

South Mountain Freeway (Loop 202)

Interstate 10 (Papago Freeway) to Interstate 10 (Maricopa Freeway)

Final Environmental Impact Statement and Section 4(f) Evaluation

Volume II: Appendices, Chapters 1, 2, 3, 4, 5, and 6

Submitted pursuant to
42 U.S.C. § 4332(2)(c), 49 U.S.C. § 303, and 33 U.S.C. § 1251
by the

Federal Highway Administration
and
Arizona Department of Transportation

in cooperation with the
U.S. Army Corps of Engineers
U.S. Bureau of Indian Affairs
Western Area Power Administration



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APPENDIX 1-1

AGENCY LETTERS AND COMMUNICATIONS

Appendix 1-1, *Agency Letters and Communications*, contains a record of communications to and from representatives of federal, state, tribal, and local agencies. An initial contact list used for the purposes of agency scoping is included along with copies of agency letters and responses (when appropriate) received during the preparation of the DEIS and prior to the issuance of the DEIS. Letters and responses are grouped by federal, state, tribal, and local agency, followed by consultant inquiries and responses, and then organized in chronological order.

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Dear Mr. Johnson:

Your memorandum of May 31, 2000 provided a draft memorandum for the subject "*Recommendations to Undertake an Environmental Impact Statement and Protect Right-of-way for the South Mountain Parkway*" with a request for comments on the draft memorandum. We offer the following comments:

- 1) Your memorandum starts out indicating that this is the MAG South Mountain Parkway Stakeholders Group. Other places in the draft memorandum it is referred to as the South Mountain Agency Stakeholders Group. Which group is it? Also, is parkway the appropriate terminology, at this time, for this facility?
- 2) In the draft memorandum, page 1-1st ¶ (and again on page 3, 2nd bullet) indicates right-of-way for this facility needs to be protected. We suggest that this item be expanded upon to explain that any right-of-way purchase is at risk from the perspective that the environmental approval (which includes location approval) cannot be made based on, or influenced by, any acquired right-of-way.
- 3) On page 2, top of page, it defines 243 acres have been acquired and 110-feet of right-of-way has been dedicated. It would help to define the general locations of these acquisitions/protected areas. Also the last sentence indicates "homes are now located along the edge of this planned facility." Is this referring to homes along the 110-foot dedicated ROW? Further definition to this statement is needed.
- 4) Page 2, the first set of bullets under the ENVIRONMENTAL IMPACT STATEMENT identifies some reasons for doing an EIS. Other reasons discussed at the meeting included the expanded mobility from the west valley to the east valley; review of alternatives such as the possibility of avoiding, or minimizing impact, to the foothills development, and the location of other connections to the Papago Freeway; and an opportunity for a truck bypass of downtown.

2

- 5) Page 2, last line, again identifies this facility as a parkway. Is this the appropriate terminology?

We suggest a time frame for an EIS/DCR be discussed in this memorandum.

Sincerely,

William P. Vachon

William P. Vachon
Area Engineer

cc:

K. Davis
B. Vachon
B. Hayden (ADOT 107A)



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
February 8, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D-(ADY)
South Mountain Corridor

Governor Donald R. Antone, Sr.
Gila River Indian Community
PO Box 97
Sacaton, AZ 85247

RE :Development of Alternative Alignments for a South Mountain Transportation Corridor on Gila River Indian Community Lands

Dear Governor Antone:

On behalf of the Federal Highway Administration and the Arizona Department of Transportation, I would like to express my sincere thanks to you for allowing us to partner with members of your staff as we undertake the Environmental Impact Statement (EIS) and Design Concept Report for the South Mountain Transportation Corridor Study. Our monthly meetings have proven to be extremely helpful in understanding and resolving mutual concerns and identifying the best approaches to each step of the study.

Having completed the EIS "scoping" phase and establishing a preliminary need for some type of transportation improvement in the South Mountain corridor, we are currently embarking on the alternatives identification stage of the study. I am writing to request your assistance in this effort.

We understand that several transportation and roadway proposals over the past decade have affected the Gila River Community, and you may have identified some alignments that may be preferable to the Community. We ask that you provide us with several alternative routes that we may include in the South Mountain Transportation Corridor Study for detailed environmental and socioeconomic evaluation through the remainder of the EIS process.

Through our monthly coordination meetings, we have learned that the Gila Borderlands Task Force has been engaged in developing and evaluating possible roadway corridors, and it may be appropriate for our study team to work through them in establishing which alternatives the Tribe would like to include in the EIS studies.

In order to satisfy our procedural requirements under the National Environmental Policy Act, we will need to have confirmation from the Tribal Council of the alternatives that you direct us to

study. As required by law, this documentation will be used to describe the alternatives selection process that was undertaken for the EIS.

Again, thank you for your continued participation in this study process. We are confident that it will result in acceptable solutions for both the Gila River Indian Community and the Phoenix metropolitan region.

Sincerely,

Robert E. Hollis

for Robert E. Hollis
Division Administrator

cc:

Lieutenant Governor Richard Narcia, Gila River Indian Community, PO Box 97, Sacaton, AZ 85247
Sandra Shade 315 W. Casa Blanca Rd, PO Box 97, Sacaton, AZ 85247
Larry Stephenson (same as Shade)
Victor Mendez, ADOT 100A
Dan Lance, ADOT E700
Mary Viparina, ADOT 614E
Steve Thomas, FHWA
Dave Anderson, HDR Engineers Inc., 2171E. Highland AVE, Suite 250, Phx 85016-6606

WPVachon:vdk *ov*

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
April 5, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D (ADY)
(540.1)
SR 202L; South Mountain Freeway
Maricopa County, Arizona
FHWA-AZ-EIS-01-01-D

Office Of The Federal Register (NF)
National Archives and Records Administration
700 Pennsylvania Ave NW
Washington, D.C. 20408-0001

Gentlemen:

Enclosed you will find three (3) signed originals of the notice of intent for the proposed improvements to State Route 202L; South Mountain Freeway in Maricopa County, Arizona.

Please publish the required notice of intent in the Federal Register. We are expecting the notice to appear in the Register of April 20, 2001.

For further information please contact Stephen D. Thomas, Environmental Program Manager, at (602) 379-3918.

Sincerely,

Robert E. Hollis

Robert E. Hollis
Division Administrator

Enclosure

Cc: Ralph Ellis, Arizona Department of Transportation (619E)

SDThomas:sg

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ENVIRONMENTAL IMPACT STATEMENT; MARICOPA COUNTY, ARIZONA

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent

SUMMARY: The FHWA is issuing this notice to advise the public that an individual impact statement will be prepared for a proposed highway project within Maricopa County, Arizona.

FOR INFORMATION CONTACT: Kenneth H. Davis, District Engineer, Federal Highway Administration, 234 North Central Avenue, Suite 330, Phoenix, AZ 85004, telephone (602) 379-3646.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arizona Department of Transportation (ADOT), will prepare an environmental impact statement (EIS) to study the proposed South Mountain Corridor in Maricopa County, Arizona. The proposed project will involve construction of a new multilane freeway in the metropolitan Phoenix area extending approximately 25 miles from I-10 west of Phoenix to I-10 southeast of Phoenix to form a southwest loop. The proposed project will evaluate potential impacts to mountain preserve land, residential and commercial development, Tribal lands, cultural resources, historic roads and canals, Endangered Species, jurisdictional water of the U.S., air and noise quality, and hazardous waste.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. A full range of reasonable alternatives will be considered

should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on



Kenneth H. Davis, District Engineer
Phoenix



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
September 7, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
SR-202L; I-10 s/o Phoenix to I-10 w/o Phoenix
South Mountain Freeway Environmental Impact Statement
Request to Serve as a Cooperating Agency

Ms. Lisa Hanf
Manager
Office of Federal Accounting
Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Hanf:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. The EIS will identify and evaluate a full range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the human and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' Regional Freeway System (map enclosed), and is also part of the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

Your agency has jurisdiction in this area because the proposed project is located in a non-attainment area for carbon monoxide, particulates, and ozone. As a result, we are requesting the Environmental Protection Agency to be a cooperating agency. Your agency's involvement will be to participate and finally concur in the evaluation of the air quality issues associated with the proposed freeway, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information

An agency scoping/partnering workshop has been set up for October 30 - 31, 2001. This workshop will include a field review to familiarize your staff with the project area, as well as, an opportunity to express any issues or concerns that your agency may have relative to the proposed project. You will receive more information on the workshop in the near future.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation. In addition, we intent to utilize the EIS and subsequent Record of Decision as a basis for any necessary permit applications.

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on the essential project. If you have any questions, please contact Mr. Kenneth Davis, District Engineer at 602-379-3914, or Mr. Stephen Thomas, Environmental Coordinator, at 602-379-3918.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosures

cc: Thomas, Vachon, Davis
R. Ellis (619E)
J. Allen (HDR), S. Martin (HDR)
Katiann Wong-Murillo (Western Resource Center)
Nova Blazej (EPA-SF), Sandra Shade (GRIC)

facilities they used and the services they received. The information collected will be used to evaluate current maintenance, facility, and service practices and policies and to identify new opportunities for improvements.

Jacklyn J. Stephenson,
Senior Manager, Enterprise Operations
Information Services.
[FR Doc. 01-9817 Filed 4-19-01; 8:45 am]
BILLING CODE 8120-08-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

**Environmental Impact Statement;
Maricopa County, Arizona**

AGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an individual impact statement will be prepared for a proposed highway project within Maricopa County, Arizona.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Davis, District Engineer, Federal Highway Administration, 234 North Central Avenue, Suite 330, Phoenix, AZ 85004, telephone (602) 379-3646.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arizona Department of Transportation (ADOT), will prepare an environmental impact statement (EIS) to study the proposed South Mountain Corridor in Maricopa County, Arizona. The proposed project will involve construction of a new multilane freeway in the metropolitan Phoenix area extending approximately 25 miles from I-10 west of Phoenix to I-10 southeast of Phoenix to form a southwest loop. The proposed project will evaluate potential impacts to mountain preserve land, residential and commercial development, Tribal lands, cultural resources, historic roads and canals, Endangered Species, jurisdictional water of the U.S., air and noise quality, and hazardous waste.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. A full range of reasonable alternatives will be considered including (1) taking no action; (2) using alternate travel modes; (3) limited access parkway; (4) major urban arterial with transportation system management improvements; and (5) a freeway.

A Final State Environmental Assessment was completed for the South Mountain Corridor. At that time,

a recommended alternative was selected and an accompanying Design Concept Report was completed in September 1988. Due to the elapsed time and changed conditions that have occurred since completion of these documents, new studies are required.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies including the Environmental Protection Agency, U.S. Army Corps of Engineers, Bureau of Indian Affairs, Bureau of Land Management, U.S. Fish and Wildlife Service, Arizona State Land Department, Arizona Game & Fish Department, City of Phoenix, Town of Laveen, City of Avondale, and the Gila River Indian Tribe. Letters will also be sent to interested parties including, the Ahwatukee Foothills Village Planning Committee, Laveen Village Planning Committee and Estrella Village Planning Committee.

A series of public meetings will be held in the communities within the proposed study area. In addition, a public hearing will be held. Public notice will be given advising of the time and place of the meetings and hearing. A formal scoping meeting is planned between Federal, State, city and Tribal stakeholders.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Kenneth H. Davis,
District Engineer, Phoenix.
[FR Doc. 01-9782 Filed 4-19-01; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

**Federal Motor Carrier Safety
Administration**

[Docket No. FMCSA-97-2341]

**Parts and Accessories Necessary for
Safe Operation; Manufactured Home
Tires**

AGENCY: Federal Motor Carrier Safety
Administration (FMCSA), DOT.

ACTION: Notice of intent to deny petitions for rulemaking; request for comments.

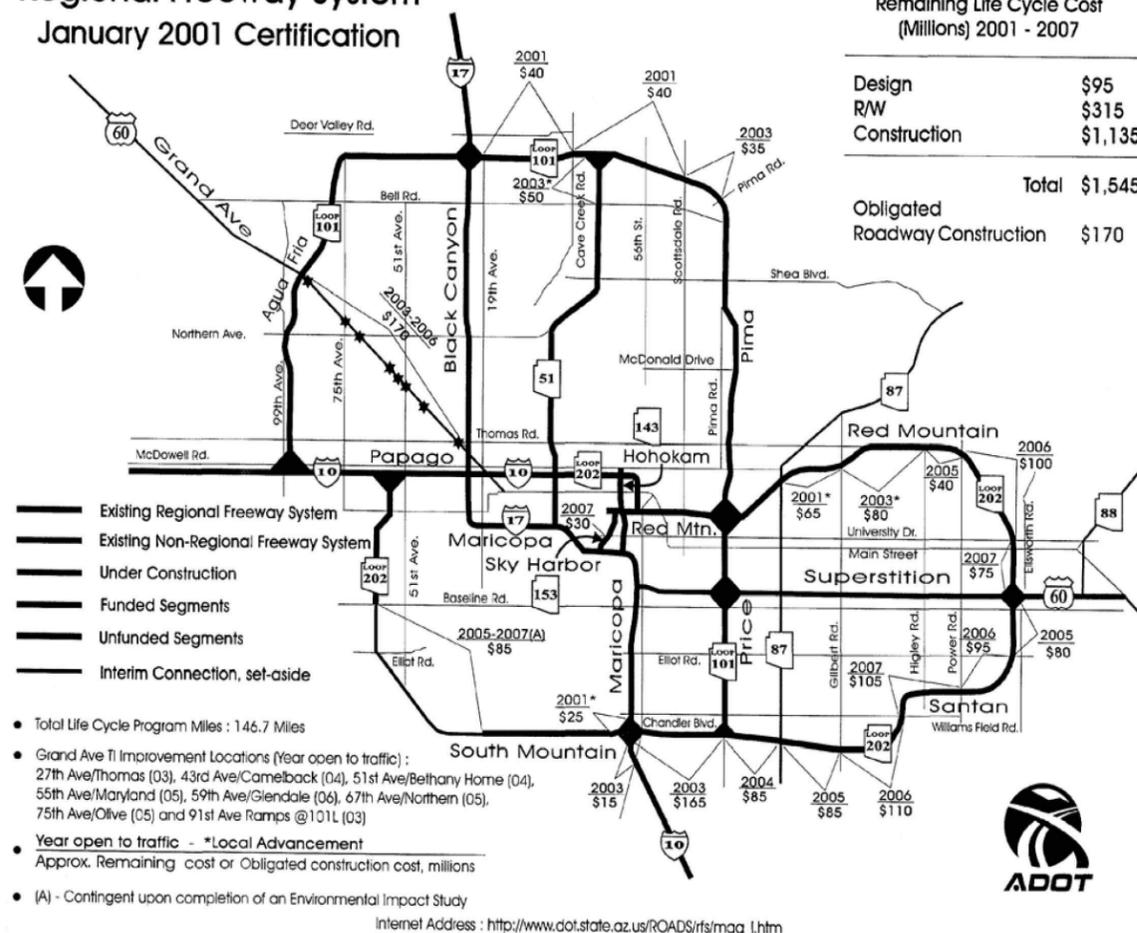
SUMMARY: The FMCSA announces its intent to deny petitions for rulemaking from the Manufactured Housing Institute (MHI) and Multinational Legal Services, PLLC (Multinational) concerning overloading of tires used for the transportation of manufactured homes. Currently, these tires may be loaded up to 18 percent over the load rating marked on the sidewall of the tires, or in the absence of such a marking, 18 percent above the load rating specified in publications of certain organizations specializing in tires. The termination date of the rule allowing 18-percent overloading of these tires was originally set for November 20, 2000, but was delayed until December 31, 2001, to provide the agency time to complete its review of the MHI's petition to allow 18 percent overloading on a permanent basis. The agency has now completed its review of the MHI's data and believes that there should be no further delay in the termination date. The agency has also completed its analysis of Multinational's petition to rescind the final rule which delayed the termination date until December 31, 2001, and determined on a preliminary basis that the petition should be denied. Denial of both petitions would result in transporters of manufactured homes being prohibited from operating such units on overloaded tires on or after January 1, 2002.

DATES: We must receive your comments by May 21, 2001. We will consider comments received after the comment closing date to the extent practicable.

ADDRESSES: You can mail, fax, hand deliver or electronically submit written comments to the U.S. Department of Transportation, Docket Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001, FAX (202) 493-2251, on-line at <http://dmses.dot.gov/submit>. You must include the docket number that appears in the heading of this document in your comment. You can examine and copy all comments at the above address from 9 a.m. to 5 p.m., e.t. Monday through Friday, except Federal holidays. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations, MC-PSV, (202) 366-4009, Federal Motor Carrier Safety Administration, 400 Seventh

**Regional Freeway System
January 2001 Certification**





U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
September 7, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
SR-202L; I-10 s/o Phoenix to I-10 w/o Phoenix
South Mountain Freeway Environmental Impact Statement
Request to Serve as a Cooperating Agency

Mr. Davis F. Perusa
Superintendent
Pima Agency
P.O. Box 8
Sacaton, AZ 85247

Dear Mr. Perusa:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. The EIS will identify and evaluate a full range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the human and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' Regional Freeway System (map enclosed), and is also part of the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

FHWA recognizes that your agency will represent the interests of the Gila River Indian Community and respectfully request that the Pima Agency be a cooperating agency for this project. Your agency's involvement will be to participate and finally concur in the evaluation of the issues relative to your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

An agency scoping/partnering workshop has been set up for October 30 - 31, 2001. This workshop will include a field review to familiarize your staff with the project area, as well as, an opportunity to express any issues or concerns that your agency may have relative to the proposed project. You will receive more information on the workshop in the near future.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, cultural and environmental consequences, and mitigation. In addition, we intend to utilize the EIS and subsequent Record of Decision as a basis for any necessary permit applications.

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on the essential project. If you have any questions, please contact Mr. Kenneth Davis, District Engineer at 602-379-3914, or Mr. Stephen Thomas, Environmental Coordinator, at 602-379-3918.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc: Thomas, Vachon, Davis,
R. Ellis (619E),
J. Allen (HDR), S. Martin (HDR),
Katiann Wong-Murillo (Western Resource Center),
Nova Blazej (EPA-SF), Sandra Shade (GRIC)



U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION
 ARIZONA DIVISION
 234 N. Central Avenue, Suite 330
 Phoenix, AZ. 85004
 September 7, 2001

IN REPLY REFER TO
 HA-AZ
 NH-202-D(ADY)
 SR-202L; I-10 s/o Phoenix to I-10 w/o Phoenix
 South Mountain Freeway Environmental Impact Statement
 Request to Serve as a Cooperating Agency

Ms. Cindy Lester
 Arizona Section Chief
 U.S. Army Corps of Engineers
 3636 North Central Avenue, Suite 760
 Phoenix, AZ 85012

Dear Ms. Lester:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. The EIS will identify and evaluate a full range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the human and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' Regional Freeway System (map enclosed), and is also part of the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

Proposed alternatives for this project will likely involve the Corps' jurisdiction pursuant to Section 404 of the Clean Water Act. As a result, we are requesting the U.S. Army Corps of Engineers to be a cooperating agency for the project. Your agency's involvement will be to participate and finally concur in the evaluation of the issues under your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

An agency scoping/partnering workshop has been set up for October 30 - 31, 2001. This workshop will include a field review to familiarize your staff with the project area, as well as, an opportunity to express any issues or concerns that your agency may have relative to the proposed project. You will receive more information on the workshop in the near future.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation. In addition, we intend to utilize the EIS and subsequent Record of Decision as the basis for any necessary permit applications.

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on the essential project. If you have any questions, please contact Mr. Kenneth Davis, District Engineer at 602-379-3914, or Mr. Stephen Thomas, Environmental Coordinator, at 602-379-3918.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
 Division Administrator

Enclosures

cc: Thomas, Vachon, Davis
 R. Ellis (619E)
 J. Allen (HDR), S. Martin (HDR)
 Katiann Wong-Murillo (Western Resource Center)
 Nova Blazej (EPA-SF), Sandra Shade (GRIC)



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
September 7, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
SR-202L; I-10 s/o Phoenix to I-10 w/o Phoenix
South Mountain Freeway Environmental Impact Statement
Request to Serve as a Cooperating Agency

Mr. David Harlow
Field Supervisor
United States Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85012

Dear Mr. Harlow:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. The EIS will identify and evaluate a full range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the human and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' Regional Freeway System (map enclosed), and is also part of the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

We are requesting that the U.S. Fish and Wildlife Service be a cooperating agency for the project. Your agency's involvement will be to participate and finally concur in the evaluation of the issues under your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

An agency scooping/partnering workshop has been set up for October 30 - 31, 2001. This workshop will include a field review to familiarize your staff with the project area, as well as, an opportunity to express any issues or concerns that your agency may have relative to the proposed project. You will receive more information on the workshop in the near future.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation. In addition, we intend to utilize the EIS and subsequent Record of Decision as the basis for any necessary permit applications.

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on the essential project. If you have any questions, please contact Mr. Kenneth Davis, District Engineer at 602-379-3914, or Mr. Stephen Thomas, Environmental Coordinator, at 602-379-3918.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosures

cc: Thomas, Vachon, Davis
R. Ellis (619E)
J. Allen (HDR), S. Martin (HDR)
Katiann Wong-Murillo (Western Resource Center)
Nova Blazej (EPA-SF), Sandra Shade (GRIC)



U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION
 705 North Plaza Street, Suite 220
 Carson City, Nevada 89701

February 5, 2002

REFER TO:
 HDA-NV
 SP-000M(44)

Subject: Supplemental EIS for US-95 in Las Vegas

Ms. Joanne Spalding
 Staff Attorney
 Sierra Club
 85 Second Street, Second Floor
 San Francisco, CA 94105-3441

Dear Ms. Spalding:

I am responding to your letter dated January 7, 2002, requesting a Supplemental Environmental Impact Statement (Supplemental EIS) for the US-95 project in northwest Las Vegas. We have reviewed your letter and the attached reports in light of our July 17, 2000, letter to Mr. Patrick Gallagher on the previous Sierra Club request. Because of the complexities of these issues, we have consulted with our headquarters' Office of Natural Environment and Office of National Environmental Policy Act (NEPA) Facilitation, as well as our Western Resource Center.

FHWA recognizes the uncertainties in dealing with emerging issues such as the impacts of air toxics and PM_{2.5}. Our headquarters' Office of Natural Environment is in the process of conducting research in the area of mobile source air toxics and particulate matter. They are looking at short-term and long-term research strategies to address the high level of uncertainty in the current research. However, that research will take from several months to several years to complete. In addition, the U.S. Environmental Protection Agency (EPA) has described in their final rule on mobile source air toxics (MSATs)¹ a Technical Analysis Plan through which they will continue to improve understanding of the risk posed by air toxics to public health and welfare. It will also allow them to evaluate the need for and appropriateness of additional mobile source air toxics controls for on-highway and non-road sources and their fuels. Based on the information developed through that technical analysis plan, they will conduct a future rulemaking to be completed no later than July 1, 2004.

I would like to clarify the US-95 project that we approved in the Record of Decision. The US-95 project includes the following improvements: (1) the widening of US-95 and Summerlin Parkway, the construction of high occupancy vehicle lanes, and the installation of a freeway management system; (2) new arterial street connections; (3) arterial street improvements; (4)

¹ "Control of Emissions of Hazardous Air Pollutants From Mobile Sources," *Federal Register*: March 29, 2001 (Volume 66, Number 61), page 17229, <http://www.epa.gov/fedrgstr/EPA-AIR/2001/March/Day-29/a37.htm>.

2

transit system improvements, including enhanced CAT bus service and new park-and-ride lots; and (5) transportation demand management measures that expand the rideshare program. This is an important point because your letter and the enclosed technical studies do not accurately describe or characterize the US-95 project approved by FHWA in the Record of Decision and do not account for many of the benefits associated with this project. Our review of the issues raised in your letter was done in the context of the total US-95 project and not just the widening portion.

As I mentioned in my July 17 letter, we did review the research available related to air toxics, including the "Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES-II)"² and "Distance Weighted Traffic Density in Proximity to a Home is a Risk Factor for Leukemia and Other Childhood Cancers". We also reviewed EPA's final rule on "Control of Emissions of Hazardous Air Pollutants From Mobile Sources"³, an EPA Fact Sheet - National Air Toxics Program: Integrated Urban Strategy⁴, and Examples of Changes and Additions to the Final Urban Air Toxics Strategy⁵. We have also reviewed the new information and technical studies that you provided to us with your January 7 letter. Based on this review, FHWA has made the following conclusions:

- (1) Although EPA has established a list of MSATs, it has not established that emissions of these compounds are health risks, nor has it established any standard or measure of what concentration of these compounds might be harmful. EPA's final rule⁶ specifically states "that inclusion on the list" of MSATs "is not itself a determination by EPA that emissions of the compound in fact present a risk to public health or welfare, or that it is appropriate to adopt controls to limit the emissions of such a compound from motor vehicles or their fuels."
- (2) Because of the complexity of assessing the health risks of any particular emissions compound, establishing a level of emissions or concentrations that constitute a health risk cannot be accomplished with one or two studies. In fact, EPA in establishing standards for ozone and particulate matter to protect human health reviewed thousands⁷ of peer-reviewed scientific studies.

² "Multiple Air Toxics Exposure Study (MATES-II)," South Coast Air Quality Management District (AQMD), March 2, 2000, <http://www.aqmd.gov/matesiidf/matestoc.htm>.

³ "Control of Emissions of Hazardous Air Pollutants From Mobile Sources," *Federal Register*: March 29, 2001 (Volume 66, Number 61), page 17229, <http://www.epa.gov/fedrgstr/EPA-AIR/2001/March/Day-29/a37.htm>.

⁴ "Fact Sheet-National Air Toxics Program: Integrated Urban Strategy," U.S. EPA, July 6, 1999, www.epa.gov/ttn/uatw/urban/urbanfs.html.

⁵ "Examples of Changes and Additions to the Final Urban Air Toxics Strategy," U.S. EPA, www.epa.gov/ttn/uatw/urban/change7.html.

⁶ "Control of Emissions of Hazardous Air Pollutants From Mobile Sources," *Federal Register*: March 29, 2001 (Volume 66, Number 61), page 17229, <http://www.epa.gov/fedrgstr/EPA-AIR/2001/March/Day-29/a37.htm>.

⁷ "EPA's Revised Ozone Standard" Fact Sheet, U.S. EPA, July 17, 1997, <http://www.epa.gov/ttn/oarpg/naaqsfm/o3fact.html>, and "EPA's Revised Particulate Matter Standards" Fact Sheet, U.S. EPA, July 17, 1997, <http://www.epa.gov/ttn/oarpg/naaqsfm/pmfact.html>.

- (3) The MATES-II study found that concentrations of 1,3 butadiene, benzene, carbon tetrachloride, methylene chloride, perchloroethylene, trichloroethylene, hexavalent chromium, lead, and nickel had been reduced significantly between 1990 and 1999, and that these reductions in toxics exposure resulted in 44 to 63 percent reductions in carcinogenic risk to residents.
- (4) Time of exposure also influences health impacts. It should be recognized that the MATES-II study assessed “exposures as though individuals residing in the vicinity of a source remain in this location for a lifetime of 70 years. A different set of exposure assumptions may lead to lower exposure estimates and consequently lower risk estimates.”⁸ This is important to recognize, especially in light of the fact that emissions of air toxics are predicted to be reduced substantially in the next 20 years.
- (5) In addition, it is unclear whether air toxics concentrations are of a regional nature, such as ozone, or have more localized impacts. EPA, the California Air Resources Board⁹, and the South Coast Air Quality Management District¹⁰ strategies to address mobile source air toxics have been directed to national and regional controls and programs. They have not been directed towards project-level mitigation. It is unclear the effect that individual transportation projects have in regard to air toxics.
- (6) EPA has required a number of control strategies that the research shows has reduced mobile source air toxics in the past and will reduce air toxics into the foreseeable future. In fact, according to EPA’s final rule¹¹ on MSATs, between 1990 and 2020, on-highway emissions of benzene, formaldehyde, 1,3-butadiene, and acetaldehyde will be reduced by 67 to 76 percent, and on-highway diesel particulate matter emissions will be reduced by 90 percent. These reductions are due to the impacts of promulgated mobile source control programs, including the reformulated gasoline (RFG) program, the national low emission vehicle (NLEV) standards, the Tier 2 motor vehicle emissions standards and gasoline sulfur control requirements, and the heavy-duty engine and vehicle standards and on-highway diesel fuel sulfur control requirements.
- (7) These air toxic reductions will be achieved even with growing vehicle miles traveled (VMT). Increased VMT in a future year does not equate with increased emissions compared to the current year. In fact, as seen above, the MATES-II study found that

⁸ “Multiple Air Toxics Exposure Study (MATES-II),” Page 3-6, South Coast Air Quality Management District (AQMD), March 2, 2000, <http://www.aqmd.gov/matesiidf/matestoc.htm>.

⁹ Toxic Air Contaminant Control Program, California Air Resources Board, November 26, 2001, <http://www.arb.ca.gov/toxics/control.htm>.

¹⁰ “Final Draft Air Toxics Control Plan for the Next Ten Years,” South Coast Air Quality Management District, March 2000, <http://www.aqmd.gov/aqmp/atcp.html>.

¹¹ “Control of Emissions of Hazardous Air Pollutants From Mobile Sources,” *Federal Register*: March 29, 2001 (Volume 66, Number 61), page 17229, <http://www.epa.gov/fedrgstr/EPA-AIR/2001/March/Day-29/a37.htm>.

carcinogenic risk had been reduced in the South Coast area, even though at the same time VMT increased¹² (from 1980 to 1999, VMT in the South Coast Air basin increased 81%).

- (8) There is currently a lack of adequate analysis techniques to estimate and evaluate on-road mobile source air toxics. There is no microscale air toxics monitoring for the Las Vegas metropolitan area. In addition, there is no microscale analysis equivalent to the MATES-II Study. The MATES-II microscale air toxics study was meant to be a “pilot study” only within the South Coast Air Basin and it contains a statement that readers should avoid possible over-interpretation of the results

FHWA does not believe that it is useful or appropriate to analyze air toxics impacts at the project level at this time. The influence of this US-95 project could not currently be estimated in any meaningful way. Were it possible to generate credible estimates of whether emissions of these compounds increase or decrease, we still would not know whether these emission levels are likely to adversely impact health. In addition, there is a lack of monitoring or analysis techniques to validate any assessment. This would not help the NEPA decisionmaker or the public understand whether exposure to some level of emissions resulting from the project is harmful. And, as can be seen above, air toxic emissions are decreasing, and are predicted to continue to be reduced. In addition, other measures included in the Record of Decision emphasize vehicle trip reduction and operational improvements that may provide a reduction in air toxics emissions.

Your letter also requested the preparation of a Supplemental EIS to address the health effects of fine particulates (PM_{2.5}). Your concerns are that these health effects are not addressed within the context of the Transportation Conformity Rule (CFR Parts 51 and 93) and NEPA.

The Transportation Conformity Rule requires that transportation plans, programs and projects conform to the purpose of the State Implementation Plan in air quality nonattainment and maintenance areas. As of yet, EPA has not designated nonattainment areas for PM_{2.5}. Section 305 of the National Highway System Designation Act of 1995¹³ specifically amended the Clean Air Act limiting the applicability of the transportation conformity provisions to nonattainment and maintenance areas. We believe that the Transportation Conformity Rule and court rulings are clear that the conformity requirements do not apply in areas that have not been designated as nonattainment areas for specific pollutants.

EPA has determined the health effects of fine particulates and has set the PM_{2.5} standard to ensure that the public health is protected. The FHWA does not have a role in terms of how health-based standards are set for pollutants. Many areas of the country are in the process of monitoring levels of PM_{2.5}, and this monitoring will serve as the basis for whether this pollutant needs to be addressed at the regional scale, local scale or both. We believe the effect of PM_{2.5} at a project level cannot be determined at this time and it may be very similar to ozone in that it is a regional effect, not a localized effect.

¹² “The 2001 California Almanac of Emissions and Air Quality,” California Air Resource Board, April 12, 2001, Chapter 4, page 115, <http://www.arb.ca.gov/aqd/almanac01/pdf/almanac2001%20all.pdf>.

¹³ National Highway System Designation Act of 1995, Public Law 104-59, November 28, 1995, <http://www.fhwa.dot.gov/legisregs/nhsdatoc.html>.

5

Based on the uncertainties with the existing and reasonably obtainable scientific information, as summarized above, and considering the purposes of the project, we have determined that there are not currently any significant new circumstances or information relevant to environmental concerns that would require the preparation of a Supplemental EIS (40 CFR § 1502.9(c)(1)(ii)). Nor, for the same reasons, do we believe that a project-specific Supplemental EIS addressing air toxics and PM_{2.5} would further the purposes of NEPA (40 CFR § 1502.9(c)(2)).

Even though we have determined that the Supplemental EIS you requested is not necessary, the issues you raised are important ones and we appreciate the Sierra Club's role in the on-going national dialogue on air toxics.

Sincerely yours,

/s/ John T. Price

John T. Price
Division Administrator

cc: Mr. T. Stephens, NDOT Director
Mr. D. James, NDOT Environment
Mr. G. Kanow, NDOT Project Manager
Mr. B. Hutchins, NDOT Legal
Mr. R. O'Loughlin, FHWA - WRC
Mr. D. Ortez, FHWA - Western Field Legal Services
Mr. J. Shrouds, FHWA - HEPN-1
Mr. F. Shaer, FHWA - HEPE-1



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
One Arizona Center, Suite 410
400 E. Van Buren St.
Phoenix, AZ. 85004
May 1, 2002

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
SR-202L(South Mountain Freeway)

Mr. David Folts
Concerned Families Along South Mt. Loop 202
3407 E. Cedarwood Lane
Phoenix, AZ 85048

Dear Mr. Folts:

We acknowledge the receipt of your certified March 25, 2002 letter to our office. The letter included 12 questions and other comments/concerns about the proposed SR 202L South Mountain Freeway Project, located south and west of Phoenix, Arizona. Because the Arizona Division Office has the delegated authority to act on issues involving the National Environmental Policy Act (NEPA) review of this project, we have been asked to reply on behalf of Federal Highway Administrator Mary E. Peters and other recipients of your letter in our Washington Headquarters.

The NEPA review of the proposed project is still in the early stages of development. The purpose and need, a first step in the NEPA process, is under development. The identification of possible alternate alignments is just beginning. During this stage, known as "scoping," officials identify the range of alternatives, impacts and significant issues to be addressed in the environment impact statement (EIS).

The draft EIS will evaluate all reasonable alternatives to the action (i.e., alternatives to solve the identified transportation problem described in the purpose and need) and discuss why other alternatives that may have been considered were eliminated from detailed study. The DEIS will also summarize the studies, reviews, consultations, and coordination required by environmental laws or Executive orders to the extent appropriate at this stage in the environmental process.

Public involvement is an important element in the development of any Federal-aid highway project. The Arizona Department of Transportation has initiated a substantial public involvement effort for this complex project. In addition to opportunities for public comment and input, the public involvement effort includes periodic public meetings, newsletters, dedicated telephone information lines, and websites aimed at keeping the public meetings, newsletters, dedicated telephone information lines, and websites aimed at keeping the public well informed on the progress of studies associated with this project.

The DEIS will address, to the maximum extent possible or practical, the substantive issues, comments, and concerns raised by the public during the scoping stage, including the comments you have provided. After we approve the DEIS for public review and comment, the public hearings associated with it will provide a specific opportunity for the public to comment further on the project. Written comments on the DEIS will also be solicited.

Based on your letter and past e-mails, we know of your concerns about this project. We invite and encourage you to continue to participate in the NEPA process, including the formal opportunities for public involvement that will be provided, as it evolves toward final decisions on the proposed SR-202, South Mountain Freeway. At this early stage, we cannot predict the outcome, but we can assure you that all public comments will be carefully considered.

Sincerely,

/s/ Kenneth H. Davis

Robert E. Hollis
Division Administrator

cc:
(With copies of letters that accompanied ltr. from Mr. Folts)
A. Edwards, HDR Engineering, Inc., 2141 E. Highland Ave., Suite 250, Phoenix, AZ 85016-4792

Concerned Families Along South Mt Loop 202

3407 E Cedarwood Lane, Phoenix AZ 85048

3/25/02

To: FHWA

FHWA Headquarters NASSIF Bldg, 400 7th Street S.W. Washington DC 20590

- Mary A Peters (FHWA Highway Administrator)
- Frederick G Wright (FHWA Executive Director)
- Cynthia J Burbank (FHWA Planning & Environmental Program Mgr)
- Kenneth Davis (District Engineer)
- David Nelson
- Steve Thomas

EPA

US EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105

- Wayne NASTRI (Regional EPA Administrator)
- Blaze Nova
- Lisa Hanf
- GR West
- Tom Sovic

Arizona Dept of Transportation
AZ DOT 206 17th Ave, Room 135, Mail Drop 100A Phoenix 85007

- Victor M Mendez
- Thor Anderson
- Ralph Ellis

Concerned Families Along South Mt Loop 202 had its first meeting February 6th at 7:30 PM. During this meeting our group discussed the health concerns of living near a highway. Some of the concerns were about the health of our school children that are attending Lagos Elementary School, which will be right alongside this South Mt Loop 202. Other areas of discussion were about the health effects of continually breathing in PM-10 and PM-2.5, Asthma along with other lung ailments including the increased chance of getting lung cancer. We feel that this highway will mostly serve as a commercial bypass due to its location and the location of some of the commercial and industrial land surrounding it. So when answering these questions please show the levels of vehicles cars/commercial traffic separately to get a proper analysis when answering our questions. As we investigate and research the human health effects especially concerning our children with Ahwatukee AZ being so densely populated we can only think that ADOT should consider alternatives to proposed South Mt Loop 202. The attached list below is some of the questions that we want included in the Environmental Impact Study.

1. What level of PM-10 and PM-2.5 can the individual person living along side this highway (within 250 ft) South Mt Loop 202 expect to ingest in his lungs over a 20-year period?
2. What level of PM-10 and PM-2.5 can the individual person living within ½ kilometer of South Mt Loop 202 expect to ingest in his lungs over a 20-year period?

3. What % increase in getting lung cancer if any will the average person have when living within 200 ft and at ½ kilometer of South Mt Loop 202? This question was asked due to recent findings from studies on people living in polluted areas and the American Lung Associations Web Page report on diesel soot being a possible carcinogen
4. What percentage of children attending Lagos Elementary School (which will sit right alongside proposed South Mt Loop 202) will be affected by asthma from the exhaust coming from this highway?
5. Will the children who already have asthma have a worsened condition from attending a school so close to this highway (South Mt Loop 202)?
6. Will existing air filtration systems in schools protect our children?
7. Will a person living alongside at 200 feet and ½ a kilometer of South Mt Loop 202 have increased levels of chemicals found in commercial vehicle and automobile exhaust in his/her blood?
8. If levels of chemicals from auto/commercial vehicle exhaust do in fact increase from living 200 feet and within ½ kilometer from South Mt Loop 202. Then please state chemical name and at what levels will they be at for a person's blood.
9. Are some birth defects more prevalent from living close to a highway (250 feet – ½ kilometer) due to highway pollution and if so what type of birth defects would they be? Please use the American Journal of Epidemiology as one of your sources.
10. What percent increase would people living close to proposed South Mt Loop 202 expect to see in birth defects is any at all?
11. Will vehicle exhaust (gasoline/diesel) chemicals from exhaust at actual traffic flow rates both commercial and automobiles show up in a persons urine who lives at distances of 200 feet and up to ½ a kilometer from South Mt Park 202? If so what would these chemicals be and at what level?
12. Will the level of MTBE increase in a person's urine and blood living within 200 feet to ½ a kilometer from proposed South Mt Loop 202 and if so what will the levels were compared to normal levels?

Please include and answer these questions in the Environmental Impact Study for proposed highway South Mt Loop 202. Copies of this request will be mailed via US certified/registered mail to the above stated recipients. Thank you.

David Folts

Concerned Families Along South Mt Loop 202





U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
One Arizona Center, Suite 410
400 E. Van Buren St.
Phoenix, AZ. 85004-2285
March 6, 2003

IN REPLY REFER TO
HDA-AZ
File #: NH-202-D(ADY)

Governor Richard P. Narcia
Gila River Indian Community
P. O. Box 97
Sacaton, Arizona 85247

Dear Governor Narcia:

During 2002, the Federal Highway Administration in partnership with the Arizona Department of Transportation initiated an environmental Impact Statement Study to identify and evaluate feasible alternative alignments for the future South Mountain Freeway. Early communication and coordination with the Gila River Indian Community indicated a willingness to identify possible transportation corridors on Community Lands for the South Mountain Corridor Study.

We were advised that the District Six Community Council had adopted a resolution in August 2000 which did not support construction of any new highways within its boundaries. This action also precluded the HDR Engineering and Environmental Study team from proceeding with identifying and studying any freeway alternative alignments within their boundaries.

However, information regarding the corridor study became a topic of considerable interest to many landowners including the I-10 Pecos Landowners Association who expressed a desire for ADOT and its consultant to share engineering, environmental and economic information generated by the study.

Based upon this interest, ADOT requested an opportunity to brief the District Six Community Council and request permission to identify and study corridor alternatives within District Six. ADOT and HDR staff presented the requested information and received concurrence to proceed with the study with the condition that District Six residents participate in evaluating transportation corridors identified in the District.

We are now ready to proceed with the identification of those transportation corridors acceptable to the Gila River Indian Community. At this time there are three corridors which are considered viable including the Gila River Borderland Task Force Study recommendation and two toll road

Governor Narcia
March 6, 2003
Page 2

alternatives within the proposed study area which had been approved by previous Tribal Council action.

We are requesting your assistance and guidance in proceeding with any or all of these options as possible corridors on Tribal Lands. This will allow the South Mountain Corridor Study and subsequent Environmental Impact Statement to proceed. We would also welcome other recommended optional alignments.

The Federal Highway Administration and the Arizona Department of Transportation are available to present this information or other relevant data to you, the Tribal Council; the Tribal Administration or the District Community Councils regarding the status of the South Mountain Corridor Study.

We are most appreciative of your ongoing cooperation and support of this study. We believe it is both timely and necessary to take the important step of identifying those alternative corridors acceptable to the Community to proceed with the Study.

Sincerely,

KENNETH H. DAVIS

Robert Hollis
Division Administrator

- cc: Lieutenant Governor Mary Thomas, Gila River Indian Community, PO Box 97, Sacaton, AZ 85247
- Director Sandra Shade, GRIC DOT, 315 W. Casa Blanca Rd. P.O. Box 97, Sacaton, AZ 85247
- Floyd Roehrick, ADOT 614E
- Dan Lance, ADOT 101A
- Bill Hayden, ADOT 101A
- Dave Anderson, HDR Engineers Inc., 2171 E. Highland Ave, Suite 250, Phoenix AZ 85016-6606
- S.Thomas, K. Davis, B. Vachon

WPVachon:cdm



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
One Arizona Center, Suite 410
400 E. Van Buren
Phoenix, AZ. 85004
February 20, 2004

IN REPLY REFER TO
HDA-AZ
Project NH-202-D(Gen)
SR-202L (South Mtn Frwy)
Environmental Impact Statement

Mr. Victor Mendez, Director
Arizona Department of Transportation
205 South 17th Avenue,
Phoenix, AZ 85007-3213

Dear Mr. Mendez:

At a recent meeting, a question came up regarding the study and analysis of alternatives during the environmental impact study process, including any consequences associated with the elimination of any reasonable alternatives before the study process is completed. Specifically, the question pertained to alternatives currently under consideration for the South Mountain Freeway (SR-202L). This letter is intended to clarify the Federal Highway Administration's (FHWA) policies and position regarding the consideration and/or elimination of alternatives during the environmental review process.

In accordance with the National Environment Protection Act (NEPA), all projects anticipated to receive Federal-aid highway funds must be reviewed to assess, to the fullest extent possible, the environmental, economic and social impacts associated with the project – prior to the authorization of any Federal-aid funds for the project. Under regulations and guidelines developed by the FHWA governing the implementation of NEPA requirements, all reasonable alternative courses of action must be evaluated – including the “do nothing” alternative – and decisions be made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation. All reasonable alternatives under consideration need to be developed to a comparable level of detail so that their comparative merits may be evaluated. Decisions will be made after the impacts and public comments on all reasonable alternatives have been fully evaluated.

The development and evaluation of alternatives is particularly important for projects anticipated to have significant environmental impacts (thus requiring the preparation of an Environmental Impact Statement) so that the relative levels of impacts associated with each viable alternative can be fully evaluated. This comparative analysis is essential to the validity of a process that must eventually identify the best overall alternative from an array of reasonable alternatives that were likely to cause substantial or significant impacts on the environment.

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FHWA's environmental review process does provide for the elimination of alternatives where it is clearly shown that those alternatives (1) are not feasible, (2) do not serve the stated purpose and need, (3) have enormous costs and/or impacts far exceeding those of other viable alternatives, or (4) have other “fatal flaws”. However, early elimination of otherwise viable alternatives short-circuits the comparative analysis of viable alternatives and compromises the objectivity of the entire process.

Please keep in mind that a fully objective evaluation of all reasonable alternatives considers all relevant information and factors, including public comments, community interests and concerns, local resolutions or proclamations, etc. – all of which are important and weighed in final decision-making. However, elimination of alternatives based solely on local preferences and without completing the entire comparative process compromises the objectivity of the process and is contrary to NEPA requirements. Of course, failure to comply with NEPA would jeopardize Federal-aid funding for projects in the entire corridor.

Please let me know if you have any questions on this matter.

Sincerely,

/s/ Robert E. Hollis

Robert E. Hollis
Division Administrator

cc:
Hollis, Nelson, Vachon, Davis

REHOLLIS:svdk



U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION
 ARIZONA DIVISION
 One Arizona Center, Suite 410
 400 E. Van Buren St.
 Phoenix, AZ. 85004-2285
 May 25, 2004

IN REPLY REFER TO
 HDA-AZ
 (030)

The Honorable Ed Pastor
 U.S. House of Representatives
 2465 Rayburn House Office Building
 Washington, D.C. 20515-0302

Dear Congressman Pastor:

Federal Highway Administrator Mary Peters asked my office to respond to you regarding the correspondence you presented her during the House Transportation Subcommittee's hearing on Environmental Streamlining on April 29, 2004. This correspondence was from Landry, Creedon & Associates, Inc. dated April 26, 2004, related to the loop alignment between 51st and 61st Avenues of the South Mountain Freeway project in Phoenix, Arizona. The South Mountain Freeway (SR-202L), located in the south and southwestern portion of the Phoenix Metro Area, is currently undergoing an intense Environmental Impact Statement (EIS) analysis to assess the impacts of various alternatives along the South Mountain Loop corridor. The draft EIS will not be completed until sometime in 2005.

The Arizona Division of the Federal Highway Administration (FHWA) understands fully the concerns cited in Mr. Landry's April 26 correspondence to you, which refers to local support of a single, specific alignment in the general vicinity of 51st and 61st Avenues. This single alignment was identified in earlier 1988 State-level studies of the South Mountain Freeway Corridor for which FHWA had no involvement. We are also aware that a considerable amount of urban planning and development has occurred based on the earlier identified alignment supported by those studies. However, the need to consider additional alternatives in the current environmental analysis and design concept studies for the South Mountain Freeway is driven by the National Environmental Policy Act (NEPA) and at least three factors:

- First, the EIS process (as discussed in more detail below) requires that all reasonable alternatives for an improvement be evaluated,
- Second, the development and accelerating growth in the western portion of the Phoenix Metro Area in the past 15 years may have substantially changed travel patterns and transportation needs, and,
- Third, there is a definite need to evaluate the impacts (traffic operations, safety, social, economic, and environmental) of connecting the South Mountain Freeway to Interstate 10 in west Phoenix.

The location identified in the earlier 15 year-old studies may no longer be the best overall location for this connection. Also, the alternatives now being considered were, in part, identified through extensive outreach effort to citizens and various other groups represented in the area, which is a clear indication the community understands the changes in the area and their interest in other alternatives. Further, because of today's high traffic volumes on Interstate 10 and the projected traffic increases the South Mountain freeway will add to I-10, the old connection may create substantial safety and operational problems not anticipated 15 years ago.

Yet another reason to evaluate all available alternatives is that the same 1988 study of the South Mountain Freeway Corridor that identified the single, specific alignment between 51st and 61st Avenues also identified a single, specific alignment on Pecos Road for the east-west portion of the corridor. But in this case, the local jurisdictions are opposed to the previously planned and supported 1988 east-west alignment and want to consider other alternatives. So on one end of this project (between 51st and 61st Avenues) the local jurisdiction is in favor of the 1988 alignment, while on the other end of the project (Pecos Road) the same jurisdiction is opposed to the 1988 alignment. Without following the EIS process to its conclusion, any final decision on specific alignments is premature and potentially subject to legal challenge.

The Maricopa Association of Government's (MAG) adopted 2003 Regional Transportation Plan clearly states "location of the South Mountain Freeway is being addressed in the DCR/EIS study process currently underway which is considering multiple location options." The plan therefore acknowledges that multiple location alternatives would be considered.

It is critical to note that once a project concept begins, NEPA requires that all reasonable alternative courses of action for that project must be evaluated – including the "do-nothing" alternative. Each alternative needs to be developed to a comparable level of detail so that their impacts (both positive and negative) may be evaluated. A fully objective evaluation of all reasonable alternatives considers all relevant information and factors, including public comments, community interests and concerns, local resolutions or proclamations, etc. – all of which are important and weighed in decision-making. Conversely, elimination of alternatives based solely on local preferences and without completing the entire comparative process compromises the objectivity of the process and is contrary to NEPA law and requirements.

The development and evaluation of alternatives is particularly important for projects anticipated to have "significant" environmental impacts (thus requiring the preparation of an EIS) so that the relative levels of impacts associated with each viable alternative can be fully evaluated. This comparative analysis is essential to the validity of a process that must eventually identify the best overall alternative from an array of reasonable alternatives likely to cause substantial or significant impacts on the environment.

FHWA's NEPA process does provide for the elimination of alternatives where it is clearly shown that those alternatives:

1. are not feasible,
2. do not serve the stated purpose and need,
3. have enormous costs and/or impacts far exceeding those of other viable alternatives, or

4. have other "fatal flaws".

However, early elimination of otherwise viable alternatives short-circuits the comparative analysis of viable alternatives and compromises the objectivity of the entire process.

In addition to the NEPA requirements stated above, these studies of alternatives are required for the Change of Access Report to FHWA necessary to support the connection of the South Mountain Freeway to I-10. This report and subsequent approval action by FHWA requires a fair and complete assessment of the impacts of all alternatives to ensure the operations and safety integrity of the Interstate Highway System.

Finally, we want to clarify that FHWA is not funding the current ADOT study; it is being funded solely with non-federal sources.

Thank you for your inquiry and do not hesitate to let me know if we can be of any further assistance.

Sincerely,

ROBERT E. HOLLIS

Robert E. Hollis
Division Administrator

cc:

Mary Peters, via Fax 202 366 3244

Victor Mendez, ADOT

Dan Lance, ADOT

KDavis

DNelson

WVachon

SThomas

DSNelson:cdm



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

May 27, 2005

In Reply Refer To: NH-202-D(ADY)
TRACS Number H 5764 01L
South Mountain Freeway
Cooperating Agency Request

Ms. Terri Raml
Phoenix Field Office Manager
Bureau of Land Management
21605 N 7th Ave
Phoenix, Arizona 85027

Dear Ms. Raml:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, are preparing an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 west of Phoenix and I-10 southeast of Phoenix (location map enclosed). The EIS will identify and evaluate a range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the social and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' county-wide freeway system, and is included in the National Highway System.

During the data-gathering phase of this effort, we identified property owned by your agency that has been leased to the City of Phoenix under the regulations set forth in the Recreation and Public Purposes Act. The property is located between 59th and 67th Avenues north of Southern Avenue within the City of Phoenix. Under the lease, the City plans to use the property as part of the planned Rio Salado Oeste project. One of the project alternatives, the W55 Alternative, under detailed study in the EIS, would pass through this property. Direct coordination with your agency will be required to address this issue. Your assistance is also requested to identify any other BLM properties in the proposed alignment areas.

Your agency's involvement will be to participate and finally concur in the evaluation of the issues under your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our inter-agency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation. In addition, we intend to use the EIS and subsequent Record of Decision as a basis for any necessary permit applications.



Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on this essential project. If you have any questions, please contact Steve Thomas, Environmental Program Manager, at 602-379-3645, x-117.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
SThomas
WVachon
R Ellis (619E)
M Deeb-Roberge (619E)
Jack Allen (HDR)
SDT:cdm



U.S. Department
of Transportation
**Federal Highway
Administration**

ARIZONA DIVISION

February 4, 2009

4000 North Central Avenue,
Suite 1500
Phoenix, Arizona 85012-1906
602-379-3646

In Reply Refer To:
HOP-AZ

NH-202-D (ADY)
TRACS NO. H 5764 01L
SR202L; I-10 s/o Phoenix to I-10 w/o Phoenix
South Mountain Freeway Environmental Impact Statement
Request to Serve as a Cooperating Agency

Ms. Mary Barger
Department of Energy
Western Area Power Administration
Desert Southwest Customer Service Region
P.O. Box 6457
Phoenix, Arizona 85005-6457

RECEIVED
ADOT

FEB 06 2009

Valley Project
Management

Dear Ms. Barger:

The Federal Highway Administration and the Arizona Department of Transportation, as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10/59th Avenue and I-10/Pecos Road, in Maricopa County, Arizona. The EIS will identify and evaluate a range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' county-wide freeway system, and is included in the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

We are requesting that the Western Area Power Administration be a cooperating agency for the project. Your agency's involvement will be to participate in the evaluation of the issues under your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation.

**MOVING THE
AMERICAN
ECONOMY**

2

2

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on this essential project. If you have any questions, please contact Steve Thomas, Environmental Program Manager, at 602-382-8976.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:

AHansen

SThomas

KDavis

MBruder (EM04)

MHollowell (EM02)

AEdwards, HDR

SDThomas:cdm

facilities they used and the services they received. The information collected will be used to evaluate current maintenance, facility, and service practices and policies and to identify new opportunities for improvements.

Jacklyn J. Stephenson,
Senior Manager, Enterprise Operations
Information Services.
[FR Doc. 01-9617 Filed 4-19-01; 8:45 am]
BILLING CODE 9120-09-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement;
Maricopa County, Arizona

AGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an individual impact statement will be prepared for a proposed highway project within Maricopa County, Arizona.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Davis, District Engineer, Federal Highway Administration, 234 North Central Avenue, Suite 330, Phoenix, AZ 85004, telephone (602) 379-3646.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arizona Department of Transportation (ADOT), will prepare an environmental impact statement (EIS) to study the proposed South Mountain Corridor in Maricopa County, Arizona. The proposed project will involve construction of a new multilane freeway in the metropolitan Phoenix area extending approximately 25 miles from I-10 west of Phoenix to I-10 southeast of Phoenix to form a southwest loop. The proposed project will evaluate potential impacts to mountain preserve land, residential and commercial development, Tribal lands, cultural resources, historic roads and canals, Endangered Species, jurisdictional water of the U.S., air and noise quality, and hazardous waste.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. A full range of reasonable alternatives will be considered including (1) taking no action; (2) using alternate travel modes; (3) limited access parkway; (4) major urban arterial with transportation system management improvements; and (5) a freeway.

A Final State Environmental Assessment was completed for the South Mountain Corridor. At that time,

a recommended alternative was selected and an accompanying Design Concept Report was completed in September 1988. Due to the elapsed time and changed conditions that have occurred since completion of these documents, new studies are required.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies including the Environmental Protection Agency, U.S. Army Corps of Engineers, Bureau of Indian Affairs, Bureau of Land Management, U.S. Fish and Wildlife Service, Arizona State Land Department, Arizona Game & Fish Department, City of Phoenix, Town of Laveen, City of Avondale, and the Gila River Indian Tribe. Letters will also be sent to interested parties including, the Ahwatukoe Foothills Village Planning Committee, Laveen Village Planning Committee and Estrella Village Planning Committee.

A series of public meetings will be held in the communities within the proposed study area. In addition, a public hearing will be held. Public notice will be given advising of the time and place of the meetings and hearing. A formal scoping meeting is planned between Federal, State, city and Tribal stakeholders.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Kenneth H. Davis,
District Engineer, Phoenix.
[FR Doc. 01-9782 Filed 4-19-01; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety
Administration

[Docket No. FMCSA-97-2341]

Parts and Accessories Necessary for
Safe Operation; Manufactured Home
Tires

AGENCY: Federal Motor Carrier Safety
Administration (FMCSA), DOT.

ACTION: Notice of intent to deny petitions for rulemaking; request for comments.

SUMMARY: The FMCSA announces its intent to deny petitions for rulemaking from the Manufactured Housing Institute (MHI) and Multinational Legal Services, PLLC (Multinational) concerning overloading of tires used for the transportation of manufactured homes. Currently, these tires may be loaded up to 18 percent over the load rating marked on the sidewall of the tires, or in the absence of such a marking, 18 percent above the load rating specified in publications of certain organizations specializing in tires. The termination date of the rule allowing 18-percent overloading of these tires was originally set for November 20, 2000, but was delayed until December 31, 2001, to provide the agency time to complete its review of the MHI's petition to allow 18 percent overloading on a permanent basis. The agency has now completed its review of the MHI's data and believes that there should be no further delay in the termination date. The agency has also completed its analysis of Multinational's petition to rescind the final rule which delayed the termination date until December 31, 2001, and determined on a preliminary basis that the petition should be denied. Denial of both petitions would result in transporters of manufactured homes being prohibited from operating such units on overloaded tires on or after January 1, 2002.

DATES: We must receive your comments by May 21, 2001. We will consider comments received after the comment closing date to the extent practicable. **ADDRESSES:** You can mail, fax, hand deliver or electronically submit written comments to the U.S. Department of Transportation, Docket Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001, FAX (202) 493-2251, on-line at <http://dmsos.dot.gov/submit>. You must include the docket number that appears in the heading of this document in your comment. You can examine and copy all comments at the above address from 9 a.m. to 5 p.m., e.t. Monday through Friday, except Federal holidays. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations, MC-PSV, (202) 366-4009, Federal Motor Carrier Safety Administration, 400 Seventh

HARRY E. MITCHELL
5TH DISTRICT, ARIZONA
1410 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PH: 202-225-2190
7201 EAST CAMELBACK ROAD, SUITE 335
SCOTTSDALE, AZ 85251
PH: 480-946-2411
FX: 480-946-2446
mitchell.house.gov



Congress of the United States
House of Representatives

December 11, 2009

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
SUBCOMMITTEE ON AVIATION
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
SUBCOMMITTEE ON
WATER RESOURCES AND ENVIRONMENT
COMMITTEE ON VETERANS' AFFAIRS
CHAIRMAN
SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON
SCIENCE AND TECHNOLOGY
SUBCOMMITTEE ON
TECHNOLOGY AND INNOVATION



Mr. Dennis Smith
Executive Director
Maricopa Association of Governments
302 N 1st Ave, Suite 300
Phoenix, AZ 85003-1562

Dear Mr. Smith,

I want to thank you for facilitating Monday's meeting of key stakeholders to discuss the possibility of studying an alternative route for the Loop 202 Freeway through the Gila River Indian Community. I was elated by the fact that Lt. Gov. Joseph Manuel and Community Manager David White of the Gila River Indian Community attended this meeting and were open to the idea of receiving a proposal for an alternative route from ADOT and MAG.

As you know, I oppose the current proposed alignment along Pecos Road.

I realize that this intriguing new development is contingent upon further consideration and a written request by the Tribal Government, which Lt. Gov. Manuel indicated could be forthcoming soon. While I understand that the ongoing Environmental Impact Study on the current proposed Pecos Road route will continue in the mean time, I view this meeting - which included not only representatives from MAG, ADOT and the GRIC, but also representatives from the Federal Highway Administration, Bureau of Indian Affairs, City of Phoenix, Bureau of Indian Affairs, my office, the Office of Congressman Ed Pastor and Councilman Sal DiCiccio -- as an important opportunity worthy of exploration.

I was also especially interested to learn of the potentially substantial cost savings to taxpayers that could be achieved by pursuing an alternative route through the Gila River Indian Community. Given the current economic climate and the state's ongoing revenue issues, I look forward to seeing a proposal that outlines in more detail how these savings might be realized.

Again, thank you for your work and leadership on this matter, and please extend my gratitude to all who took part in the discussion.

Sincerely,

Harry E. Mitchell
Harry E. Mitchell
Member of Congress



Department of Energy
Western Area Power Administration
P.O. Box 281213
Lakewood, CO 80228-8213

MAR 23 2009

MAR 12 2009

Mr. Robert Hollis
Division Administrator
Federal Highway Administration
4000 North Central, Suite 1500
Phoenix, AZ 85012-1906

Dear Mr. Hollis:

We have received your February 4, 2009, letter inviting Western Area Power Administration's (Western), Desert Southwest Region to participate as a cooperating agency, as defined in the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR 1501.6 and 1508.5), for the South Mountain Corridor Project (Project), for which the Federal Highway Administration (FHWA) is the lead Federal agency. Western accepts FHWA's invitation to be a cooperating agency in the NEPA process of preparing an Environmental Impact Statement (EIS).

For the proposed Project, Western understands we may need to move or reconfigure several transmission line towers. Such involvement would obligate Western to conduct a NEPA review; however, as a cooperating agency, Western would be able to adopt FHWA's EIS to satisfy its NEPA compliance requirement.

Western's Desert Southwest Regional Office will coordinate with FHWA concerning the proposed EIS effort. If you have any questions or require further information, please contact Mr. John Holt by e-mail at holt@wapa.gov or by phone at 602-605-2592.

Sincerely,

Timothy J. Meeks
Timothy J. Meeks
Administrator

2

cc:

Ms. Carol Borgstrom, Director
Office of NEPA Policy and Compliance, GC-20
U.S. Department of Energy
Washington, DC 20585

Ms. Yarden Mansoor
Office of NEPA Policy and Compliance, GC-20
U.S. Department of Energy
Washington, DC 20585



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

May 17, 2001

Kenneth H. Davis, District Engineer
Federal Highway Administration
234 North Central Avenue, Suite 330
Phoenix, AZ 85004

Dear Mr. Davis:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent published April 20, 2001, to prepare an Environmental Impact Statement (EIS) for the proposed **South Mountain Corridor in Maricopa County, Arizona**. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

The proposed project is intended to provide improvements to accommodate existing and projected traffic demand. The proposed action is to construct a new multilane freeway in the metropolitan Phoenix area extending approximately 25 miles from I-10 west of Phoenix to I-10 southeast of Phoenix to form a southwest loop. Proposed alternatives include: 1) no action, 2) using alternate travel modes, 3) limited access parkway, 4) major urban arterial with transportation system management, and 5) a freeway.

We appreciate this opportunity for early participation in the environmental assessment of the South Mountain Corridor. EPA applauds the Federal Highway Administration (FHWA) for considering a broad range of alternatives, including using alternate travel modes, in this project. To assist in the scoping process, we have identified several issues for your attention in the preparation of the EIS. The Notice of Intent is fairly general in its description of the proposed project and its potential impacts. As such, our comments are fairly general. We look forward to continued participation in this process as more information becomes available. Our specific comments are listed below:

Purpose and Need

EPA considers a clear Purpose and Need statement fundamental to a well prepared EIS. The NOI states that improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. The "Need" statement in the EIS should address the following three questions for both current and future conditions:

South Mountain Scoping Comments

1 of 4

- **Why?** What is the basic problem or deficiency with the existing situation and why is this a problem? How does it relate to the agency mission? What facts support the need?
- **Why here?** Why is this problem or deficiency occurring here and why is it important? Where does “here” end, and why?
- **Why now?** Why does the problem need to be addressed now (urgency)? Why not earlier or later? What could happen if the problem were not addressed now?

Each need for the action must have an associated measurable objective or “purpose” that can be used to measure the effectiveness of each alternative in meeting that need.

Traffic Modeling

The traffic modeling for the EIS will include projections of future traffic demand. EPA’s overall recommendation for this section is to make both the methodology and the assumptions in the traffic analysis as transparent as possible to the public and decision makers. To do this, EPA recommends that FHWA:

- Identify which traffic model will be used, discuss its strengths and weaknesses, and describe why it was selected.
- Identify the variables, assumptions, and inputs used in the model, discuss the strengths and weaknesses of those variables, assumptions, and inputs, and discuss why those variables, assumptions, and inputs were selected.
- Include feedback loops in the traffic model between trip distribution and travel time.
- Include a table outlining traffic performance, by alternative, in the Summary section of the EIS.

The EIS should also include a specific section that addresses induced travel demand. Research indicates that, especially in rapidly growing communities, induced travel demand plays a considerable role in increased traffic volumes both in the short-run and the long-run (see attached: Noland, Robert B., and Lewison L. Lem, “Induced Travel: A Review of Recent Literature and the Implications for Transportation and Environmental Policy,” paper presented at the European Transport Conference, Sept. 2000). EPA is particularly concerned about this issue because induced travel demand leads to increased vehicle miles traveled (VMT) and increased air emissions from those vehicles.

FHWA may want to consider using the SMITE model (Spreadsheet Model for Induced Travel Estimation) to estimate the amount of induced travel that may be generated by the proposed project. This is a sketch tool that can be useful in cases where four-step urban travel models are either unavailable or are unable to forecast the full induced demand effects.

Air Quality

The proposed project will likely have air quality impacts during both construction and operation. The Phoenix metropolitan area is currently in nonattainment for ozone, carbon monoxide (CO), and particulate matter less than ten microns (PM10). This situation has several implications for the proposed project:

- Since the project is located in a nonattainment area for ozone, the project should be included in a conforming Transportation Plan and Transportation Improvement Program (TIP) before the NEPA process is completed.
- Air quality impacts from project construction will likely include PM10 and CO emissions. Since the project is located in a nonattainment area for both PM10 and CO, the EIS should include a detailed fugitive dust control plan and a CO hot spot analysis. Sensitive receptors should be identified.

Indirect and Cumulative Impact in terms of Land Development

NEPA requires consideration of indirect and cumulative impacts, including those impacts from land development associated with the provision of additional transportation infrastructure. This is often referred to as Growth Inducing Impacts. Various methods to assess the land use impacts of transportation exist, as documented in the report by the National Academy of Sciences, Transportation Research Board’s National Cooperative Highway Research Program entitled, “Land use Impacts of Transportation: A Guidebook” (Report 423A, 1999). An electronic copy of this report is available from EPA upon request.

As described in the report, some of the more analytically reliable methods to assess the land development impacts of transportation infrastructure include formal land use models such as DRAM/EMPAL, MEPLAN, and TRANUS. If a land use model is available and calibrated to the region, using these models can result in estimates of the potential land use impacts of the changes in transportation infrastructure. In situations where formal land use models are not available in the region, an alternative method of assessing future land development effects of transportation is the “Delphi review method”. As NCHRP Report 423A describes, the Delphi review method uses a structured approach to obtain a set of expert opinions on the land development effects of transportation:

Like the traffic modeling section, EPA’s overall recommendation is to make both the methodology and the assumptions in the growth inducing analysis as transparent as possible to the public and decision makers. To do this, EPA recommends that FHWA:

- Identify which land use model will be used, discuss its strengths and weaknesses, and describe why it was selected.

- Identify assumptions used in the model, the strengths and weaknesses of the assumptions, and why those assumptions were selected. For example, describe which method will be used to allocate growth to zones, its strengths and weaknesses, and why that method was selected.
- Ground truth the results of the land use model by enlisting local expertise involved in land use issues, such as local government officials, land use and transportation planners, home loan officers, and real estate representatives. Use their collective knowledge to validate or modify the results of the land use model.
- Use the results of the growth inducing analysis as inputs into the travel forecasting process performed on each of the build alternatives.

Pollution Prevention

The Resource Conservation & Recovery Act (RCRA) Section 6002 requires federal, state, local agencies, and their contractors that use appropriated federal funds, to purchase EPA-designated recycled materials, including EPA-designated transportation, construction, and landscaping products. In addition, EPA supports deconstruction and materials reuse in projects where existing structures are removed.

- Commit to materials reuse, where appropriate and feasible, and include a commitment to the Buy-Recycled requirements. For further details, please see EPA's web site at <http://www.epa.gov/cpg>, as well as attached materials on Buy-Recycled and Construction Waste Management.

If you have any questions, please do not hesitate to contact me. I would be happy to discuss these comments with you in further detail. Perhaps the project team meeting scheduled this summer would be a good time to discuss our comments, especially as more information may be available at that time. We look forward to continuing our early involvement in this project. I can be reached at 415-744-2089 or blazej.nova@epa.gov.

Sincerely,



Nova Blazej
Transportation Coordinator

Attachments: *Induced Travel*, Noland and Lem, 2000
2000 Buy-Recycled Series: Transportation, Construction, Landscaping Products
Construction Waste Management

cc: Steve Thomas, FHWA-AZ

4 of 4



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

October 23, 2001

Robert E. Hollis, Division Administrator
Federal Highway Administration, Arizona Division
234 N. Central Avenue, Suite 330
Phoenix, AZ 85004

Dear Mr. Hollis:

We are writing in response to your letter of September 7, 2001 inviting the Environmental Protection Agency (EPA) to participate as a cooperating agency in the proposed **South Mountain Corridor Project** located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. As you know, EPA enjoys a positive working relationship with the Arizona Division of the Federal Highway Administration (FHWA), and we look forward to continuing that relationship on the South Mountain Corridor Project.

EPA has been involved in this project through preliminary meetings with Steve Thomas, FHWA Environmental Coordinator, and by providing formal scoping comments in response to the project Notice of Intent. Nova Blazej of my staff will also attend the inter-agency scoping/partnering meeting on October 30 – 31 in Phoenix, and we plan to continue our early and coordinated involvement in this project throughout the development of the Environmental Impact Statement (EIS).

Due to resource constraints, however, EPA respectfully declines FHWA's invitation to participate in the South Mountain Corridor Project as a cooperating agency. EPA Region 9 encompasses the States of California, Nevada, Hawaii, and Arizona, and, with the exception of Hawaii, each of these States has a very active transportation program. Under Section 309 of the Clean Air Act, EPA is required to review and comment on all EISs. As such, our office is involved in a very high volume of FHWA projects. In the past year we were reviewed approximately 45 FHWA projects.

Because of our high work load, EPA is unable to participate as a cooperating agency in the South Mountain Corridor Project. We are, nonetheless, committed to being an active partner in the development of the EIS and are available to provide FHWA with early input into the project. As a point of clarification, your letter states that FHWA is inviting EPA to participate as a cooperating agency in the South Mountain Corridor Project because the Maricopa County is designated as a federal nonattainment area for carbon monoxide, particulates, and ozone, and, as stated, EPA has jurisdiction by law. While EPA does have jurisdiction within the Clean Air Act, we do not expect to have any approval activity within this project as related to air quality issues.

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If you have any questions or would like to discuss this further, please contact me or Nova Blazej, the point of contact for this project. Nova can be reached at 415-744-2089 (after October 30, 2001, 415-972-3846) or blazej.nova@epa.gov.

Sincerely,



Lisa B. Hanf, Manager
Federal Activities Office

cc:

Horst Greczmiel, CEQ
Joe Montgomery, EPA-HQ
Steve Thomas, FHWA-AZ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 31, 2002

David Anderson
HDR
Suite 250, Park One
2141 East Highland Avenue
Phoenix, AZ 85016-4792

Dear Mr. Anderson:

The Environmental Protection Agency (EPA) has reviewed the Draft Purpose and Need Technical Memorandum (January 2002) prepared for the **South Mountain Transportation Corridor** project, Maricopa County, Arizona and sent by your office for the Arizona Department of Transportation (ADOT). The proposed project is intended to provide improvements to accommodate existing and projected east-west traffic demand by constructing a new multilane freeway in the metropolitan Phoenix area.

We appreciate the attention to and effort invested in the development of the Purpose & Need statement and this opportunity for our early involvement. The Purpose & Need statement lays the foundation for the rest of the document and deserves close attention.

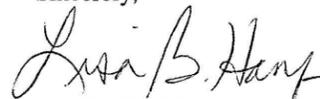
We have two comments, one concerning the content of the memorandum and one concerning process. With regard to content, we recommend refining the project purpose and, thereby, establishing a basis for setting the project study area. The northeast boundary of the project study area presented in the memorandum runs along the south side of South Mountain Park. During the Interagency meeting held in October, 2001, several agencies suggested broadening the project study area to encompass the area *north* of South Mountain Park, as an alignment north of South Mountain Park might also satisfy the need for improved east-west travel demand. EPA has the following specific recommendations:

- Refine the project purpose, or project objectives. For example, the memorandum describes the transportation demand and land use objectives of the proposed project in somewhat general terms. The project purpose should be refined to describe specific transportation demand, system linkage, and land use planning objectives. A summary, in bulleted form, at the beginning of the document would also be helpful.
- Refining the project objectives will help determine the appropriate project study area boundary. Justify the study area boundary and make changes, as appropriate. Respond to the question as to whether an alignment north of South Mountain Park would satisfy the project objectives.

With regard to process, EPA believes this project would be appropriately reviewed under the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada Memorandum of Understanding (1994) (NEPA/404 MOU). Because of the potential project impacts to the Salt River and the need for an Individual Permit from the Army Corps of Engineers (ACOE), future project delays can be avoided by coordinating the NEPA process and the Section 404 process early on in project development. We have proposed initiating the NEPA/404 MOU process to the Federal Highway Administration (FHWA), and we continue to recommend using the NEPA/404 MOU process in the development of this project. Under the NEPA/404 MOU, the first step in the integration process is concurrence on Purpose & Need. Should FHWA and ADOT elect to initiate the NEPA/404 MOU process, EPA would be prepared to concur on the Purpose & Need statement with the changes cited above.

Again, thank you for this opportunity for early involvement. If you have any questions or comments, please feel free to contact me or Nova Blazej, the primary person working on this project. Nova Blazej can be reached at 415-972-3846 or blazej.nova@epa.gov.

Sincerely,



Lisa B. Hanf, Manager
Federal Activities Office

cc: Steve Thomas, FHWA
Ralph Ellis, ADOT
Dana Owsiany, ACOE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

May 2, 2002

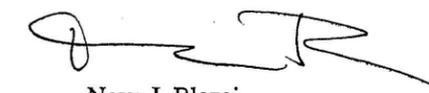
Mr. David Folts
Concerned Families Along
South Mountain Loop 202
3407 East Cedarwood Lane
Phoenix, AZ 85008

Dear Mr. Folts

The Environmental Protection Agency received your letter of March 25, 2002 outlining your concerns regarding the proposed South Mountain Corridor project. Your letter lists a number of health-related questions and requests that the Environmental Impact Statement (EIS) for the South Mountain Corridor project specifically address these questions. The EIS is the appropriate forum to address your concerns, as this document is intended to disclose all environmental, human health, and socio-economic impacts associated with the proposed project to the public and decision-makers.

The Federal Highway Administration, as the lead federal agency, and the Arizona Department of Transportation, as the project proponent, will work together to address all comments they receive during the project scoping period by incorporating those comments into the Draft EIS. This includes the issues raised in your letter. Once the Draft EIS is published, the public will have at least 45 days to review and comment on the document. The public will have an additional 30 days to comment once the Final EIS is published. The Environmental Protection Agency has been actively involved in this project and will participate in the review of both the Draft and Final EIS. If you have additional questions regarding the EIS review process, I can be contacted at 415-972-3846.

Sincerely,



Nova J. Blazej
Federal Activities Office

cc: Lisa Hanf, EPA
David Tomsovic, EPA
GR West, EPA
Steve Thomas, FHWA
Ralph Ellis, ADOT



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

March 17, 2005

David Folts
 Concerned Families Along South Mountain Loop 202
 3407 East Cedarwood Lane
 Phoenix, AZ 85048

Dear Mr Folts:

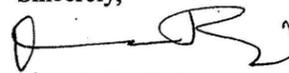
Thank you for your email dated February 22, 2005, to the United States Environmental Protection Agency (EPA) concerning the potential environmental impacts associated with the proposed South Mountain Loop 202 transportation improvements in Phoenix, Arizona. EPA welcomes your concerns about future activities that may affect the human and natural environment in the vicinity of the proposed transportation project.

After receiving your email, Connell Dunning of my staff spoke with Steve Thomas of the Arizona Division of the Federal Highway Administration (FHWA) regarding the status of the South Mountain Draft Environmental Impact Statement (Draft EIS) and incorporation of comments raised through the scoping process. Mr. Thomas stated that the Draft EIS is still under development and has not been submitted for public comment. He confirmed that FHWA and Arizona Department of Transportation (ADOT) are working to address all comments raised through the scoping process.

If you are concerned that the EIS may not address the questions that you previously submitted, EPA recommends continuing to discuss your specific areas of concern with those agencies that are cooperating in drafting the document. I have copied the Arizona Department of Transportation Project Manager (Mike Bruder) as well as Steve Thomas on this correspondence. Steve Thomas also offered to provide additional information related to opportunities for public involvement. He can be reached at 602-379-3645 extension 117.

EPA commends you for taking an active role in efforts to protect the human environment and natural resources associated with the South Mountain area. Once the South Mountain Draft EIS is available to the public, we will review the proposed project to ensure project compliance with applicable environmental laws and regulations. If you have additional questions about EPA's authorities relative to this proposed project, please have your staff contact Connell Dunning, the lead reviewer of transportation-related environmental impact statements in Arizona. Connell can be reached at dunning.connell@epa.gov or 415-947-4161.

Sincerely,


 Lisa B. Hanf, Manager
 Federal Activities Office

CC: Steve Thomas, Federal Highway Administration
 Mike Bruder, Arizona Department of Transportation

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

June 17, 2005

Mr. David Folts
 Concerned Families Along South Mountain Loop 202
 3407 East Cedarwood Lane
 Phoenix, AZ 85048

Dear Mr. Folts:

The U.S. Environmental Protection Agency (EPA) has been asked to respond to your April 16, 2005 letter to Representative J. D. Hayworth regarding the potential environmental impacts associated with the proposed South Mountain Loop 202 transportation improvements in Phoenix, Arizona. EPA commends you for taking an active role in efforts to protect the human and natural environment in the vicinity of the proposed transportation project.

As you know, the Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) are preparing a Draft Environmental Impact Statement (EIS) for the proposed South Mountain Loop 202 project. The regulations implementing the National Environmental Policy Act (NEPA) require that an EIS disclose significant direct, indirect and cumulative impacts of a proposed federal action to the human environment. Given the extensive scientific literature on near-roadway health effects, it is important that the EIS for South Mountain Loop 202 include a discussion of potential health effects of the proposed project, especially to "sensitive receptors" (such as children, the elderly, and people in poor health).

Following receipt of your February 22, 2005 correspondence to EPA, Connell Dunning of my staff spoke with Steve Thomas of the Arizona Division of the FHWA regarding the status of the South Mountain EIS and incorporation of comments raised through the scoping process (see attached letter March 17, 2005). Mr. Thomas confirmed that FHWA and ADOT are working to address all comments raised through the scoping process, including those raised by Concerned Families Along South Mountain Loop 202. Since you remain concerned that the EIS may not address the questions that you previously submitted, we continue to recommend that you discuss your specific concerns with ADOT and FHWA, the agencies that are preparing the EIS. I have copied the ADOT Project Manager, Mike Bruder, as well as Steve Thomas on this correspondence. As stated in our previous letter, Steve Thomas offered to provide additional information related to opportunities for public involvement. He can be reached at 602-379-3645 extension 117.

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Once the Draft EIS is available for public comment, EPA will review the proposed project to ensure project compliance with applicable environmental laws and regulations. Again, thank you for your letter. If you have additional questions, please contact me or your staff may contact Connell Dunning at 415-947-4161. Ms. Dunning is the lead environmental reviewer for transportation projects in Arizona.

Sincerely,



Enrique Manzanilla, Director
Community and Ecosystems Division

Enclosure

cc: Honorable J.D. Hayworth
Steve Thomas, Federal Highway Administration
Mike Bruder, Arizona Department of Transportation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

April 21, 2006

David Folts
Concerned Families Along South Mountain Loop 202
3407 East Cedarwood Lane
Phoenix, AZ 85048

Dear Mr Folts:

Thank you for your February 28, 2006 letter to the United States Environmental Protection Agency (EPA) expressing your concerns with potential environmental impacts associated with the proposed South Mountain Loop 202 transportation improvements in Phoenix, Arizona. EPA has responded to your interest in attaining answers to specific air quality questions related to this project on three previous occasions, twice via letter to you (March 17, 2005 and June 17, 2005) and once through a phone conversation with a representative from Congressman J.D Hayworth's office (September 2005).

Your letter identifies that you continue to be concerned that the Draft Environmental Impact Statement (EIS) being developed for this project may not address the questions that you previously submitted. Exposure to mobile source air toxics is known to cause adverse human health impacts, including cancer and other serious health effects. With our increasing understanding of air toxics concerns, and the increasing public attention on this issue, EPA agrees that the Draft EIS for the South Mountain project should assess and reduce all emissions-related impacts to air quality and human health.

After receiving your February 28, 2006 letter, Connell Dunning of my staff spoke with Steve Thomas of the Arizona Division of the Federal Highway Administration (FHWA) regarding the status of the South Mountain Draft EIS and incorporation of your comments, as well as others raised through the scoping process. Mr. Thomas confirmed that the Draft EIS is still under development and has not been submitted for public comment. He confirmed that FHWA and Arizona Department of Transportation (ADOT) are working to address all comments raised through the scoping process.

EPA continues to recommend that you discuss your specific areas of concern with those agencies (ADOT and FHWA) that are cooperating in drafting the document. EPA has no role in compiling the Draft EIS and can only recommend that ADOT and FHWA incorporate into the Draft EIS a robust analysis of all direct, indirect, and cumulative impacts of this project and commit to appropriate mitigation and project design elements to reduce impacts to human health and all environmental resources. EPA has recommended via past phone conversations, and continues to recommend through this letter, that ADOT and FHWA include an air quality analysis in the Draft EIS that addresses all questions provided by you and analyzes potential

impacts of emissions of criteria pollutants (particulate matter less than 10 microns, carbon monoxide, precursors of ozone), air toxics, and diesel particulate matter. EPA also recommends that the Draft EIS provide specific mitigation measures, including operational changes to project alternatives and construction practices, that will reduce impacts to air quality and human health from the proposed project.

Once the South Mountain Draft EIS is available to the public, we will review the proposed project to ensure project compliance with applicable environmental laws and regulations. If you have additional questions about EPA's authorities relative to this proposed project, please contact Connell Dunning, the lead reviewer of transportation-related environmental impact statements in Arizona. Connell can be reached at dunning.connell@epa.gov or 415-947-4161. I have also copied the Arizona Department of Transportation Project Manager (Mike Bruder) as well as Steve Thomas on this correspondence. Steve Thomas can be reached at 602-379-3645 extension 117.

Sincerely,

Duane James, Manager
Environmental Review Office

CC: Steve Thomas, Federal Highway Administration
Mike Bruder, Arizona Department of Transportation



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Pima Agency
Sacaton, Arizona 85247

005
Real Prop. Mgmt.
Phone 562-3552

April 19, 1967

Honorable James A. Haley
Chairman, Sub-Committee on
Interior and Insular Affairs
House of Representatives
Washington, D.C. 20240

Re: H.R. 2154

Honorable Haley:

In accordance with Dr. Taylor's request regarding yesterday's Sub-Committee hearing to consider H.R. 2154, the following information is respectfully submitted in connection with Interstate #10 Highway through the Gila River Indian Reservation, Arizona.

Interstate #10 Highway across the Gila River Indian Reservation is 24.07 miles in length, 300 feet wide with additional width required by the four interchanges. Total amount paid was \$473,860.00 of which \$265,000.00 was paid for tribal lands and \$208,860.00 for individual or allotted lands.

Planning and negotiations for Interstate #10 Highway involved approximately four years. Differences between Arizona State and Bureau of Indian Affairs appraisals were resolved before condemnation was seriously considered and the right of way was formally approved January 21, 1966.

Sincerely yours,

Superintendent



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
PIMA AGENCY
Post Office Box 8 - Sacaton, Arizona 85247

IN REPLY REFER TO:

Mr. Robert E. Hollis
Division Administrator
U.S. Department of Transportation
Federal Highway Administration, AZ Division
234 North Central Avenue, Suite 330
Phoenix, Arizona 85004

Dear Mr. Hollis:

This is in response to your September 7, 2001 letter requesting Pima Agency's involvement as a cooperating agency with the Federal Highway Authority (FHWA) and Arizona Department of Transportation (ADOT) to evaluate issues related to the proposed South Mountain Corridor Project, Environmental Impact Statement (EIS) preparation process.

Currently, the Ak Chin Indian Community and Gila River Indian Community are under the administrative jurisdiction of Pima Agency. The Ak Chin Indian Community is located in Pinal County, south of Maricopa, Arizona and will also need involvement through this agency's representation with the EIS process.

We accept your agency's request to be involved with the project as a cooperating Federal agency and represent the interests for the two communities for the proposed South Mountain Corridor, EIS development process.

If you have any questions or need additional information, please contact Mr. Peter B. Overton, Agency Environmental Specialist, at (520) 562-3326, Extension 267.

Sincerely,

Acting Superintendent



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
PIMA AGENCY
Post Office Box 8 - Sacaton, Arizona 85247

IN REPLY REFER TO:

Office of the Superintendent
Telephone Number (520) 562-3326

MAY 5 2005

Marie A. Deeb-Roberge, PE
Arizona Department of Transportation
Environmental & Enhancement Group
205 S. 17th Avenue, Room 213E, MD 619E
Phoenix, Arizona 85007

Dear Ms. Deeb-Roberge:

We have received your request for this agency to formally comment in reference to the draft "Table of Contents" to be utilized with the draft Environmental Impact Statement (EIS), document for the proposed South Mountain Freeway Project, Maricopa County, Arizona.

After our meeting on April 20, 2005 with Gila River Indian Community (GRIC), Arizona Department of Transportation (ADOT), Federal Highway Administration (FHA) and Bureau of Indian Affairs (BIA) staff at the Sacaton Agency, it appears that there is no certainty that the proposed highway project will be located on the Gila River Indian Community lands, nor has the Community officially approved of the project or involvement in the EIS process.

Although a proposed freeway alignment, on community lands, is realistic and could be developed into an alternative cited in the EIS, this agency can only provide limited comments, at this time, without a formal commitment approved by community government, landowners and without a specific proposed alternative, cited on community lands, so that impacts may be properly analyzed. Specifically, a highway corridor alignment that is officially acceptable by the community (includes a community governmental resolution document) for study and then incorporation in the draft and final EIS document as one of the proposed alternatives.

The agency has been approved to act as a "Cooperating Federal Agency" with FHA assuming the "Lead Federal Agency" role for the National Environmental Protection Act, National Environmental Policy Act, NEPA, (EIS), process. Therefore, this agency will provide assistance, when requested, with the EIS process and provide comments to your office and directly to FHA, when appropriate.

Per the requested questions identified in your letter, dated February 15, 2005, the agency submits the following comments:

1. We have received and reviewed the proposed table of contents for the draft EIS. The document appears to be very well written, adequately covers all sections required per NEPA regulations and is very appropriate for use with the draft and final EIS document. A section devoted entirely to the Gila River Indian Community participation, if approved, would be an excellent addition to the document and provide easier reading and located specific information regarding the community's possible participation with the planned project.
2. There is no apparent need for additional sections at this point. If the community approves a specific alignment in the future, legal descriptions and additional related information could be added to the GRIC section currently shown in the draft table of contents.
3. The agency has reviewed the draft timeframe chart received from ADOT and finds the target dates to be realistic and future event planning for the process to be very good.
4. The agency would like to have 10 copies of the draft EIS and 6 copies of the final EIS document and ROD, if possible.
5. The agency shall transmit a copy of this letter to the local FHA official for their information and NEPA files.

Temporarily, all further official correspondence to Pima Agency should be addressed to the Acting Superintendent, BIA, Pima Agency, Box 8, Sacaton, Arizona.

We appreciate your request for our agency to assist the State of Arizona-DOT and we are looking forward to continue working with your agency and FHA to assist the community with there needs as well as the major task of completing the NEPA compliance process for this very important project.

If you have any questions or need advice please contact Mr. Peter B. Overton, Agency Environmental Protection Specialist, at 520-562-3700, extension 257.

Sincerely,

Cecil Martinez
Acting Superintendent

MEMORANDUM OF UNDERSTANDING
BETWEEN
BUREAU OF INDIAN AFFAIRS AND
ARIZONA DEPARTMENT OF TRANSPORTATION

AND

INTERAGENCY AGREEMENT
BETWEEN
BUREAU OF INDIAN AFFAIRS AND
FEDERAL HIGHWAY ADMINISTRATION

FOR

ENVIRONMENTAL IMPACT STATEMENT AND SECTION 4(f) EVALUATION FOR
SOUTH MOUNTAIN FREEWAY (LOOP 202) INTERSTATE 10 (PAPAGO FREEWAY)
TO
INTERSTATE 10 (MARICOPA FREEWAY)

FEDERAL-AID PROJECT NUMBER: NH-202-D(ADY)
ADOT PROJECT NUMBER: 202L MA 054 H5764 01L

JUNE 2012



THIS AGREEMENT is entered into the _____ day of _____, 2012, by and between the Bureau of Indian Affairs, (hereafter referred to as (BIA), the Arizona Department of Transportation, (hereafter referred to as ADOT), and the Federal Highway Administration (hereafter referred to as FHWA). This agreement was initiated pursuant to Council on Environmental Quality regulations (40 CFR § 1501.6), which emphasize the importance of cooperation early in the Environmental Impact Statement process for the proposed action, Section 4(f) Evaluation for South Mountain Freeway (Loop 202) Interstate 10 (Papago Freeway) to Interstate 10 (Maricopa Freeway), Federal-aid Project Number: NH-202-D(ADY), ADOT Project Number: 202L MA 054 H5764 01L.

I. INTRODUCTION/ STATEMENT OF PURPOSE

The Arizona Department of Transportation (ADOT), the project sponsor, working in close consultation with the Federal Highway Administration (FHWA), the lead federal agency for the proposed action, is developing the Administrative Draft Environmental Impact Statement for the proposed action. According to Council on Environmental Quality regulations (40 CFR § 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 a cooperating agency. The Bureau of Indian Affairs (BIA) has agreed to be a cooperating agency for the proposed action.

The lead agencies have determined that a major transportation facility is needed to address increases in population, housing, and employment projected in the Phoenix metropolitan area over the next 25 years. A major transportation facility is also needed to address projected increases in regional transportation demand and deficiencies in the regional transportation system capacity. The purpose of the proposed action—the South Mountain Freeway—is to address these transportation needs.

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 4(f) of the Department of Transportation Act of 1966, and of Section 404 of the Clean Water Act, a Draft Environmental Impact Statement and Section 4(f) Evaluation is being prepared. The proposed action is hereinafter referred to as “the Project”.

STATEMENT OF PURPOSE

This agreement between the BIA, the FHWA, and ADOT is intended to avoid duplication of effort by the Parties to this agreement in the development of an environmental impact statement (EIS) for the Project.

The Parties desire to cooperate, to streamline their review, to reduce duplication, and to satisfy the requirements of NEPA, the National Historic Preservation Act, the Endangered Species Act, and other applicable laws, by preparing a single EIS for the Project as permitted by NEPA.

The joint process will allow BIA, FHWA, and ADOT to fulfill other requirements under federal law, including informal or formal consultation with the U.S. Fish and Wildlife

Service under Section 7 of the Endangered Species Act and consultation with relevant parties under Section 106 of the National Historic Preservation Act.

II. AUTHORITY

The federal agency Parties enter into this agreement under the authority of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 to 4370f, the regulations of the Council on Environmental Quality at 40 C.F.R. Part 1500 to 1508, FHWA’s regulations on lead agency and cooperating agency status in the NEPA process, 23 C.F.R. § 771.111(d), and Department of Interior regulations on lead agency and cooperating agency status in the NEPA process, 43 C.F.R. § 46.225.

Federal regulations and Department of the Interior policy provide that the BIA, FHWA, and ADOT shall cooperate in meeting Federal laws, so that one document will comply with all applicable laws (40 C.F.R. § 1506.2(c); 43 C.F.R. § 46.220).

III. TEAM MEMBERS

The primary points of contact for carrying out the provisions of this agreement are:

BIA:

Amy Heuslein, Regional Environmental Protection Officer
2600 N. Central Avenue, 4th Floor Mailroom
Phoenix, AZ 85004-3050
(602) 379-6750
Amy.Heuslein@bia.gov

FHWA:

Rebecca Swiecki, Environmental Coordinator
4000 N Central Ave. Suite 1500
Phoenix, AZ 85012
(602) 382-8979
Rebecca.Swiecki@dot.gov

ADOT:

Sabri P. Chaun Hill, Assistant State Engineer
1611 W. Jackson, Mail Drop EM01
Phoenix, AZ 85007
(602) 712-6268
SHill@azdot.gov

IV. RESPONSIBILITIES

A. FHWA Responsibilities

1. Act as lead agency within the meaning of 40 C.F.R. § 1501.5 and 23 C.F.R. § 771.109.

2. Ensure that the EIS meets the requirements outlined in Council on Environmental Quality regulations at 40 C.F.R. §§ 1500 to 1508, and ensure that the EIS is in compliance with all applicable laws, policies, Executive Orders, and guidelines.
3. Participate in all phases of EIS preparation, including attending interagency coordination meetings, reviewing draft documents and public notices, and participating in public scoping and EIS public meetings and hearings.
4. Adhere to the schedule in Attachment 1 to the extent feasible.
5. Designate a representative(s) to serve as the day-to-day liaison or point of contact for the Project.
6. Identify the significant environmental issues, identify and evaluate Project alternatives that are technically and economically practical or feasible and meet the purposes and needs of the proposed action, and coordinate the decision process.
7. Review and approve the Draft EIS and Final EIS prior to its release to the public.
8. Receive and review all agency and public scoping comments, comments on the Draft EIS and the Final EIS, and assist where appropriate with preparing responses to comments.
9. Contribute to the maintenance of a comprehensive mailing list for distribution of Project information and NEPA documents.
10. Ensure that the cooperating agencies are consulted during the early stages of Project planning and are involved in the evaluation of environmental impacts, and development of recommendations for mitigation measures where impacts are unavoidable.
11. Ensure that all documents relative to the EIS are distributed to the cooperating agencies.
12. Prepare a Record of Decision for the FHWA decisions regarding the Project.
13. Prepare necessary notices for publication in the Federal Register, including Notice of Intent, Notice of Draft EIS Availability, Notice of Final EIS Availability, and Notice of Record of Decision.

14. Assist in maintenance of an administrative record for the EIS and the FHWA Record of Decision.

B. ADOT Responsibilities

1. Act as joint lead agency in accordance with 23 U.S.C. 139.
2. Prepare the EIS and other environmental review documents with the FHWA furnishing guidance, participating in the preparation, and independently evaluating the documents.
3. Participate in all phases of EIS preparation and the permitting process, including attending interagency coordination meetings, reviewing draft documents and public notices, and participating in public scoping and EIS public review meetings and hearings.
4. Adhere to the schedule in Attachment 1 to the extent feasible.
5. Designate a representative(s) to serve as the day-to-day liaison or point of contact for the Project.
6. Identify the significant environmental issues, identify and evaluate Project alternatives that are technically and economically practical or feasible and meet the purposes and needs of the proposed action, and participate in the decision process.
7. Review and approve the Draft EIS and Final EIS prior to its release to the public.
8. Receive and review all agency and public scoping comments, comments on the Draft EIS and the Final EIS, and prepare responses to comments.
9. Contribute and maintain a comprehensive mailing list for distribution of Project information and NEPA documents.
10. Ensure that the cooperating agencies are consulted during the early stages of Project planning and are involved in the evaluation of environmental impacts, and development of recommendations for mitigation measures where impacts are unavoidable.
11. Ensure that all documents relative to the EIS are distributed to the cooperating agencies.
12. Assist FHWA in the preparation of a Record of Decision for the FHWA decisions regarding the Project.

13. Assist in the preparation of necessary notices for publication in the Federal Register, including Notice of Intent, Notice of Draft EIS Availability, Notice of Final EIS Availability, and Notice of Record of Decision.
14. Maintain an administrative record for the EIS and the FHWA Record of Decision.
15. Construct the project in accordance with and incorporate all committed environmental impact mitigation measures listed in approved environmental review documents unless the State requests and receives written FHWA approval to modify or delete such mitigation features.

C. BIA Responsibilities. As a cooperating agency, the BIA will:

1. Act as a cooperating agency within the meaning of 40 C.F.R. § 1501.6 and 43 C.F.R. § 46.230.
2. Participate in the EIS process, including attending inter-agency coordination meetings, reviewing draft documents, and participating in the public scoping and EIS public review processes.
3. Designate a representative(s) to serve as the day-to-day liaison or point of contact for the Project.
4. Identify the significant environmental issues, particularly those that relate to the cooperating agency's special expertise or jurisdiction.
5. Articulate any special requirements (laws, regulations, policies, etc.) that need to be addressed in the EIS in order to be a usable document for BIA decisions regarding the project.
6. Maintain control of the administrative Draft EIS and not release or discuss portions of the document until the document has been released for public review.
7. Review agency and public scoping comments, comments on the Draft EIS and Final EIS, and assist where appropriate with preparing responses to comments.
8. Adhere to the schedule in Exhibit 1 to the extent feasible.
9. Contribute to a comprehensive mailing list for distribution of Project information and NEPA documents.

10. Make their respective decisions based on the EIS as permitted by applicable law and jurisdiction.

V. ADMINISTRATIVE AND LEGAL PROVISIONS

A. Applicable Law

The Parties agree to comply with all applicable laws governing activities under this agreement.

B. Effect on Prior Agreements

There are no prior agreements among the Parties that this agreement would affect.

C. Term

This agreement will commence upon the date last signed and executed by the Parties, and will remain in effect until terminated in accordance with Part V.E. below.

D. Amendments

This agreement may be amended by mutual consent of the Parties at the same organizational level as those that sign this agreement. Any such amendments will be incorporated by written instrument, executed and signed by all Parties, and will be effective as of the date they are signed and executed.

E. Termination

1. Any Party may terminate this agreement upon sixty (60) days written notice to the other Parties of their intention to do so.
2. This agreement shall terminate when no longer authorized by the U.S. Department of the Interior, by federal or state law, or if determined to be unenforceable by any court having jurisdiction over the Parties.

F. Severability

Should any portion of this agreement be determined to be illegal or unenforceable, the remainder of the agreement will continue in full force and effect, and any party may renegotiate the terms affected by the severance.

G. Confidentiality

Each agency will abide by the confidentiality requirements of its own laws and regulations with respect to determinations concerning and handling of proprietary

data and any other statutes, regulations, or directives concerning restricted access to records or information in any form.

H. Access to Records

Each agency will provide public access in accordance with its own rules.

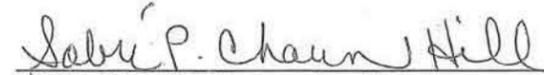
I. Information Sharing

Each agency will provide the others with courtesy copies of all regulation and policy changes that deal with common or pertinent issues.

J. Third Party Beneficiary Rights

The Parties do not intend to create in any other individual or entity the status of third party beneficiary, and this agreement shall not be construed so as to create such status. The rights, duties and obligations contained in this agreement operate only between the Parties to this agreement, and inure solely to the benefit of the Parties to this agreement.

VI. SIGNATURES


Sabri P. Chaun Hill, Assistant State Engineer
Arizona Department of Transportation

06/22/12


Rebecca Swiecki, Environmental Coordinator
Federal Highway Administration

6-26-12


Bryan Bowker, Regional Director
Bureau of Indian Affairs

9/12/12

**EXHIBIT 1 -- DRAFT
ESTIMATED EIS REVIEW SCHEDULE FOR THE ENVIRONMENTAL IMPACT
STATEMENT AND SECTION 4(F) EVALUATION FOR SOUTH MOUNTAIN
FREEWAY (LOOP 202) INTERSTATE 10 (PAPAGO FREEWAY) TO INTERSTATE 10
(MARICOPA FREEWAY)**

Tasks	Target Dates
Finalize and Sign Memorandum of Understanding/Interagency Agreement	10 days after receipt
FHWA Provides Administrative Draft EIS to BIA for Review	Summer 2012
BIA Provides ADEIS Comments to FHWA	30 days after receipt of ADEIS
90 Day Public Comment Period on Draft EIS Ends	Winter 2012
FHWA Provides Preliminary Final EIS to BIA	Spring 2013
BIA Decisions Based on EIS - ROD	30 days after receipt of ROD



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Phoenix Field Office
21605 North 7th Avenue
Phoenix, AZ 85027

In reply refer to:
2800/2912 (210)
AZA-31292-01

June 13, 2005

Mr. Robert E. Hollis, Division Administrator
U. S. Department of Transportation
Federal Highway Administration
400 East Van Buren Street
One Arizona Center, Suite 410
Phoenix, Arizona 85004-2264

Dear Mr. Hollis:

This letter is being sent in response to your letter dated May 27, 2005, concerning the Environmental Impact Statement (EIS) being prepared for the South Mountain Corridor Project.

We have reviewed the map that was enclosed with your above dated letter and determined that there are no other lands that are either managed by the Bureau of Land Management (BLM) or that the BLM maintains an interest, except for the lands at 67th Avenue and the Salt River, which are leased under the Recreation and Public Purposes Act to the City of Phoenix.

We accept your invitation to participate in coordination meetings, and agree to assist in consultation of relevant technical studies.

If you have any questions, please contact Jim Andersen at (623) 580-5570.

Sincerely,

Teresa A. Raml
Field Manager



SEP 2001

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



In Reply Refer To:

AESO/FA

September 17, 2001

202-D(ADY)

Mr. Robert E. Hollis
Division Administrator
Federal Highway Administration
Arizona Division
234 North Central Avenue, Suite 330
Phoenix, Arizona 85004

Dear Mr. Hollis:

We have received your September 7, 2001, request for the U.S. Fish and Wildlife Service to be a cooperating agency for the preparation of an Environmental Impact Statement for the proposed South Mountain Corridor Project.

Due to heavy workloads and higher priority responsibilities, we unfortunately will not be able to participate as a cooperating agency for this project as requested. We will assist as necessary and appropriate in order to carry out other National Environmental Policy Act, Clean Water Act, and Endangered Species Act activities to assist you in the planning and implementation of this proposed project.

Sincerely,

David L. Harlow
Field Supervisor

W:\South Mountain Project.doc:GDM:jh



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Arizona Ecological Services Field Office
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
Telephone: (602) 242-0210 Fax: (602) 242-2513



In Reply Refer To:

AESO/SE
2-21-02-I-005

October 29, 2001

Mary Vigarina, P.E.
Project Manager
HDR Engineering, Inc.
2141 East Highland Avenue Ste. 250
Phoenix, Arizona 85016

RE: Biltmore Medical Mall Located at 2222 East Highland, Phoenix, Arizona

Dear Ms. Vigarina,

This letter responds to your October 3, 2001, request for an inventory of threatened or endangered species, or those that are proposed to be listed as such under the Endangered Species Act of 1973, as amended (Act), which may potentially occur in your project area (Maricopa County). The enclosed list may include candidate species as well. We hope the enclosed county list of species will be helpful. In future communications regarding this project, please refer to consultation number 2-21-02-I-005.

The enclosed list of the endangered, threatened, proposed, and candidate species includes all those potentially occurring anywhere in the county, or counties, where your project occurs. Please note that your project area may not necessarily include all or any of these species. The information provided includes general descriptions, habitat requirements, and other information for each species on the list. Also on the enclosed list is the Code of Federal Regulations (CFR) citation for each list and is available at most public libraries. This information should assist you in determining which species may or may not occur within your project area. Site-specific surveys could also be helpful and may be needed to verify the presence or absence of a species or its habitat as required for the evaluation of proposed project-related impacts. Endangered and threatened species are protected by Federal law and must be considered prior to project development. If the action agency determines that listed species or critical habitat may be adversely affected by a federally funded, permitted, or authorized activity, the action agency must request formal consultation with the Service. If the action agency determines that the planned action may jeopardize a proposed species or destroy or adversely modify proposed critical habitat, the action agency must enter into a section 7 conference with the Service. Candidate species are those which are being considered for addition to the list of threatened or endangered species. Candidate species are those for which there is sufficient information to support a proposal for listing. Although candidate species have no legal protection under the Act, we recommend that they be considered in the planning process in the event that they become listed or proposed for listing prior to project completion.

2

If any proposed action occurs in or near areas with trees and shrubs growing along watercourses, known as riparian habitat, the Service recommends the protection of these areas. Riparian areas are critical to biological community diversity and provide linear corridors important to migratory species. In addition, if the project will result in the deposition of dredged or fill materials into waterways or excavation in waterways, we recommend you contact the Army Corps of Engineers which regulates these activities under Section 404 of the Clean Water Act.

The State of Arizona protects some plant and animal species not protected by Federal law. We recommend you contact the Arizona Game and Fish Department and the Arizona Department of Agriculture for State-listed or sensitive species in your project area.

The Service appreciates your efforts to identify and avoid impacts to listed and sensitive species in your project area. If we may be of further assistance, please feel free to contact Tom Gatz (x240).

Sincerely,



David L. Harlow
Field Supervisor

Enclosure

cc: John Kennedy, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Governor, Gila River Indian Community, Sacaton, AZ (Attn: Biologist)

W:\Cathy Gordon\species list letters\South Mtn. Corridor Team HDR Engineering.wpd:egg

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY:
10/11/2001

MARICOPA

1) LISTED

TOTAL= 14

NAME: ARIZONA AGAVE

AGAVE ARIZONICA

STATUS: ENDANGERED

CRITICAL HAB No RECOVERY PLAN: No CFR: 49 FR 21055, 05-18-1984

DESCRIPTION: HAS ATTRACTIVE ROSETTES OF BRIGHT GREEN LEAVES WITH DARK MAHOGANY MARGINS. FLOWER: BORNE ON SUB-UMBELLATE INFLORESCENCES.

ELEVATION
RANGE: 3000-6000 FT.

COUNTIES: GILA, YAVAPAI, MARICOPA

HABITAT: TRANSITION ZONE BETWEEN OAK-JUNIPER WOODLAND & MOUNTAIN MAHOGANY-OAK SCRUB

SCATTERED CLONES IN NEW RIVER MOUNTAINS AND SIERRA ANCHA. USUALLY FOUND ON STEEP, ROCKY SLOPES. POSSIBLY MAZATAL MOUNTAINS. SHOULD BE LOOKED FOR WHEREVER THE RANGES OF Agave toumeyana var. bella AND Agave chrystantha OVERLAP.

NAME: ARIZONA CLIFFROSE

PURSHIA SUBINTEGRA

STATUS: ENDANGERED

CRITICAL HAB No RECOVERY PLAN: Yes CFR: 49 FR 22326 5-29-84

DESCRIPTION: EVERGREEN SHRUB OF THE ROSE FAMILY (ROSEACEAE). BARK PALE SHREDDY. YOUNG TWIGS WITH DENSE HAIRS. LEAVES 1-5 LOBES AND EDGES CURL DOWNWARD (REVOLUTE). FLOWERS: 5 WHITE OR YELLOW PETALS <0.5 INCH LONG.

ELEVATION
RANGE: <4000 FT.

COUNTIES: GRAHAM YAVAPAI MARICOPA MOHAVE

HABITAT: CHARACTERISTIC WHITE SOILS OF TERTIARY LIMESTONE LAKEBED DEPOSITS.

WHITE SOILS OF TERTIARY LIMESTONE LAKEBED DEPOSITS CAN BE SEEN FROM A DISTANCE.

NAME: ARIZONA HEDGEHOG CACTUS

ECHINOCEREUS TRIGLOCHIDIATUS ARIZONICUS

STATUS: ENDANGERED

CRITICAL HAB No RECOVERY PLAN: No CFR: 44 FR 61556, 10-15-1979

DESCRIPTION: DARK GREEN CYLINDROID 2.5-12 INCHES TALL, 2-10 INCHES IN DIAMETER, SINGLE OR IN CLUSTERS. 1-3 GRAY OR PINKISH CENTRAL SPINES LARGEST DEFLEXED AND 5-11 SHORTER RADIAL SPINES. FLOWER: BRILLIANT RED, SIDE OF STEM IN APRIL- MAY

ELEVATION
RANGE: 3700-5200 FT.

COUNTIES: MARICOPA, GILA, PINAL

HABITAT: ECOTONE BETWEEN INTERIOR CHAPPARAL AND MADREAN EVERGREEN WOODLAND

OPEN SLOPES, IN NARROW CRACKS BETWEEN BOULDERS, AND IN UNDERSTORY OF SHRUBS. THIS VARIETY IS BELIEVED TO INTERGRADE AT THE EDGES OF ITS DISTRIBUTION WITH VARIETIES MELANCANTHUS AND NEOMEXICANUS CAUSING SOME CONFUSION IN IDENTIFICATION.

1

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY: **MARICOPA**
10/11/2001

NAME: **LESSER LONG-NOSED BAT** *LEPTONYCTERIS CURASOAE YERBABUENAE*
 STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 53 FR 38456, 09-30-88
 DESCRIPTION: ELONGATED MUZZLE, SMALL LEAF NOSE, AND LONG TONGUE. YELLOWISH BROWN OR GRAY ABOVE AND CINNAMON BROWN BELOW. TAIL MINUTE AND APPEARS TO BE LACKING. EASILY DISTURBED. ELEVATION RANGE: <6000 FT.
 COUNTIES: COCHISE, GILA, GRAHAM, GREENLEE, MARICOPA, PIMA, PINAL, SANTA CRUZ, YAVAPAI
 HABITAT: DESERT SCRUB HABITAT WITH AGAVE AND COLUMNAR CACTI PRESENT AS FOOD PLANTS
 DAY ROOSTS IN CAVES AND ABANDONED TUNNELS. FORAGES AT NIGHT ON NECTAR, POLLEN, AND FRUIT OF PANICULATE AGAVES AND COLUMNAR CACTI. THIS SPECIES IS MIGRATORY AND IS PRESENT IN ARIZONA, USUALLY FROM APRIL TO SEPTMBER AND SOUTH OF THE BORDER THE REMAINDER OF THE YEAR.

NAME: **SONORAN PRONGHORN** *ANTILOCAPRA AMERICANA SONORIENSIS*
 STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 32 FR 4001, 03-11-67
 DESCRIPTION: BUFF ON BACK AND WHITE BELOW, HOOFED WITH SLIGHTLY CURVED BLACK HORNS HAVING A SINGLE PRONG. SMALLEST AND PALEST OF THE PRONGHORN SUBSPECIES. ELEVATION RANGE: 2000-4000 FT.
 COUNTIES: PIMA, YUMA, MARICOPA
 HABITAT: BROAD, INTERMOUNTAIN ALLUVIAL VALLEYS WITH CREOSOTE-BURSAGE & PALO VERDE-MIXED CACTI ASSOCIATIONS
 TYPICALLY, BAJADAS ARE USED AS FAWNING AREAS AND SANDY DUNE AREAS PROVIDE FOOD SEASONALLY. HISTORIC RANGE WAS PROBABLY LARGER THAN EXISTS TODAY. THIS SUBSPECIES ALSO OCCURS IN MEXICO.

NAME: **DESERT PUFFISH** *CYPRINODON MACULARIUS*
 STATUS: ENDANGERED CRITICAL HAB Yes RECOVERY PLAN: Yes CFR: 51 FR 10842, 03-31-1986
 DESCRIPTION: SMALL (2 INCHES) SMOOTHLY ROUNDED BODY SHAPE WITH NARROW VERTICAL BARS ON THE SIDES. BREEDING MALES BLUE ON HEAD AND SIDES WITH YELLOW ON TAIL. FEMALES & JUVENILES TAN TO OLIVE COLORED BACK AND SILVERY SIDES. ELEVATION RANGE: <5000 FT.
 COUNTIES: LA PAZ, PIMA, GRAHAM, MARICOPA, PINAL, YAVAPAI, SANTA CRUZ
 HABITAT: SHALLOW SPRINGS, SMALL STREAMS, AND MARSHES. TOLERATES SALINE & WARM WATER
 CRITICAL HABITAT INCLUDES QUITOBAQUITO SPRING, PIMA COUNTY, PORTIONS OF SAN FELIPE CREEK, CARRIZO WASH, AND FISH CREEK WASH, IMPERIAL COUNTY, CALIFORNIA. TWO SUBSPECIES ARE RECOGNIZED: DESERT PUFFISH (*C. m. macularis*) AND QUITOBAQUITO PUFFISH (*C. m. eremus*).

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY: **MARICOPA**
10/11/2001

NAME: **GILA TOPMINNOW** *POECILIOPSIS OCCIDENTALIS OCCIDENTALIS*
 STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 32 FR 4001, 03-11-1967
 DESCRIPTION: SMALL (2 INCHES), GUPPY-LIKE, LIVE BEARING, LACKS DARK SPOTS ON ITS FINS. BREEDING MALES ARE JET BLACK WITH YELLOW FINS. ELEVATION RANGE: <4500 FT.
 COUNTIES: GILA, PINAL, GRAHAM, YAVAPAI, SANTA CRUZ, PIMA, MARICOPA, LA PAZ
 HABITAT: SMALL STREAMS, SPRINGS, AND CIENEGAS VEGETATED SHALLOWS
 SPECIES HISTORICALLY OCCURRED IN BACKWATERS OF LARGE RIVERS BUT IS CURRENTLY ISOLATED TO SMALL STREAMS AND SPRINGS

NAME: **RAZORBACK SUCKER** *XYRAUCHEN TEXANUS*
 STATUS: ENDANGERED CRITICAL HAB Yes RECOVERY PLAN: Yes CFR: 56 FR 54957 10-23-1991; 59 FR 13374, 03-21-1994
 DESCRIPTION: LARGE (UP TO 3 FEET AND UP TO 6 POUNDS) LONG, HIGH SHARP-EDGED KEEL-LIKE HUMP BEHIND THE HEAD. HEAD FLATTENED ON TOP. OLIVE-BROWN ABOVE TO YELLOWISH BELOW. ELEVATION RANGE: <6000 FT.
 COUNTIES: GREENLEE, MOHAVE, PINAL, YAVAPAI, YUMA, LA PAZ, MARICOPA (REFUGIA), GILA, COCONINO, GRAHAM
 HABITAT: RIVERINE & LACUSTRINE AREAS, GENERALLY NOT IN FAST MOVING WATER AND MAY USE BACKWATERS
 SPECIES IS ALSO FOUND IN HORSESHOE RESERVOIR (MARICOPA COUNTY). CRITICAL HABITAT INCLUDES THE 100-YEAR FLOODPLAIN OF THE RIVER THROUGH GRAND CANYON FROM CONFLUENCE WITH PARIA RIVER TO HOOVER DAM; HOOVER DAM TO DAVIS DAM; PARKER DAM TO IMPERIAL DAM. ALSO GILA RIVER FROM AZ/NM BORDER TO COOLIDGE DAM; AND SALT RIVER FROM HWY 60/SR 77 BRIDGE TO ROOSEVELT DAM; VERDE RIVER FROM FS BOUNDARY TO HORSESHOE LAKE.

NAME: **BALD EAGLE** *HALIAEETUS LEUCOCEPHALUS*
 STATUS: THREATENED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 60 FR 35999, 07-12-95
 DESCRIPTION: LARGE, ADULTS HAVE WHITE HEAD AND TAIL. HEIGHT 28 - 38"; WINGSPAN 66 - 96". 1-4 YRS DARK WITH VARYING DEGREES OF MOTTLED BROWN PLUMAGE. FEET BARE OF FEATHERS. ELEVATION RANGE: VARIES FT.
 COUNTIES: YUMA, LA PAZ, MOHAVE, YAVAPAI, MARICOPA, PINAL, COCONINO, NAVAJO, APACHE, SANTA CRUZ, PIMA, GILA, GRAHAM, COCHISE
 HABITAT: LARGE TREES OR CLIFFS NEAR WATER (RESERVOIRS, RIVERS AND STREAMS) WITH ABUNDANT PREY

SOME BIRDS ARE NESTING RESIDENTS WHILE A LARGER NUMBER WINTERS ALONG RIVERS AND RESERVOIRS. AN ESTIMATED 200 TO 300 BIRDS WINTER IN ARIZONA. ONCE ENDANGERED (32 FR 4001, 03-11-1967; 43 FR 6233, 02-14-78) BECAUSE OF REPRODUCTIVE FAILURES FROM PESTICIDE POISONING AND LOSS OF HABITAT, THIS SPECIES WAS DOWN LISTED TO THREATENED ON AUGUST 11, 1995. ILLEGAL SHOOTING, DISTURBANCE, LOSS OF HABITAT CONTINUES TO BE A PROBLEM. SPECIES HAS BEEN PROPOSED FOR DELISTING (64 FR 36454) BUT STILL RECEIVES FULL PROTECTION UNDER ESA.

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY: **MARICOPA**
10/11/2001

NAME: **BROWN PELICAN** *PELECANUS OCCIDENTALIS CALIFORNICUS*
STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 35 FR 16047, 10-13-70; 35 FR 18320, 12-02-70
DESCRIPTION: LARGE DARK GRAY-BROWN WATER BIRD WITH A POUCH UNDERNEATH LONG BILL AND WEBBED FEET. ADULTS HAVE A WHITE HEAD AND NECK, BROWNISH BLACK BREAST, AND SILVER GRAY UPPER PARTS. ELEVATION RANGE: VARIES FT.
COUNTIES: APACHE, COCHISE, COCONINO, GILA, GRAHAM, GREENLEE LA PAZ, MARICOPA, MOHAVE, NAVAJO, PIMA, PINAL, SANTA CRUZ, YAVAPAI, YUMA
HABITAT: COASTAL LAND AND ISLANDS; ARIZONA LAKES AND RIVERS
SUBSPECIES IS FOUND ON PACIFIC COAST AND IS ENDANGERED DUE TO PESTICIDES. IT IS AN UNCOMMON TRANSIENT IN ARIZONA ON MANY ARIZONA LAKES AND RIVERS. INDIVIDUALS WANDER UP FROM MEXICO IN SUMMER AND FALL. NO BREEDING RECORDS IN ARIZONA.

NAME: **CACTUS FERRUGINOUS PYGMY-OWL** *GLAUCIDIUM BRASILIANUM CACTORUM*
STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: No CFR: 62 FR 10730, 3-10-97
DESCRIPTION: SMALL (APPROX. 7"), DIURNAL OWL REDDISH BROWN OVERALL WITH CREAM-COLORED BELLY STREAKED WITH REDDISH BROWN. SOME INDIVIDUALS ARE GRAYISH BROWN ELEVATION RANGE: <4000 FT.
COUNTIES: MARICOPA, YUMA, SANTA CRUZ, GRAHAM, GREENLEE, PIMA, PINAL, GILA, COCHISE
HABITAT: MATURE COTTONWOOD/WILLOW, MESQUITE BOSQUES, AND SONORAN DESERTSCRUB

RANGE LIMIT IN ARIZONA IS FROM NEW RIVER (NORTH) TO GILA BOX (EAST) TO CABEZA PRIETA MOUNTAINS (WEST). ONLY A FEW DOCUMENTED SITES WHERE THIS SPECIES PERSISTS ARE KNOWN. ADDITIONAL SURVEYS ARE NEEDED. CRITICAL HABITAT WAS VACATED BY THE U.S. DISTRICT COURT FOR THE DISTRICT OF ARIZONA (9/19/01).

NAME: **MEXICAN SPOTTED OWL** *STRIX OCCIDENTALIS LUCIDA*
STATUS: THREATENED CRITICAL HAB Yes RECOVERY PLAN: Yes CFR: 56 FR 14678, 04-11-91; 66 FR 8530, 2/1/01
DESCRIPTION: MEDIUM SIZED WITH DARK EYES AND NO EAR TUFTS. BROWNISH AND HEAVILY SPOTTED WITH WHITE OR BEIGE. ELEVATION RANGE: 4100-9000 FT.
COUNTIES: MOHAVE, COCONINO, NAVAJO, APACHE, YAVAPAI, GRAHAM, GREENLEE, COCHISE, SANTA CRUZ, PIMA, PINAL, GILA, MARICOPA
HABITAT: NESTS IN CANYONS AND DENSE FORESTS WITH MULTI-LAYERED FOLIAGE STRUCTURE

GENERALLY NESTS IN OLDER FORESTS OF MIXED CONIFER OR PONDEROSA PINE/GAMBEL OAK TYPE, IN CANYONS, AND USE VARIETY OF HABITATS FOR FORAGING. SITES WITH COOL MICROCLIMATES APPEAR TO BE OF IMPORTANCE OR ARE PREFERRED. CRITICAL HABITAT WAS REMOVED IN 1998 BUT RE-PROPOSED IN JULY 2000 AND FINALIZED IN FEB 2001 FOR APACHE, COCHISE, COCONINO, GRAHAM, MOHAVE, PIMA COUNTIES; ALSO IN NEW MEXICO, UTAH, AND COLORADO.

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY: **MARICOPA**
10/11/2001

NAME: **SOUTHWESTERN WILLOW FLYCATCHER** *EMPIDONAX TRAILLII EXTIMUS*
STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: No CFR: 60 FR 10694, 02-27-95
DESCRIPTION: SMALL PASSERINE (ABOUT 6") GRAYISH-GREEN BACK AND WINGS, WHITISH THROAT, LIGHT OLIVE-GRAY BREAST AND PALE YELLOWISH BELLY. TWO WINGBARS VISIBLE. EYE-RING FAINT OR ABSENT. ELEVATION RANGE: <8500 FT.
COUNTIES: YAVAPAI, GILA, MARICOPA, MOHAVE, COCONINO, NAVAJO, APACHE, PINAL, LA PAZ, GREENLEE, GRAHAM, YUMA, PIMA, COCHISE, SANTA CRUZ
HABITAT: COTTONWOOD/WILLOW & TAMARISK VEGETATION COMMUNITIES ALONG RIVERS & STREAMS
MIGRATORY RIPARIAN OBLIGATE SPECIES THAT OCCUPIES BREEDING HABITAT FROM LATE APRIL TO SEPTEMBER. DISTRIBUTION WITHIN ITS RANGE IS RESTRICTED TO RIPARIAN CORRIDORS. DIFFICULT TO DISTINGUISH FROM OTHER MEMBERS OF THE EMPIDONAX COMPLEX BY SIGHT ALONE. TRAINING SEMINAR REQUIRED FOR THOSE CONDUCTING FLYCATCHER SURVEYS. CRITICAL HABITAT WAS SET ASIDE BY THE 10TH CIRCUIT COURT OF APPEALS (5/17/01).

NAME: **YUMA CLAPPER RAIL** *RALLUS LONGIROSTRIS YUMANENSIS*
STATUS: ENDANGERED CRITICAL HAB No RECOVERY PLAN: Yes CFR: 32 FR 4001, 03-11-67; 48 FR 34182, 07-27-83
DESCRIPTION: WATER BIRD WITH LONG LEGS AND SHORT TAIL. LONG SLENDER DECURVED BILL. MOTTLED BROWN ON GRAY ON ITS RUMP. FLANKS AND UNDERSIDES ARE DARK GRAY WITH NARROW VERTICAL STRIPES PRODUCING A BARRING EFFECT. ELEVATION RANGE: <4500 FT.
COUNTIES: YUMA, LA PAZ, MARICOPA, PINAL, MOHAVE
HABITAT: FRESH WATER AND BRACKISH MARSHES

SPECIES IS ASSOCIATED WITH DENSE EMERGENT RIPARIAN VEGETATION. REQUIRES WET SUBSTRATE (MUDFLAT, SANDBAR) WITH DENSE HERBACEOUS OR WOODY VEGETATION FOR NESTING AND FORAGING. CHANNELIZATION AND MARSH DEVELOPMENT ARE PRIMARY SOURCES OF HABITAT LOSS.

LISTED, PROPOSED, AND CANDIDATE SPECIES FOR THE FOLLOWING COUNTY:
10/11/2001

MARICOPA

3) CANDIDATE

TOTAL= 1

NAME: YELLOW-BILLED CUCKOO

COCCYZUS AMERICANUS

STATUS: CANDIDATE CRITICAL HAB No RECOVERY PLAN: No CFR: 66 FR 38611; 07-25-01

DESCRIPTION: MEDIUM-SIZED BIRD WITH A SLENDER, LONG-TAILED PROFILE, SLIGHTLY DOWN-CURVED BILL, WHICH IS BLUE-BLACK WITH YELLOW ON THE LOWER HALF OF THE BILL. PLUMAGE IS GRAYISH-BROWN ABOVE AND WHITE BELOW, WITH RUFIOUS PRIMARY FLIGHT FEATHERS. ELEVATION RANGE: <6,500 FT.

COUNTIES: APACHE, COCHISE, COCONINO, GILA, GRAHAM, GREENLEE, LA PAZ, MARICOPA, MOHAVE, NAVAJO, PIMA, PINAL, SANTA CRUZ, YAVAPAI, YUMA

HABITAT: LARGE BLOCKS OF RIPARIAN WOODLANDS (COTTONWOOD, WILLOW, OR TAMARISK GALLERIES)

SPECIES WAS FOUND WARRANTED, BUT PRECLUDED FOR LISTING AS A DISTINCT VERTEBRATE POPULATION SEGMENT IN THE WESTERN U.S. ON JULY 25, 2001. THIS FINDING INDICATES THAT THE SERVICE HAS SUFFICIENT INFORMATION TO LIST THE BIRD, BUT OTHER, HIGHER PRIORITY LISTING ACTIONS PREVENT THE SERVICE FROM ADDRESSING THE LISTING OF THE CUCKOO AT THIS TIME.

Arizona Game and Fish Department Operating Manual

Section I: Wildlife, Habitat and the Environment

Chapter 2: Habitat and the Environment



12.1 Races, Rallies, Enduros *Effective: 01-01-91*

Department Policy: The Game and Fish Department will closely scrutinize and assist in regulation and control, where possible, of those activities involving all-terrain motor powered vehicles that may affect wildlife or create conflicts among competing users of the land resource.

Procedures: While recognizing a segment of the population accrues enjoyment from involvement in road/trail races, rallies, enduros, and similar events, organized or otherwise, the Department's primary concern is protection of wildlife resources and habitat.

Department employees are requested to be alert to such activities and inform management.

Where these activities involve public lands, the Department requests that the agency or group involved limit such activities primarily to washes and established roads and that the use of trails be minimal and confined to trails where no habitat damage will result. Further, the Department requests that it be notified of the planned activities and offered an opportunity to review the route, comment and advise on any effects that the activity may have on wildlife and its habitat with reference to the Wildlife and Wildlife Habitat Compensation Policy and Procedure, and recommend alternate routes if considered necessary.

12.2 National Environmental Act Compliance *Effective: 01-01-91*

Department Policy: The Arizona Game and Fish Department will comply with the National Environmental Policy Act of 1969. This requires that every proposed Federal Aid (Pittman-Robertson and Dingell-Johnson) project be examined objectively to determine the effects it will have on the environment in accordance with NEPA in Federal Aid NEPA Guidelines. Further, the Department will comply with the objectives of NEPA on any other project or program that may have an effect on the environment. (Contact the Habitat Branch for procedures and guidelines for NEPA compliance.)

12.3 Wildlife and Wildlife Habitat Compensation *Effective: 06-04-94*

Department Policy: It shall be the policy of the Department to develop adequate compensation plans for actual or potential habitat losses resulting from land and water projects in accordance with State and Federal laws. Habitat compensation plans will seek compensation at a 100% level, where feasible, and will be developed using

habitat resource category designations. See Commission Policy A2.16.

Authority: The Director of the Arizona Game and Fish Department is authorized under A.R.S. Title 17-211, Subsection D, to perform the necessary administrative tasks required to manage the wildlife resources of the State of Arizona. Pursuant to those duties and in accordance with federal environmental laws and resource management acts, such as the National Environmental Policy Act, Fish and Wildlife Coordination Act, and Endangered Species Act, the Director is further charged with cooperating in the determination of potential impacts to Arizona's wildlife resources resulting from federally funded land and water projects. In addition, a Commission M.O.U. assigns similar responsibilities for evaluating proposed projects on lands administered by the State Land Department. An integral part of this process is the development of adequate compensation measures aimed at eliminating or reducing project-associated impacts.

Procedure: Criteria used to identify general compensation goals are as follows:

- A. **Resource Category I.**
 1. **Designation Criteria.** Habitat in this category are of the highest value to Arizona wildlife species, and are unique and/or irreplaceable on a statewide or ecoregion basis.
 2. **Compensation Goal.** No loss of existing in-kind habitat value.
 3. **Guideline.** The Department will recommend that all potential losses of existing habitat values be prevented. Insignificant changes that would not result in adverse impacts to habitat values may be acceptable provided they will have no significant cumulative impact.
 4. **Habitat Types.** Habitat types associated with Resource Category I shall include, but not limited to the following examples:
 - a. **Perennial Stream Habitats.**
 - b. **Westlands and Riparian habitats** of at least one acre in size which are associated with perennial waters. Biotic communities included in this classification follow descriptions provided in Brown (1982) and Henderson and Minckley (1984).
 - c. **Key utilization areas** for species listed or proposed for listing under the Endangered Species Act of 1973 as Threatened or Endangered and Endangered State Threatened Native Wildlife species.
- B. **Resource Category II.**
 1. **Designation Criteria.** Habitats in this category are of high value for Arizona wildlife species and are

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relatively scarce or becoming scarce on a statewide or ecoregion basis.

2. **Compensation Goal.** No net loss of existing habitat value, while minimizing loss of in-kind value.
3. **Guideline.** The Department will recommend that all potential losses of Resource Category II habitat values be avoided or minimized. If significant losses are likely to occur, the Department will recommend alternatives to immediately rectify, reduce, or eliminate these losses over time.
4. **Habitat Types.** Habitat types associated with Resource Category II shall include, but not limited to, the following examples:
 - a. Key utilization areas for antelope and bighorn sheep.
 - b. Key utilization areas for Threatened and Candidate State Threatened Native Wildlife species, candidate species for federal listing as Threatened or Endangered (Categories 1 and 2).
 - c. Actual or potential reintroduction sites for species that are listed as Extirpated or Endangered on the State Threatened Native Wildlife list.
 - d. Blue ribbon fishing areas (i.e., Lee's Ferry and Becker Lake).
 - e. Isolated mountain ranges providing Subalpine-coniferous forest habitats (i.e., Pinaleno Mountains).
 - f. State and federally operated game preserves, refuges or wildlife areas.
 - g. Montane meadows.

C. Resource Category III.

1. **Designation Criteria.** Habitats in this category are of high to medium value for Arizona wildlife species, and are relatively abundant on a statewide basis.
2. **Mitigation Goal.** No net loss of habitat value.
3. **Guidelines.** The Department will recommend ways to minimize or avoid habitat losses. Anticipated losses will be compensated by replacement of habitat values in-kind, or by substitution of high value habitat types, or by increased management of replacement habitats, so that no net loss occurs.
4. **Habitat Types Involved.** Habitats in this category are of a natural, undisturbed condition or they involve bodies of water of economic importance and shall include, but not be limited to, the following examples:
 - a. Chihuahuan, Great Basin, Mohave, and Sonoran Desert habitat types.
 - b. Desert-grasslands and Chaparral zones.
 - c. Oak and coniferous woodlands and coniferous forests.
 - d. Reservoir habitats.

D. Resource Category IV.

1. **Designation Criteria.** Habitats in this category are of medium to low value for Arizona wildlife species, due to proximity to urban developments or low productivity associated with these lands.
2. **Mitigation Goal.** Minimize loss of habitat value.
3. **Guideline.** The Department will recommend ways to avoid or minimize habitat losses. Should losses be unavoidable, the Department may make a recommendation for compensation, based on the significance of the loss.
4. **Habitat Types Involved.** Habitat types associated with Resource Category IV shall include, but not be limited to, the following examples:
 - a. Agricultural Lands.
 - b. Undeveloped urban areas (i.e., land proximal to waste water treatment facilities, municipal mountain preserves, and undeveloped lands in proximity to municipal and industrial areas).
 - c. Habitats exhibiting low wildlife productivity as a result of man's influence.

12.4 Land Protection Evaluation Process

Effective: 11-01-93

Stage List:

A. Proposal Submittal. Conservation Supervisor (Habitat Branch) receives all lands protection proposals on an open and continuous basis, whether they are generated internally or externally.

Responsibilities: Date stamp proposals on receipt; retain original proposals in files; send letters to proponents acknowledging receipt; and distribute proposals and relevant information from the lands files (e.g. previous protection proposals for the same general area) to the Proposal Screening Committee.

Time: 5 days from receipt for acknowledgement to proponent.

B. Proposal Screening Committee. Conservation Supervisor, chair; Development Branch Chief, Nongame Branch Chief, and Field Operations Coordinator.

Responsibilities: Screen proposals on a monthly basis to determine adequacy and appropriateness; return inadequate proposals to proponents for remedy; Conservation Supervisor prepares State 3 briefing and routes adequate proposal(s) to Assistant Director, Wildlife Management Division (WMD).

Time: Director's Office briefing presentation occurs the Tuesday immediately following the monthly meeting; return to proponent (RTP) or forwarding to Assistant Director, WMD, to occur within 5 days of monthly meeting.

C. Director's Office Briefing Presentation. Conservation Supervisor presents summary of which proposals were returned to proponents (and why they were returned) and which were routed for biological review.

United States Department of Agriculture



Natural Resources Conservation Service
3003 N. Central Ave., Suite 800
Phoenix, Arizona 85012-2946

Scott C. Mars
HDR Engineering
2141 East Highland Avenue
Suite 250
Phoenix, Arizona 85016-4736

June 14, 2002

Dear Mr. Mars:

This response is in regard to your letter dated May 30, 2002, concerning the proposed alignments of the South Mountain Freeway Corridor Project.

The Natural Resources Conservation Service (NRCS) has general responsibility, nationwide, for implementing the Farmland Protection Policy Act (FPPA) and to review projects that may affect prime farmland and/or wetlands associated with agriculture. After reviewing the information provided, the following is noted:

1. The proposed project, if implemented as planned, will impact prime or unique farmland. Enclosed is for AD-1006, Farmland Conversion Impact rating form.
2. We do not see any immediate concerns or impacts that would directly affect wetland areas associated with agriculture.

Projects such as this require a corridor-type assessment. Without the final alignment, we cannot accurately assess the impacts to prime and unique farmland from your project. Please submit an AD-1006 and map for review when the final alignment for this project is selected.

Should you have questions, please feel free to contact Jeff Schmidt, Community Assistance Coordinator at 602.280.8818. Thank you for the chance to review the proposed project.

Sincerely,

MICHAEL SOMERVILLE
State Conservationist

Cc:
Jim Briggs, Assistant State Conservationist, NRCS, Phoenix, Arizona
Kristen Graham-Chaves, District Conservationist, NRCS, Phoenix, Arizona
Jeff Schmidt, Community Assistance Coordinator, NRCS, Phoenix, Arizona

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

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United States Department of Agriculture



Natural Resources Conservation Service
230 N. First Avenue, Suite 509
Phoenix, AZ 85003-1706

APR 19 2006

Scott Mars
HDR
3200 East Camelback, Suite #350
Phoenix, Arizona 85018

Dear Mr. Mars:

In response to your request for interpretation of the Farmland Protection Policy Act (FPPA) in regards to land that has "been committed to urban development," the following is provided:

As you are aware, land committed to urban development is not subject to the FPPA. The Act is implemented by regulations that can be found in Title 7 of the Code of Federal Regulations, Part 658.

In 7CFR658.2, the definition for "farmland" subject to the Act is as such:

"Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or local importance. "Farmland" does not include land already in or committed to urban development or water storage. Farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as "urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a "tint overprint" on the USGS topographical maps, or as "urban-built-up" on the USDA Important Farmland Maps. Areas shown as white on the USDA Important Farmland Maps are not "farmland" and, therefore, are not subject to the Act. Farmland "committed to urban development or water storage" includes all such land that receives a combined score of 160 points or less from the land evaluation and site assessment criteria."

The only way to exempt lands from the Act are explained therein. A Comprehensive Land Use Plan that designates land to urban development, in itself, does not exempt such lands from the Act.

Your reference to 7CFR658.2(d), where comprehensive land use plans are mentioned, is still under the "definitions" section and is merely describing the phrase "State or local government policies or programs to protect farmland." This phrase is used in the actual site assessment process where subject projects are evaluated on form AD-1006. If a farmland protection program is part of a comprehensive land use plan, then those lands are given more points in the assessment process.

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The only other lands that might be exempt from the Act are described in 7CFR658.2(c)(2). This section describes federal programs that were "beyond the planning stage" on August 4, 1984.

We hope this written interpretation meets your needs. We are looking into ways to streamline Prime and Unique Farmland requests on very large corridor projects, such as your major road projects.

If you have any other questions and/or needs regarding the FPPA, please contact Steve Smarik, Environmental Specialist, at 602-280-8785.

Thank you for your interest in the proper administration of the Farmland Protection Policy Act.

ERIC BANKS
Assistant State Conservationist (FA Programs)



Natural Resources Conservation Service
U.S. Courthouse – Federal Building
230 N. First Avenue, Suite 509
Phoenix, Arizona 85003-1733
(602) 280-8801

APR 21 2009

Scott Mars, PE, REM
HDR Engineering, Inc.
3200 East Camelback Rd., Suite 350
Phoenix, Arizona 85018

Re: South Mountain Transportation Corridor (SR202)

Dear Mr. Mars:

This response is in regard to your request for Prime/Unique Farmland determination that was hand delivered to our office on January 16, 2009. The NRCS was requested to evaluate nine alternative corridors for SR202.

The Natural Resources Conservation Service (NRCS) has general responsibility, nationwide, for implementing the Farmland Protection Policy Act (FPPA) and to review projects that may affect prime, unique, or statewide important farmland and/or wetlands associated with agriculture. You submitted the required form NRCS-CPA-106 with parts I, III, and VI completed for all nine alternative corridors, W55, W71, W101WFR, W101CPR, W101EPR, W101WPR, W101CFR, W101EFR, and E1. NRCS has completed sections II, IV, and V. After reviewing the information provided, the following has been determined:

- 1- The weighted relative values of the soils were entered in Part V of the form. This value was determined by weighting the productivity of the soils (based on alfalfa) to the numbers of acres of each soil in the corridor. Prime Farmland soils will be affected in all nine alternative corridors. However, the Land Evaluation and Site Assessment score is 160 points or less for alternatives W55, W71, W101WPR, W101CPR, W101CFR, and E1. This renders these corridors as "lands already committed to urban development." As such, they are not considered "farmland" as defined by the Farmland Protection Policy Act. No further analysis or reporting is necessary for actions in these corridors.
- 2- The Land Evaluation and Site Assessment scores for the remaining corridors are:
W101WFR - 161 points
W101EPR - 162 points
W101EFR - 162 points
- 3- We do not see any immediate concerns or impacts that would directly affect wetland areas associated with agriculture.

Helping People Help the Land
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HDR
RECEIVED

APR 22 2009

PROJ: _____
FILE: _____
DIST.: _____

Since you have already analyzed alternative corridors, your only remaining requirement is to report what alternative is selected. This is documented on the bottom of the NRCS-CPA-106 forms that are being returned to you as an attachment to this letter.

Should you have questions, please feel free contact Stephen Smarik, Environmental Specialist at 602-280-8785. Thank you again for the opportunity to review the proposed project.

Sincerely,

DAVID L. MCKAY
State Conservationist

Enclosures

cc:
Corey Nelson, District Conservationist, NRCS, Avondale, Arizona
Stephen Smarik, Environmental Specialist, NRCS, Phoenix, Arizona

U.S. DEPARTMENT OF AGRICULTURE Natural Resources Conservation Service		NRCS-CPA-106 (Rev. 1-91)	
FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS			
PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 1/11/10	4. Sheet 1 of <u>3</u>
1. Name of Project South Mountain Transportation Corridor	5. Federal Agency Involved Federal Highway Administration		
2. Type of Project EIS	6. County and State Maricopa County, Arizona		
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 1/11/10	2. Person Completing Form Steve Smarik
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form.) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 267,295	Average Farm Size 302
5. Major Crop(s) Alfalfa, Cotton, Grains, Vegetables	6. Farmable Land in Government Jurisdiction Acres: 267,295 % 4.5%	7. Amount of Farmland As Defined in FPPA Acres: 190,182 % 4.5%	
8. Name Of Land Evaluation System Used NA	9. Name of Local Site Assessment System NA	10. Date Land Evaluation Returned by NRCS 2/3/10	
PART III (To be completed by Federal Agency)		Alternative Corridor For Segment - Western Section	
		W59	W71
A. Total Acres To Be Converted Directly	504	578	789
B. Total Acres To Be Converted Indirectly, Or To Receive Services			
C. Total Acres In Corridor	504	578	789
PART IV (To be completed by NRCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland	504	578	789
B. Total Acres Statewide And Local Important Farmland			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	27%	30%	44%
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	25	25	35
PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)			
	86	86	87
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))		Maximum Points	
1. Area in Nonurban Use	15	10	10
2. Perimeter in Nonurban Use	10	7	7
3. Percent Of Corridor Being Farmed	20	12	12
4. Protection Provided By State And Local Government	20	0	0
5. Size of Present Farm Unit Compared To Average	10	5	5
6. Creation Of Nonfarmable Farmland	25	10	10
7. Availability Of Farm Support Services	5	3	3
8. On-Farm Investments	20	15	15
9. Effects Of Conversion On Farm Support Services	25	8	8
10. Compatibility With Existing Agricultural Use	10	4	4
TOTAL CORRIDOR ASSESSMENT POINTS	160	74	74
PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland (From Part V)	100	86	87
Total Corridor Assessment (From Part VI above or a local site assessment)	160	74	74
TOTAL POINTS (Total of above 2 lines)	260	160	156
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
5. Reason For Selection:			
Signature of Person Completing this Part: _____		DATE _____	
NOTE: Complete a form for each segment with more than one Alternate Corridor			

U.S. DEPARTMENT OF AGRICULTURE Natural Resources Conservation Service		NRCS-CPA-106 (Rev. 1-91)	
FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS			
PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 1/11/10	4. Sheet 2 of <u>3</u>
1. Name of Project South Mountain Transportation Corridor	5. Federal Agency Involved Federal Highway Administration		
2. Type of Project EIS	6. County and State Maricopa County, Arizona		
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 1/11/10	2. Person Completing Form Steve Smarik
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form.) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 267,295	Average Farm Size 302
5. Major Crop(s) Alfalfa, Cotton, Grains, Vegetables	6. Farmable Land in Government Jurisdiction Acres: 267,295 % 4.5%	7. Amount of Farmland As Defined in FPPA Acres: 190,892 % 32	
8. Name Of Land Evaluation System Used NA	9. Name of Local Site Assessment System NA	10. Date Land Evaluation Returned by NRCS 2/3/10	
PART III (To be completed by Federal Agency)		Alternative Corridor For Segment - Western Section	
		W101EPR	W101WPR
A. Total Acres To Be Converted Directly	807	813	787
B. Total Acres To Be Converted Indirectly, Or To Receive Services			
C. Total Acres In Corridor	807	813	787
PART IV (To be completed by NRCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland	807	813	787
B. Total Acres Statewide And Local Important Farmland			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	42%	42%	41%
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	22	25	32
PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)			
	88	86	84
PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))		Maximum Points	
1. Area in Nonurban Use	15	10	10
2. Perimeter in Nonurban Use	10	7	7
3. Percent Of Corridor Being Farmed	20	12	12
4. Protection Provided By State And Local Government	20	0	0
5. Size of Present Farm Unit Compared To Average	10	5	5
6. Creation Of Nonfarmable Farmland	25	10	10
7. Availability Of Farm Support Services	5	3	3
8. On-Farm Investments	20	15	15
9. Effects Of Conversion On Farm Support Services	25	8	8
10. Compatibility With Existing Agricultural Use	10	4	4
TOTAL CORRIDOR ASSESSMENT POINTS	160	74	74
PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland (From Part V)	100	88	84
Total Corridor Assessment (From Part VI above or a local site assessment)	160	74	74
TOTAL POINTS (Total of above 2 lines)	260	162	158
1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
5. Reason For Selection:			
Signature of Person Completing this Part: _____		DATE _____	
NOTE: Complete a form for each segment with more than one Alternate Corridor			

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 1/11/10	4. Sheet 3 of 3
1. Name of Project South Mountain Transportation Corridor		5. Federal Agency Involved Federal Highway Administration	
2. Type of Project EIS		6. County and State Maricopa County, Arizona	

PART II (To be completed by NRCS)		1. Date Request Received by NRCS 1/11/10	2. Person Completing Form Steve Smarik
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form.)		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated Average Farm Size 267,295 302
5. Major Crop(s) Alfalfa, Cotton, Grains, Vegetables	6. Farmable Land in Government Jurisdiction Acres: 267,295 % 4.5	7. Amount of Farmland As Defined in FPPA Acres: 190,782 % 4.5	
8. Name Of Land Evaluation System Used NA	9. Name of Local Site Assessment System NA	10. Date Land Evaluation Returned by NRCS 2/3/10	

PART III (To be completed by Federal Agency)	Alternative Corridor For Western & Eastern Sections		
	W101EFR	E1	
A. Total Acres To Be Converted Directly	783	150	
B. Total Acres To Be Converted Indirectly, Or To Receive Services			
C. Total Acres in Corridor	783	150	

PART IV (To be completed by NRCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland	783	150	
B. Total Acres Statewide And Local Important Farmland			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	41%	07%	
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	22	22	
PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative Value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	88	89	

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))			
	Maximum Points		
1. Area in Nonurban Use	15	10	7
2. Perimeter in Nonurban Use	10	7	5
3. Percent Of Corridor Being Farmed	20	12	0
4. Protection Provided By State And Local Government	20	0	0
5. Size of Present Farm Unit Compared To Average	10	5	0
6. Creation Of Nonfarmable Farmland	25	10	0
7. Availability Of Farm Support Services	5	3	0
8. On-Farm Investments	20	15	0
9. Effects Of Conversion On Farm Support Services	25	8	0
10. Compatibility With Existing Agricultural Use	10	4	4
TOTAL CORRIDOR ASSESSMENT POINTS	160	74	16

PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland (From Part V)	100	88	89
Total Corridor Assessment (From Part VI above or a local site assessment)	160	74	16
TOTAL POINTS (Total of above 2 lines)	260	162	105

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part: _____ DATE _____

NOTE: Complete a form for each segment with more than one Alternate Corridor

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

- (1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?
More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points
- (2) How much of the perimeter of the site borders on land in nonurban use?
More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points
- (3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?
More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points
- (4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?
Site is protected - 20 points
Site is not protected - 0 points
- (5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County?
(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)
As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points
- (6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?
Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points
- (7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?
All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points
- (8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?
High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points
- (9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?
Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points
- (10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?
Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

December 11, 2009

Governor William R. Rhodes
Gila River Indian Community
Governance Center
P.O. Box 2138
Sacaton, AZ 85147

Dear Governor Rhodes:

On behalf of the people of Arizona, I want to express my enthusiastic support for the discussions that have occurred this week regarding potential partnership between the State and the Gila River Indian Community on the issue of development of the South Mountain Freeway.

I pledge the full engagement of the Arizona Department of Transportation in working with you to consider the opportunities that may exist with the economic development potential of this much-needed transportation corridor.

While there is much work still to be done regarding final alignment of the route, I am pleased to know that your team is part of the conversation and that there is a path forward for ongoing talks about how the Community might consider getting involved.

Please do not hesitate to call on me or my team if there is anything we can do to help further your consideration of this very critical regional project.

Sincerely,

Janice K. Brewer
Governor

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
602-542-4331 • FAX 602-542-7602



ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

206 South Seventeenth Avenue Phoenix, Arizona 85007

BRUCE BABBITT
Governor
CHARLES L. MILLER
Director

May 30, 1986

W.O. FORD
State Engineer

Cecil Antone
Gila River Indian Community
P. O. Box 398
Sacaton, Arizona 85247

Dear Cecil:

I would like to thank you and other Gila River Indian Community (GRIC) staff for providing Arizona Department of Transportation (ADOT) with GRIC Staff Access Desires to the Southeast and Southwest Loop and informing ADOT of GRIC access concerns.

The following is my understanding of GRIC access desires from our May 13, 1986 meeting:

INTERCHANGES AT
51st Avenue, 19th Avenue, 7th Avenue, 32nd Street, 40th Street, Kyrene, and McClintock Drive.

GRADE SEPARATIONS AT
48th Street and 56th Street

It is also my understanding that GRIC feels access via Interchanges at Kyrene and McClintock Drive as well as the Grade Separation at 56th Street is essential for their proposed development of the Memorial Air Park area.

GRIC staff also feels that it could help facilitate the purchase of land (allotment and tribal) that would be necessary for the McClintock interchange.

Please let me know if any of the above is incorrect.

Sincerely,

John L. Louis
Corridor Location Engineer
Urban Highway Section

JLL/1a

