA/ADOT/FHWA Coordination Meeting	August 24	Natural Resources Standing Committee	July 5	Community Council Meeting		
June 26	Natural Resources Standing Committee	September 7	Natural Resources Standing Committee	September 20	Community Cultural Resources Management Program Meeting		
June 26	Districts 4, 6, and 7 Community Council Member Meeting	September 10	Community/BIA/ADOT/FHWA Coordination Meeting	September 28	Community/ADOT/FHWA Coordination Meeting		
July 11	Community/BIA/ADOT/FHWA Coordination Meeting	October 8	Community/BIA/ADOT/FHWA Coordination Meeting	2006 Meetings			
July 26	Districts 4, 6, and 7 Meeting	November 2	BIA Coordination Meeting	January 6	Community Cultural Resources Management Program Meeting		
August 15	Community/BIA/ADOT/FHWA Coordination Meeting	November 8	District 6 Meeting	February 9	Community Cultural Resources Management Program Meeting		
August 26	Natural Resources Standing Committee	November 12	Community/BIA/ADOT/FHWA Coordination Meeting	February 11	I-10/Pecos Road Landowners Association		
September 12	Community/BIA/ADOT/FHWA Coordination Meeting	November 13	I-10/Pecos Road Landowners Association	• ADOT determination, with FHWA concurrence, to proceed with identification of a Western Section preliminary preferred alternative in June 2006			
October 10	Community/BIA/ADOT/FHWA Coordination Meeting	November 15	District 4 Meeting	2007 Meetings			
December 12	Community/BIA/ADOT/FHWA Coordination Meeting	December 10	Community/BIA/ADOT/FHWA Coordination Meeting	July 26	Community/ADOT Coordination Meeting		
		December 20	District 7 Meeting	August 31	Community/ADOT Coordination Meeting		
				September 20	Community/ADOT Coordination Meeting		
				October 24	Community/ADOT Coordination Meeting		
				October 30	Natural Resources Standing Committee		
				November 20	Community/ADOT Coordination Meeting		

^a Gila River Indian Community ^b Bureau of Indian Affairs ^c Arizona Department of Transportation ^d Federal Highway Administration ^e Interstate 10 ^f Maricopa Association of Governments

Table 2-2 Meetings Focused on the Proposed On-Community Alignment, 2010–2012

Coordination Date	Parties	Topic
2/11/2010	Community ^a , ADOT ^b , MAG ^c	Coordination Meeting
2/25/2010	Community, ADOT, MAG	Coordination Meeting
4/12/2010	Community, ADOT, FHWA ^d , MAG, Members of U.S. House of Representatives	Congressional Update
4/13/2010	Community Cultural Resources Standing Committee, ADOT, consultant	Meeting on right-of-entry application
4/13/2010	Community Natural Resources Standing Committee, ADOT, consultant	Meeting on right-of-entry application—right-of-entry issued by Community
5/24/2010	Community, ADOT, FHWA, MAG, consultant	Community Cultural Resources Sensitivity Orientation
6/8/2010	TTT ^e , ADOT, MAG, consultant	Project update for Community TTT
6/14/2010	CRMP ^f , ADOT, FHWA, consultant	Community Cultural Resources Sensitivity Orientation
6/24/2010	CRMP, THPO ^g , ADOT, consultant	Cultural resources scoping and concerns
7/8/2010	DEQ ^h , ADOT, consultant	Request for environmental information
8/31/2010	Community, ADOT, MAG	Coordination Meeting
9/7/2010	TTT, ADOT, FHWA, MAG	Project update for Community TTT
9/10/2010	LUPZ ⁱ , consultant	Request for land use, planning, and material source information
9/13/2010	CRMP, ADOT, consultant	Cultural resources studies
9/14/2010	DEQ, consultant	Request for environmental information
9/16/2010	CRMP, ADOT, consultant	Community provided cultural resources information
9/20/2010	Community, consultant	Request for utility information
9/22/2010	LUPZ, consultant	Request for land use, planning, and material source information
9/23/2010	DEQ, consultant	Request for environmental information
9/23/2010	DEQ, consultant	Community provided well information
9/27/2010	DEQ, consultant	Request for air quality data
9/29/2010	CRMP, THPO, ADOT, consultant	Field visit of Community alignment
9/29/2010	DEQ, consultant	Request for environmental information
9/29/2010	Community, consultant	Received planning information and made request for land use, planning, and material source information
9/29/2010	Community, consultant	Community provided partial utility information
9/30/2010	Gila River Telecommunications, Inc.; consultant	Request for additional utility plans

Coordination Date	Parties	Topic
9/30/2010	LUPZ, consultant	Received material source information and made request for land use and planning information
10/1/2010	DEQ, consultant	Community provided air quality regulatory information
10/4/2010	OOE ^j , consultant	Submitted an information release form for socioeconomic information
10/4/2010	LUPZ, consultant	Community provided land use and planning information
10/7/2010	Community Flood Control Management Task Force, consultant	Request for floodprone-area data
10/7/2010	LUPZ, consultant	E-mail request to obtain floodprone-area data
10/8/2010	OOE, consultant	Check on status of socioeconomic information
10/11/2010	OOE, consultant	Request for employment information
10/11/2010	Community Human Resources, consultant	Faxed request for employment information
10/19/2010	CRMP, ADOT	Cultural resource avoidance and preliminary cultural resource survey results
10/20/2010	Community Office of Planning and Evaluation, consultant	Community provided employment information
10/22/2010	Gila River Irrigation and Drainage District, consultant	Community provided irrigation information
10/28/2010	Community Flood Control Management Task Force, consultant	Community provided floodprone-area data
11/9/2010	Community, FHWA, ADOT, City of Phoenix, MAG	Public meeting and Draft Environmental Impact Statement update
11/19/2010	Community, MAG	Presentation materials for Community meetings
11/22/2010	LUPZ, BIA ^k	Amendments to right-of-entry permits submitted
12/14/2010	LUPZ, consultant	Amendments to right-of-entry permits granted
12/28/2010	CRMP, ADOT, consultant	Community Cultural Resources Sensitivity Orientation
1/3/2011	OOE, consultant	Check on status of population information request
1/6/2011	CRMP, consultant	Check on status of cultural resources survey
1/20/2011	CRMP, ADOT, FHWA	Community Cultural Resources Sensitivity Orientation
2/3/2011	OOE, consultant	Submitted formal request for population information
2/12/2011	OOE, consultant	Community confirmed receipt of request for population information

(continued on next page)

Table 2-2 Meetings Focused on the Proposed On-Community Alignment, 2010–2012 (continued)

Coordination Date	Parties	Topic
2/18/2011	Community, ADOT, BIA	Staff introduction and project overview for BIA
3/1/2011	OOE, consultant	Community provided population information
3/18/2011	THPO, ADOT, FHWA, Four Southern Tribes of Arizona	ADOT and FHWA advised THPO that the No-Action Alternative is a viable alternative
4/14/2011	CRMP, THPO, ADOT, FHWA, consultant	Cultural resource issues and consultation process
4/22/2011	CRMP, consultant	Comments provided to CRMP on the draft cultural resources report
4/27/2011	DEQ, ADOT, consultant	Environmental data needs and Community environmental concerns
5/3/2011	Community, ADOT, BIA, consultant	Cooperating agency issues and update
5/3/2011	DEQ, consultant	Community provided hazardous material information
6/14/2011	CRMP, Community Communications and Public Affairs Office, MAG	Response to comments received on ADOT’s 5-year Transportation Program
6/20/2011	LUPZ, consultant	Provided electronic information to Community
6/30/2011	Community, ADOT, MAG, consultant	Provided electronic documents to Community
7/1/2011	Community, MAG	Provided documents to Community
8/4/2011	CRMP, THPO, ADOT, FHWA	Cultural resource consultation
8/24/2011	LUPZ, consultant	Request for planned park information
8/25/2011	LUPZ, consultant	Community provided planned park information

GILA RIVER INDIAN COMMUNITY COUNCIL AND SPECIAL COMMITTEES

Meetings with NRSC have taken place on several occasions since the EIS process began. In 2001, ADOT followed protocol by approaching NRSC with a request to study alternatives on Community land as far south as Riggs Road.

After considering the request, and through recommendation of the Community Council, a right-of-entry permit was granted. The permit allowed access to a study area with a southern limit approximately 2 miles south of Pecos Road. After expiration of the permit in 2004, an extension request was made to the Community Council. The extension of the right-of-entry permit was not granted. However, NRSC

requested at that time that the affected districts be visited and their opinions solicited. During the meeting with the affected districts, the districts requested a video explaining the project that could be shown to Community members in each district prior to the project team meeting with them and asking for their input on the right-of-entry permit extension. The video was shown at a District 7 special meeting in July 2004. Several copies of this video were provided to the Community’s Department of Transportation for distribution.

In December 2005, the Community Council reaffirmed resolution GR-126-00 and issued a letter opposing the study of alternatives on Community land (see page A153, in Appendix 1-1).

Coordination Date	Parties	Topic
9/12/2011	CRMP, THPO, FHWA, ADOT	Cultural resource discussion
9/26/2011	CRMP, consultant	Cultural resource discussion
11/18/2011	CRMP, consultant	Cultural resource discussion
11/30/2011	CRMP, THPO, ADOT, FHWA	Cultural resource consultation
12/23/2011	CRMP, consultant	Cultural resource discussion
1/4/2012	CRMP, consultant	Cultural resource discussion
1/12/2012	Community, BIA, ADOT, consultant	Cooperating agency issues and update
1/14/2012	Community, ADOT, MAG, consultant	Gila River Indian Community South Mountain 202 Referendum GRIC ^a Voter Forum
1/21/2012	Community, ADOT, MAG, consultant	Gila River Indian Community South Mountain 202 Referendum GRIC Voter Forum
1/28/2012	Community, ADOT, MAG, consultant	Gila River Indian Community South Mountain 202 Referendum GRIC Voter Forum
2/2/2012	CRMP, ADOT, consultant	Cultural resource discussion
2/10/2012	CRMP, ADOT, consultant	Cultural resource discussion

^a Gila River Indian Community ^b Arizona Department of Transportation ^c Maricopa Association of Governments
^d Federal Highway Administration ^e Community Transportation Technical Team
^f Community Cultural Resource Management Program ^g Community Tribal Historic Preservation Officer
^h Community Department of Environmental Quality ⁱ Community Land Use, Planning, and Zoning
^j Community Office of Enrollment ^k Bureau of Indian Affairs

In December 2007, NRSC approved a new right-of-entry permit request for a period of 1 year, which allowed ADOT to study and document possible impacts on Community land from alternatives located off Community land. The right-of-entry permit expired in November 2008. The Community granted ADOT a new right-of-entry permit for access to Community land in April 2010 for a period of 1 year. At the time of publication of the FEIS, the Community Council position remains opposed to the development of alternatives on Community land.

GOVERNOR AND LIEUTENANT GOVERNOR

ADOT and FHWA officials have coordinated with the serving Governor and Lieutenant Governor on multiple

occasions to request guidance on resolution of project-related issues as they apply to the Community.

In January 2010, the Community Governor sent a letter (see page A158, in Appendix 1-1) to the ADOT Director indicating the Community would assist in conducting a study of an alignment on Community land. The letter made clear that, while the Community was willing to assist in a study, it was still opposed to a freeway being located on its land. The Governor's letter laid out specific provisions that any alignment would 1) mitigate negative impacts within District 6 (noise, trash, etc.), 2) avoid cultural sites and culturally significant properties, 3) preserve the Community's traditional routes and wildlife corridors, and 4) limit truck and commuter traffic through District 6. In the same month, during his State of the Community Address (Community 2010b), the Governor indicated that the Community should vote on a potential alignment on Community land. The Governor's correspondence and statements do not rescind Resolution No. GR-126-00, which strongly opposes any future alignment on Community land and reflects the formal position of the Community.

In response to the letter, ADOT developed an environmental and engineering overview document that outlined the freeway characteristics and potential impacts of an alignment on Community land. This information was presented to the TTT in August 2010. Using the information presented, the TTT and Communications and Public Affairs Office undertook an extensive public outreach effort to 1) update Community members on the status of the proposed South Mountain Freeway, 2) inform Community members about potential impacts of an off-Community alignment and a potential on-Community alignment (see Chapter 3, *Alternatives*, for more information about the alignments), and 3) solicit recommendations and comments from Community members on both alignments.

Community meetings were held from December 2010 through March 2011 in each of the seven Community districts, with some districts having multiple meetings. Meetings were also held with special interest groups

within the Community. In all, more than 15 meetings were held. At the conclusion of the outreach process, the TTT and Communications and Public Affairs Office documented the comments and recommendations received. This document was presented to the Community Council in June 2011 for consideration. As a result, the Community Council approved Resolution GR-164-11 authorizing a referendum of Community members to favor or oppose construction of the proposed South Mountain Freeway on Community land or to support a no-build option. The referendum occurred in February 2012, and Community members voted in favor of the no-build option. Therefore, the on-Community alignment was eliminated from further study.

DISTRICTS

Several meetings with the districts' Executive Committees and staff have occurred regarding the proposed action. Districts 4, 6, and 7 would be most affected by an alignment on Community land (see Figure 2-1).

District 4

Informational meetings have been conducted with District 4 representatives regarding project status and identification of concerns about the proposed action. Because the district is located in the easternmost portion of the Study Area, concerns included impacts associated with the proposed action as well as concerns regarding other transportation projects being undertaken simultaneously by ADOT in the Study Area.

District 6

In a 2004 meeting, the District 6 Executive Committee voted to permit ADOT to proceed with studies on land within District 6 as part of the EIS process under the condition that ADOT abide by the Community Council resolution to avoid freeway proposals across Community land. Therefore, this permit would allow the study of impacts on Community land from alternatives located off Community land, but not an on-Community alternative.

District 7

During the EIS scoping process that began in 2001, the District 7 Executive Committee submitted a letter to ADOT and FHWA stating the District's opposition to an alignment on District 7 land. While meetings have been conducted with District 7 representatives regarding project status and identification of their concerns regarding the proposed action, no direct communication with District 7 council or staff has occurred since the beginning of 2005 because, near that time, the Community requested all project-related communications take place at a government-to-government level.

Other Districts

Informational meetings have been conducted with District 1 and 2 representatives regarding project status and identification of their concerns regarding the proposed action. These meetings occurred in 2002; both Districts 1 and 2 are outside of the Study Area. Although presentations to Districts 1 and 2 have not been made since 2002, articles regarding the project have appeared in the *Gila River Indian News*.

GOVERNMENTAL DEPARTMENTS

Since the beginning of the project in 2001, coordination efforts to obtain input from various Community departments have occurred through meetings and written communications. From 2001 through 2005, monthly meetings with Community departments, ADOT, FHWA, and BIA were held to actively discuss project-related issues. Held in Sacaton, agendas and meeting minutes were provided to appropriate Community departments. Meeting discussions focused on such items as design and operational characteristics of the proposed action, Community access, drainage issues, right-of-entry status, and project team data needs. The Community's Department of Transportation served as the primary point of contact for ADOT and FHWA with respect to the monthly meetings. Representatives from the Community often in meeting attendance included staff from the:

- Department of Transportation
- Economic Development Department

- Office of Land Use, Planning, and Zoning
- Department of Environmental Quality, Air Program
- Cultural Resource Management Program

Monthly meetings ended in mid-2005 because near that time, the Community requested all project-related communications take place at a government-to-government level. Community leaders expressed a preference to deal directly with the State and federal agencies involved with the study. In response, Community leadership formed a multidisciplinary team to review and discuss transportation-related issues including the proposed action. Note that the TTT participates in the multidisciplinary team (see *Background Information*, beginning on page 2-2).

In 2010 and 2011, in keeping with the January 2010 letter from the Community Governor that allowed the study of an alignment on Community land, Community governmental departments assisted with the study and documentation of potential impacts of an on-Community alignment. Each department was contacted, and meetings were held to discuss concerns and identify available data related to environmental conditions on Community land. Additionally, the Cultural Resource Management Program surveyed land along the on-Community alignment to identify and document cultural resources that may have been affected.

I-10/PECOS ROAD LANDOWNERS ASSOCIATION

The I-10/Pecos Road Landowners Association represents allottees owning land near Pecos Road. ADOT and FHWA interaction with this group began in 2001 and continued into 2006 and has been primarily driven by group representatives who expressed interest in staying current with project progress. Meetings with the I-10/Pecos Road Landowners Association ended in early 2006 because the Community requested all project-related communications take place at a government-to-government level.

MAG has been part of the project team since its inception; however, in 2009, MAG began to play a more

active role in the project development process for the proposed action. The economic downturn at that time reduced sales tax receipts funding the RTP, and MAG began evaluating methods of cutting the costs of projects in the RTP, including the South Mountain Freeway (see Chapter 3 for a more detailed discussion). In addition, MAG, ADOT, and FHWA began to actively engage the Community in regular discussions and updates regarding the proposed action. MAG and ADOT became the primary communicators with the Community on behalf of the project team during this period.

SOUTH MOUNTAIN CITIZENS ADVISORY TEAM

Since early 2002, ADOT has sponsored the South Mountain Citizens Advisory Team (SMCAT), a committee formed to assist the project team in understanding public issues and concerns (see the section in Chapter 6, *South Mountain Citizens Advisory Team*, beginning on page 6-7, to learn more about the SMCAT). The SMCAT has included a diverse group of stakeholders who have met frequently since its inception to:

- review environmental and technical data and to discuss the interests and concerns of individual communities and organizations
- provide feedback to ADOT on project-related issues
- communicate to ADOT the team’s preference for an alternative for consideration in ADOT’s alternatives screening process

Community representatives—including one representative each from Districts 4, 6, and 7, as well as a representative from the I-10/Pecos Road Landowners Association and the Elderly Concerns Group—have served on the SMCAT. Community representatives stopped attending meetings in early 2006 because the Community requested all project-related communications take place at a government-to-government level.

BUREAU OF INDIAN AFFAIRS

At the outset, ADOT and FHWA were aware of the probable interaction of the proposed action with Community land, either directly or indirectly. The trustee of tribal and allotted lands, BIA, was asked in September 2001 to participate in the EIS process as a cooperating agency (see sidebar on this page regarding the definition of a cooperating agency). In October 2001, BIA agreed to be a cooperating agency.

To engage allottees in the EIS process beyond the formal public involvement program (see Chapter 6, *Comments and Coordination*), ADOT and FHWA requested mailing lists from BIA to directly contact allottees (many of whom do not reside in the Community). BIA verbally informed ADOT that it would not provide such information without specific direction from the Community Council. To date, this information has not been made available.

OTHER GILA RIVER INDIAN COMMUNITY COORDINATION

Other coordination efforts have been undertaken to engage the Community in the project:

ADOT and FHWA have attended meetings as requested by Community groups, including the Gila Borderlands Advisory Committee and the Elderly Concerns Group.

To keep Community members engaged in the process and to ensure adequate access to project activities, three newsletters have been provided to the Community for distribution and articles have been provided to the *Gila River Indian News* for inclusion in the weekly tribal newspaper.

ADOT has participated in the Community’s annual fair to answer questions regarding the proposed action.

Times and locations of all public meetings and the public hearing (see Chapter 6, *Comments and Coordination*) relating to the project have been advertised to the Community, inviting members to attend.

What are cooperating agencies?

The role of cooperating agencies is addressed in the Council on Environmental Quality regulations (40 Code of Federal Regulations § 1501.6), which emphasize the importance of cooperation early in the EIS process. Upon request of the federal lead agency, other federal agencies, with jurisdiction by law or with special expertise on an environmental issue involved in the project, have the responsibility to be cooperating agencies. It is important that this enrollment of federal agencies be accomplished as early as practicable and include not just federal agencies, but also state, tribal, and local government agencies that are stakeholders in the National Environmental Policy Act process for a given project. For this project, U.S. Army Corps of Engineers, Western Area Power Administration, and BIA are cooperating agencies.

CONTENT AND STATUS OF COORDINATION AND ACTIVITIES

Whether alignments to develop on Community land are ultimately identified or not, coordination with the Community will continue.

STATUS OF GILA RIVER INDIAN COMMUNITY ALIGNMENTS AT TIME OF FEIS ISSUANCE

ADOT and FHWA have determined that an alternative alignment on Community land is not feasible. While the Community Governor allowed the study of an alignment on Community land, this alignment was ultimately not supported by the Community as a whole and was voted down by a Community coordinated referendum in February 2012. This outcome is consistent with resolution GR-126-00 that strongly opposed any alignment on Community land. As stated previously, because of the Community’s proximity to the proposed action, coordination will continue for other related activities.

TREATMENT OF IMPACTS ON GILA RIVER INDIAN COMMUNITY LAND

The Community Council’s resolution does not allow study of alternatives on Community land; however, the right-of-entry permits approved since December 2007 and the extensive coordination supported by the Governor’s 2010 letter allowed the study of impacts on Community land from alternatives located off Community land. These impacts are presented throughout Chapter 4, *Affected Environment, Environmental Consequences and Mitigation*, and Chapter 5, *Section 4(f) Evaluation*.

SUMMARY OF COMMENTS RECEIVED

Community residents and officials share many of the same concerns as the general public, such as increased noise and impacts on air quality. The Community Council’s Resolution GR-126-00 highlights some of the Community’s key concerns. Issues that are of particular concern to the Community, as noted in the

2002 *South Mountain Corridor Study Issues Assessment*, include:

- Some Community members do not believe the Community has always been consulted about local, State, and federal plans that affect the Community.
- Compensation of individual landowners for an on-Community alignment. Much of the land along the northern border of the Community is owned by individuals and families who are concerned that they would not receive just compensation for their land.
- Differences between landowners and Community planners over zoning and planning in the borderlands area (the northern portions of the Community). The Community government has specific plans for development in the borderlands area. However, allottees have their own development plans that may conflict with Community plans.
- Protection of cultural, historical, and sacred sites (traditional cultural properties) and other Community-related cultural resources within and outside the Community, such as the South Mountains.
- Confusion over planning efforts in the South Mountain corridor and Maricopa County’s plans for widening 51st Avenue and establishing a truck bypass.
- Skepticism regarding proposed transportation projects. Because some previous transportation proposals that would have affected the Community have not materialized, many members do not take the current corridor study seriously.
- Better access to the facility was requested by Community members, and Community members expressed concerns that non-Community members would have greater access to Community land.
- Preservation of Community traditional routes and wildlife corridors. 51st Avenue is essential to the Community because it serves as a significant connection to the northwestern portion of the Community.

In addition, coordination efforts identified Community concerns related to:

- air quality impacts on the Community from the proposed action
- drainage-related impacts on the Community
- negative impacts of increasing traffic through residential areas along 51st Avenue, such as increased traffic, noise, and safety issues related to speeding vehicles in pedestrian-oriented areas (residential areas, churches, school, youth club, etc.)
- visual impacts and deterioration of the pristine natural environment
- the South Mountains’ sacred status and vulnerability to possibly irreversible impacts from the proposed action (these have been continuously expressed concerns); the South Mountains’ role in Community culture, identity, history, and oral traditions [Relationship of the South Mountains to the Community are described in more detail in Chapter 5, *Section 4(f) Evaluation*, where impacts on and measures to avoid or minimize harm to the South Mountains are discussed.]
- access from Community land to the proposed action, regardless of the location of the proposed action (ADOT and FHWA are obligated to allow access from the Community to the proposed action; Figure 3-28, on page 3-51, illustrates where service traffic interchanges would allow for unimpeded access to the proposed action.)

As appropriate, these issues are addressed in Chapters 3 through 5.

FUTURE COORDINATION

Despite the efforts documented in this chapter to formally develop an alignment on Community land, the Community has not granted permission. In addition, the Community has neither rescinded nor amended resolution GR-126-00, which strongly opposed any future alignment on Community land. While outreach efforts to the Community have been ongoing for many

years, efforts to formally develop an alternative on Community land have been unsuccessful. Therefore, FHWA and ADOT have determined that an alternative alignment on Community land is not feasible. The EIS process of evaluating the proposed action in locations other than on Community land will continue.

**CONTEXT OF COORDINATION
IN RELATION TO ENVIRONMENTAL
JUSTICE EXECUTIVE ORDER**

In accordance with Executive Order 12898, on environmental justice, and with Title VI of the Civil Rights Act of 1964 (Title VI), the coordination efforts outlined in this chapter establish that reasonable efforts have been made to engage and provide the Community’s population with an opportunity to participate in the EIS process for the proposed action. Further, as outlined in Chapter 3, *Alternatives*, if the freeway were to be constructed, the Community would receive similar

opportunities for access to the facility as would other population segments. See the section, *Environmental Justice and Title VI*, beginning on page 4-29, to learn more about these regulations.

CONCLUSIONS

Because an understanding of Community interaction is important to individuals, organizations, agencies, and jurisdictions, issues directly related to the Community have been consolidated into this chapter.

The chapter has presented information demonstrating the:

- efforts by ADOT and FHWA to engage the Community up to the time of FEIS publication
- commitment on the parts of ADOT and FHWA to continue to invite the Community to participate in the EIS process

The manner in which interaction with the Community has occurred has attempted to respect cultural differences, abide by Community protocols regarding communications with tribal and non-tribal entities, and recognize the Community’s status as a sovereign nation. This effort has been undertaken by the two agencies while balancing their respective missions for provision of mobility services.

After extensive outreach efforts, FHWA and ADOT have—at the time of publication of the FEIS—concluded that no alternative(s) on Community land has been identified and made available for evaluation under the EIS process.

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