

Mr. Scott Nowicki
Page 2
January 19, 2006

- Vegetation buffers could be used to screen views of the freeway.
- Any retention basins and their landscape treatments could be blended into the surrounding area.
- Larger saguaros, mature trees, and larger shrubs could be transplanted in relatively natural areas near the Eastern Section Alternative to blend with the existing landscape.
- Clustering or grouping plant material in an informal pattern to break up the linear form of the freeway could help 'naturalize' the surrounding area.
- Landscape treatments on the periphery of right-of-way areas at overpass locations could be installed as well as on areas adjacent to residential development.
- Aesthetic treatments and patterning could be applied to sound barriers and screen walls, bridges, concrete barriers, retaining walls, and highly visible headwalls.
- The use of earth colors for lighting standards, overpasses, abutments, retaining and screening walls, and sound barriers could blend the freeway into the natural setting.
- When constructing concrete barriers, highly visible headwalls, and end walls for box culverts, materials and textures could be used to blend these structures into the existing landscape.
- Newly exposed rock faces could be blended with natural rock features to incorporate characteristics of the adjacent natural rock and rounding and blinding new slopes could mimic the existing contours and highlight natural formations.
- Culverts could be sized large enough to accommodate equestrians, bicyclists, and hiker use as well as wildlife crossings.

Assuming the Mountain Bike Association of Arizona does not provide any further insight into mitigation, these measures will be presented in the Draft Environmental Impact Statement (EIS).

Comments should be addressed to Audrey Unger, HDR Engineering, Inc. via U.S. Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. **A response received by February 10, 2006 or sooner would be greatly appreciated.** Thank you in advance for your cooperation.

Sincerely,



Ralph Ellis
Environmental Planner
Environmental & Enhancement Group

cc Tommy Collins, Recreational Director of MBAA

Enclosure: Project Study Area and Alternatives, Vicinity and Location Map



Janet Napolitano
Governor
Victor M. Mendez
Director

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Sam Elters
State Engineer

January 26, 2006

Ms. Leslie Spencer-Snyder
President Arizona State Horsemen's Association
P.O. Box 4690
Cave Creek, AZ 85327

Re: Project Name: South Mountain Transportation Corridor
ADOT TRACS No.: 202 MA 54 H5764 01L
Project No.: RAM-202-C-200

Dear Ms. Spencer-Snyder

In coordination with the Federal Highway Administration (FHWA), the Arizona Department of Transportation (ADOT) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for the proposed South Mountain Freeway alignment. As you know, the Eastern Alternative of the proposed South Mountain Freeway would go through the southwestern portion of South Mountain Park/Preserve (SMPP) and would use approximately 32 acres of park land, approximately 8.5 acres less than the original 1988 plan for the South Mountain Freeway. Our consultant, HDR Engineering, Inc. spoke with Ms. Jean Anderson, a past president and active member of the Arizona State Horsemen's Association, and we understand that your organization is not in favor of the freeway going through the Park. A letter from Ms. Sara Goodnick, the President of the Association also sent a letter (11-18-05) further reinforcing that your organization is not in favor of freeway construction through the SMPP.

Currently, in the Eastern Section of the freeway, the E1 Alternative (Figure 1) is the build option. Should the E1 Alternative be selected, what specific measures can ADOT undertake to lessen the impacts of the freeway to members of your organization using the Park's amenities?

In addition to measures already undertaken to reduce harm, such as reducing the right-of-way impacts, the following measures to minimize harm to the Park are under consideration:

- The project team is working with the City of Phoenix and Maricopa County in locating trailheads on planned trails or relocating trailheads that may be impacted.
- ADOT, FHWA, and the City of Phoenix could examine opportunities to provide replacement lands to those converted to the freeway use.
- The proposed Eastern Alternative of the South Mountain Freeway would be located as far south as possible to avoid the creation of remnant parcels.
- Sound barriers would be constructed as part of the Eastern Alternative on the approach to SMPP near the Foothills Reserve residential development, and just past SMPP near the Dusty Lane residential area. Although these barriers are not specifically for SMPP, they would provide partial noise mitigation to the park/preserve.
- Impacts on visual character would result from the Eastern Alternative and associated cuts into South Mountain. The proposed freeway would be the dominant feature in the area and would introduce forms, lines, colors, and textures distinctly different from the existing ridgelines. The visual impacts of the section of freeway adjacent to SMPP could be reduced by blending the color, line, and form of the freeway with the surrounding environment.
- Vegetation buffers could be used to screen views of the freeway.
- Any retention basins and their landscape treatments could be blended into the surrounding area.

Ms. Leslie Spencer-Snider

Page 2

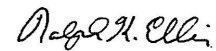
January 26, 2006

- Larger saguaros, mature trees, and larger shrubs could be transplanted in relatively natural areas near the Eastern Alternative to blend with the existing landscape.
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- Culverts could be sized large enough to accommodate equestrians, bicyclists, and hiker use as well as wildlife crossings.

Assuming the Arizona State Horsemen's Association does not provide any further insight into mitigation, these measures will be presented in the Draft Environmental Impact Statement (EIS).

Please convey these comments and any others you wish to make to Audrey Unger, HDR Engineering, Inc. via U.S. Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. A response received by February 26, 2005 or sooner would be greatly appreciated. Thank you in advance for your cooperation.

Sincerely, Ralph Ellis



Environmental Planner
Environmental & Enhancement Group

cc. Sara Goodnick, Past President ASHA
cc. Jean Anderson, Past President ASHA

Enclosure: Project Study Area and Alternatives, Vicinity and Location Map



Janet Napolitano
Governor

Victor M. Mendez
Director

Arizona Department of Transportation

Office of the Director

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

March 1, 2006

David P. Jankofsky
Deputy Director

The Honorable William R. Rhodes
Governor
Gila River Indian Community
P.O. Box 97
Sacaton, AZ 85247

Dear Governor Rhodes:

Thank you for the opportunity to present the Pinal County Corridor Definition studies at the Gila River Indian Community Council meeting on February 15, 2006. As I stated at the meeting, I would like to have more regular interaction with the Community Council to improve coordination and communication with ADOT. My recommendation is that I appear before the Community Council once every two months to provide a status update on the ADOT projects that effect the Community. Please let me know if this is acceptable and I will have my staff work with Janice Stewart, the Community Council Secretary, to make the arrangements.

As I mentioned at the Community Council meeting, we would like to establish an appropriate communication protocol to work with the Community. I have assigned Matt Burdick, our Community Relations Director, to serve as the designated point of contact within ADOT for all communications with the Gila River Indian Community.

Matt Burdick has direct access to myself, as well as our senior leadership team, to monitor and address issues that impact the Gila River Indian Community. I would ask the Community to direct communications through him to improve coordination between ADOT and the Community. I have enclosed several copies of his business card and I encourage the Community's staff to contact Mr. Burdick directly regarding ADOT related issues.

Former Governor Richard Narciá provided me with a copy of the Community Council Resolution GR-119-05. The Resolution enumerates the Community's desires for certain collaborative strategies and improvements to be considered as part of the Interstate 10 widening project.

Over the past few months, I have worked with senior members of my staff to review and discuss each item in GR-119-05. This has been an exhaustive and time-consuming analysis, but we recognize the importance of the Resolution and felt it was imperative that we fully assess each item. We have also met with the Federal Highway Administration and the Department of Public Safety to review and discuss points made in the Resolution.



Governor William R. Rhodes
March 1, 2008
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I would like to meet with you and your designated representatives to initiate discussions to fulfill the intent of the Community Council to take "...all actions reasonably necessary ... to negotiate, agree to, arrange for and effectuate ..." the items as listed in GR-119-05. Given that the Federal Highway Administration has a direct interest in the outcome of the negotiations, I would suggest that our federal partners be an integral part of the discussions.

Please advise me regarding the appropriate venue for these discussions in order to move forward with our collective efforts to improve Interstate 10 as soon as possible.

With regard to SR 347, we are making progress on the traffic signal project on Casa Blanca Road and will be working with Ms. Sandra Shade to establish a project kick-off with the Community's staff. We are also working to process the permit for the traffic signal project on SR 347 at the Rinker Sand and Gravel Plant.

As you know, we will continue to refine the corridor information with respect to the Pinal County studies. Your Community's input is critical and we will work with you on these studies. At this point in time, we do not know exactly how right-of-way issues will be impacted on State Routes 87, 187, 387 and 587. However, as the studies progress that information will become available.

I also have contacted the Maricopa County Department of Transportation and the Maricopa County Sheriff's Office about trucks failing to comply with the "No Parking" signs along Hunt Highway and the need to check the condition of the signs and for increased enforcement to cite those drivers that disregard the signs.

Again, thank you for the opportunity to meet with you and the Council.

Sincerely,



Victor M. Mendez

cc: Jennifer Allison-Ray, Lieutenant, GRIC
Gila River Indian Community Council
Greg Mendoza, Chief of Staff, GRIC
Sandra Shade, Director, GRIC DOT
Errol Blackwater, Director, GRIC Land Use Planning & Zoning
David Jankofsky, Deputy Director, ADOT
Sam Elters, State Engineer, ADOT
Shannon Wilhelmsen, Communication Director, ADOT



Janet Napolitano
Governor

Victor M. Mendez
Director

Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

August 13, 2008

Floyd Roehrich Jr.
Acting State Engineer

Mr. Barnaby V. Lewis, Cultural Resource Specialist
Dr. J. Andrew Darling, Coordinator
Cultural Resource Management Program
Gila River Indian Community
P.O. Box 2140
Sacaton, Arizona 85247

RE: TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
CAT Meeting August 28, 2008

Dear Mr. Lewis and Dr. Darling:

The South Mountain Freeway Citizens Advisory Team (CAT) will be meeting on August 28, 2008. The topics to be presented and discussed at this CAT meeting include cultural resources and Section 4(f) of the U.S. Department of Transportation Act of 1966 (as amended). These subjects, as they relate to the proposed South Mountain Freeway, are ones that we recognize are of considerable sensitivity and importance to your office and your Community. Therefore, on behalf of the Arizona Department of Transportation South Mountain Corridor Team, I would like to invite you to attend this meeting, as guests or as presenters. If you are interested in presenting at the meeting, please let me know before 10:00 on Monday, August 18, so that I can get you added to the agenda.

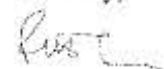
The meeting is scheduled from 6:00 to 8:30 p.m. Dinner is provided, and will be available starting at 5:30. The meeting will be held at the South Mountain Community College Student Union, located at 7050 S. 24th Street in Phoenix. I am enclosing a map that shows the location of the Student Union on the campus.

The project team has prepared a draft technical report summary that presents an overview of cultural resources, both in general and within the project area. This report summary will be sent to the CAT members in advance of the meeting. I am enclosing a copy of the draft report summary to afford you an opportunity to review it and provide comments prior to its distribution to the CAT. If you have comments that you would like taken into consideration, please let me know by Tuesday, August 19.

If you have any questions, please feel free to contact me at 602-712-6266 or by e-mail at rgreenspan@azdot.gov.

Lewis and Darling
 TRACS No. 202L MA 054 H5764 01L
 August 13, 2008
 Page 2 of 2

Sincerely,



Ruth L. Greenspan
 Historic Preservation Specialist
 Environmental Planning Group
 1611 W. Jackson Street, MD EM02
 Phoenix, Arizona 85007-3213

cc:
 Doug Torres, Director, Department of Transportation, Gila River Indian Community
 David White, Community Manager, Gila River Indian Community



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

CULTURAL RESOURCE MANAGEMENT PROGRAM

August 18, 2008

POST OFFICE BOX 2140

(520) 562-6821

(520) 562-6822

FAX: (520) 562-3268

Ruth L. Greenspan
 Historic Preservation Specialist
 Environmental Planning Group
 1611 W. Jackson Street, MD EM02
 Phoenix, Arizona 85007-3213

AZ Dept. of Transportation
 Office of Environmental Services

RE: TRACS No. 202L MA 054 H5764 01L
 South Mountain Transportation Corridor
 CAT Meeting August 28, 2008

DATE: 8/21/08

Dear Dr. Greenspan:

Thank you for providing us the opportunity to review the draft technical report summary prepared for the Citizens Advisory Team (CAT) and for your invitation to Barnaby V. Lewis and me to participate in the upcoming CAT Meeting on August 28, 2008.

I am attaching my comments to the draft technical report summary, which in general looks good to me. Because of the short time available, if Mr. Lewis has any additional comments he will contact you by phone. My main concerns are that the report singles out Native American groups as the only groups that would be affected by impacts to cultural resources. This may draw unnecessary attention to Tribes as the only group concerned about cultural resources, particularly since not all cultural resources are tribal. It is true that Tribes are the primary constituency, particularly in regard to TCPs; however from a public standpoint all other groups invested in the cultural and natural landscape should be acknowledged. Also I think it should be emphasized that mitigation as an action, recognizes the adverse effects of freeway construction, however, mitigation is not preservation but salvage. ADOT is making attempts to avoid (preserve) and mitigate (minimize effects or salvage) sites and landscapes in connection with freeway construction and design. The general public may assume that site avoidance is primarily a financial concern to ADOT, not preservation. However, I think it is reasonable to mention that ADOT (in conjunction with the GRIC CRMP and the City of Phoenix) is considering possible measures for avoiding sites or minimizing impacts to sites particularly on South Mountain as part of long-term planning.

Finally, you will see in my comments in the report text that while this is a technical report summary, I note that this is an opportunity for ADOT to assert its commitment to coordinated transportation planning and heritage preservation, recognizing that freeways

like the South Mountain Transportation Corridor are of a different order of construction with far reaching cultural impacts as compared to smaller connector routes or surface streets.

In regard to the CAT meeting, Mr. Lewis and I will consider attending on August 28th pending availability in our schedules, but we will not prepare a formal presentation or ask to be placed on the agenda. We appreciate your invitation and look forward to a future opportunity to speak to the CAT.

If you have any questions please call me at (520) 562-6824 or (480) 784-7221 [cell].

Sincerely,


J. Andrew Darling
Coordinator

cc:

Jennifer Allison-Ray, Lt. Governor, Gila River Indian Community
Doug Torres, Director, Department of Transportation, Gila River Indian Community
David White, Community Manager, Gila River Indian Community
Alia Maisonette, Director, Public Information Office, Gila River Indian Community

AZ Dept. of Transportation
Office of Environmental Services

AUG 22 2008

South Mountain Transportation Corridor Study
Citizens Advisory Team
Technical Report Summary

Draft Cultural Resources



What are Cultural Resources?

Cultural resources are the prehistoric and historic sites, structures, places, landscapes, and objects that are important to a culture or community for historic, scientific, traditional, religious, or other reasons. They are a non-renewable resource that links us with our past and defines our heritage and social identity at the local, state, and national levels. Examples of cultural resources identified in the South Mountain Transportation Corridor include prehistoric archaeological sites, historic houses and farms, railroads, and irrigation canals.

Cultural resources also include traditional cultural properties (TCP). TCPs are places considered important for their association with cultural practices or beliefs of a living community that are rooted in that community's history, and are important in maintaining the continuing cultural identity of the community. Often, TCPs are places on the landscape that are important culturally, but may not be distinguished by physical manifestations resulting from human activity. For example, TCPs could include a location associated with the traditional beliefs of a Native American group about its origins or its cultural history, or a location where Native American communities have historically gone, and are known to go today, to perform traditional cultural practices.

Why study cultural resources in the Environmental Impact Statement (EIS)?

Cultural resources hold an intrinsic value in that they provide us with a direct link to the past, and help people define and understand their own heritage, as well as the heritage of others. Cultural resources can afford opportunities to study and learn how and why our cultures and societies have developed over time. Both the federal government and the State of Arizona acknowledge the importance of Arizona's cultural heritage to its citizens and recognize that physical links to our past should be preserved for future generations. Where preservation is not possible, the mitigation of effects to these resources is warranted.

The South Mountain Transportation Corridor study is a federal undertaking requiring regulatory compliance with the National Historic Preservation Act (NHPA). Section 106 of the NHPA requires federal agencies to take into account the effects of their activities and programs on cultural resources eligible for the National Register of Historic Places (NRHP). Regulations for Protection of Historic Properties, which primarily implement Section 106, were most recently amended in 2004 (36 CFR 800). These regulations define a process for responsible federal agencies to consult with the State or Tribal

Historic Preservation Officers (S/THPO), Native American groups, other interested parties, and, when necessary, the Advisory Council on Historic Preservation in Washington D.C. to ensure cultural resources are duly considered as federal projects are planned and implemented.

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

- Are Associated with events that have made a significant contribution to the broad patterns of our history;
- Are associated with the lives of persons significant in our past;
- Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction;
- Have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

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

What kind of impacts would occur from construction?

Direct impacts on cultural resources from construction could result in their partial or total destruction. Cultural resources such as archaeological sites and historic buildings are non-renewable resources that once destroyed are lost forever. By law, adverse impacts on cultural resources that are determined eligible to the NRHP must be mitigated.

Direct impacts from construction on cultural resources deemed of religious or traditional cultural importance by Native American groups or others could result in desecration of a sacred place. A potential indirect impact might be the loss of access by Native American groups to culturally important places as a result of construction restrictions.

How do the alternative alignments differ in construction-related impacts?

All action alternatives would impact prehistoric and historic cultural resources as shown in the tables. All but one of the prehistoric sites are considered eligible to the NRHP and would require mitigation if affected by construction. Although the E1 Alternative has the highest numbers of prehistoric sites, they are typically small sites representing a limited set of activities, such as rock art and resource collecting areas. In contrast, while the Western Section Alternatives would affect fewer sites, they include the remains of large prehistoric villages with extensive archaeological deposits, some measuring over 0.5 mile in diameter. Similarly, all the alternatives would affect historic sites. Most of the historic sites are not eligible for the NRHP. All the alternatives would cross the

Archaeological Resources Affected, Action Alternatives

Action Alternatives	Number of Sites Affected	Site Type	NRHP Eligibility Criterion	Mitigation Required
Western Section				
W55	6	1 village site; 5 habitation sites	D	Yes
W71	4	2 village sites; 2 habitation sites		
W101 Western Option	3	2 village sites; 1 habitation site		
W101 Central Option	2	2 village sites		
W101 Eastern Option	2	2 village sites		
Eastern Section				
E1	8	1 artifact scatter (limited activity site); 2 lithic quarries; 1 petroglyph site; 4 trail sites	D	Yes

NRHP-Eligible Historic Properties (non-TCP) Affected, Action Alternatives

Action Alternatives	Site Affected	NRHP Eligibility Criterion	
Western Section			
W55	Roosevelt Canal	Criterion A Associated with events that have made a significant contribution to the broad patterns of our history	Yes
	Historic Southern Pacific Railroad		No
W71	Roosevelt Canal		Yes
	Historic Southern Pacific Railroad		No
W101 Western Option	Historic Southern Pacific Railroad		No
W101 Central Option			
W101 Eastern Option			
Eastern Section			
E1	No historic structures present		

historic South Pacific Railroad which is NRHP-eligible. Similarly, all the alternatives would intersect the Roosevelt Canal. The segments of the Roosevelt Canal that would be crossed by the W55 and W71 Alternatives represent the original construction of the canal, and do contribute to the canal's eligibility, whereas the segments that would intersect the W101 Alternatives do not contribute to the canal's eligibility because they are modern realignments.

What kind of freeway operational impacts (post-construction) could occur?

The continued operation of the freeway could interfere with traditional cultural practices of some Native American groups.

Effects to the surrounding cultural and natural landscapes will impact more than just Native American groups. It will impact anyone who values and engages with the historical and cultural landscapes in and around the project area.

How do the alternatives differ in operational-related impacts?

Once constructed, the Western Section action alternatives should not result in operational impacts on cultural resources. Operational impacts from the Eastern Section action alternative could affect traditional activities of Native American groups.

I'm not sure I fully understand the term "operational-related impacts." If by operational impacts you mean any or all post-construction impacts, then I don't think you can say that the freeway won't contribute indirectly to further loss of cultural resources due to the developments it will stimulate in the Western Section or along its length. Look at the growth along the eastern portion of the 203 that has already been constructed. The fact is that cultural resources will be adversely affected by freeway construction directly and indirectly both in the construction corridor and outside due to the far-reaching impacts of a facility of this magnitude. Coordinated planning for heritage preservation is a necessary part of this undertaking, which includes the construction corridor and the surrounding communities.

What if the project were not constructed?

Due to the urban growth of the Phoenix metropolitan area as it is currently planned, it is likely that cultural resources in areas zoned for development, such as in agricultural fields, would eventually be disturbed. Furthermore, if these lands are developed by the private sector, there is no federal protection afforded in the form of mitigation, although some local governments have ordinances that offer some protection to cultural resources. Cultural resources in protected areas, such as the South Mountain Park/Preserve, would be preserved.

I understand your position this statement may be misleading to the Public. Freeway construction will adversely affect cultural resources. If the project is not constructed then the undertaking would not affect cultural resources. I don't think it is reasonable or

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recourse to state that it is better for cultural resources to build a freeway than a residential subdivision. Because one is federal with protections and the other is not.

Perhaps this can be explained to some that while freeway construction will have negative impacts on cultural resources, stopping freeway construction will not eliminate the continual loss of cultural properties due to urban development. Unlike certain private sector developers, the FHWA and ADOT is constrained by law to minimizing cultural resource impacts through the development of coordinated transportation infrastructure that improves the quality of life while sustaining core cultural and historical values of local communities and constituencies.

Even though this is a technical report, wouldn't it be useful to emphasize that transportation is about people and for FHWA and ADOT to renew its commitment as a public agency to support communities and culture? Just a thought.

Are there any specific and/or unique impacts from the build alternatives?

Archaeological sites and places considered culturally important by Native American groups would be affected by any of the build alternatives. The Gila River Indian Community and the Salt River Pima-Maricopa Indian Community have both passed Tribal Resolutions designating the South Mountains as a TCP. FHWA and ADOT recognize the South Mountains as a TCP, and Section 106 consultations regarding the South Mountains TCP are on-going.

Further, the South Mountain Park/Preserve is NRHP-eligible as an historic property for its National Park Service master plan design that set historical precedent in planning natural parks and its associations with Civilian Conservation Corps New Deal programs in Phoenix during the Depression era.

Are there things that could be done to reduce or avoid impacts?

Much has already been undertaken to avoid direct impacts on cultural resource sites throughout the Study Area. For example, adjustments to the W55, W71, and W101 alternatives have been made to avoid such resources. However, it appears that not all cultural sites could be avoided by the action alternatives. There are a range of activities ADOT could undertake to reduce impacts during construction and operation of the freeway. Below are some measures ADOT could undertake. Measures will be presented in the Draft EIS and finalized during the final design process after the EIS process is completed.

The degree of impact on cultural resources could be reduced by minimizing the construction footprint to the greatest extent possible. Impacts on historic buildings could be reduced through relocation of the structures. Impacts on cultural resources in the construction footprint that could not be relocated could be reduced through mitigation, such as archaeological excavations and architectural/engineering documentation prior to construction.

If cultural resources cannot be avoided, what is the process for mitigating the adverse impacts?

Specific mitigation strategies will vary depending on the type cultural resource being treated. For prehistoric sites, work plans and research designs are developed that describe research questions, methods, and excavation strategy that will be used for site excavation. In addition, a burial agreement with Arizona State Museum and concerned Native American tribes is developed that outlines the procedures for proper and respectful removal, treatment, and reburial of any human remains and associated funerary objects that might be encountered.

The mitigation field work is typically performed in two phases. The first phase involves conducting test excavations of a sample of a site to assess the type, condition, and distribution of features present below the ground surface, and in turn, to determine if there is a need for a more extensive program of data recovery excavations. This is typically accomplished in the Phoenix area by excavating a series of backhoe trenches sometimes coupled with some limited excavation units dug by hand (see Photo 1). If warranted, a second phase involves data recovery excavations where large excavation units are opened up over targeted features (see Photo 2). Sediments overlaying features are sometimes stripped away mechanically. The features are then excavated by hand in horizontal levels.

Mitigation strategies for historic cultural resources can be varied. For historic artifact deposits, such as an historic trash dump, where the cultural material is below ground, a phased mitigation strategy is used similar to that of prehistoric sites. Mitigation for buildings typically involves a combination of architectural assessments, historical research, and archival quality photographic documentation. Mitigation for historic structures, such as canals and bridges, involve a similar approach, usually with the preparation of an Historic American Engineering Record (HAER) which follows the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation.



Photo 1: Phase I archaeological testing.
Photo courtesy of Archaeological Consulting Services Ltd.

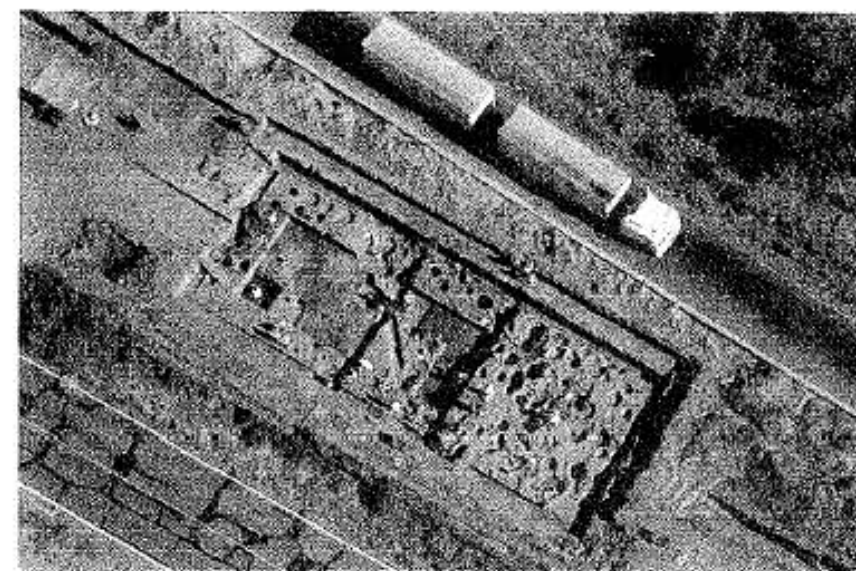


Photo 2: Phase II Data Recovery Excavation.
Photo by Adriel Heisey

Are the conclusions presented in this summary final?

The conclusions in this summary are not final. Consultation with Native American communities and the State Historic Preservation Office regarding the evaluation of TCPs within the project area is ongoing. In addition, many of the agricultural fields in the alternative footprints have been in production with crops such as alfalfa, and have therefore prevented the inspection of the ground surface for cultural resources. Future cultural resources surveys of these parcels could result in the identification of additional sites.

In situations such as this, where the effects of a project to cultural resources cannot be fully determined prior to the approval of the undertaking, a Programmatic Agreement (PA) is prepared that specifies the steps and procedures that will be taken to address the effects as they become known. A PA for the South Mountain Freeway project has been developed and executed. To date, this document has been signed by the Federal Highway Administration, the Arizona State Historic Preservation Office, the Arizona Department of Transportation, the Salt River Project, the Maricopa Department of Transportation, the Flood Control District of Maricopa County, the City of Phoenix, the Arizona State Museum, the Fort McDowell Yavapai Nation, the Tonto Apache Tribe, and the Yavapai-Apache Nation.

As a member of the Citizens Advisory Team, how can you review the entire technical report?

The cultural resources technical reports are confidential due to the cultural importance and sensitivity of their content. In accordance with state and federal law, these reports are not available for public review.



Janice K. Brewer
Governor

John S. Halikowski
Director

Arizona Department of Transportation

Office of the Director

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

John A. Bogert
Chief of Operations

John McGee
Executive Director
for Planning & Policy

November 9, 2009

Representative John McComish
House of Representatives
Arizona State Legislature
1700 W. Washington Street, Room 217
Phoenix, AZ 85007

Re: Proposed South Mountain Freeway

Dear Representative McComish,

On behalf of the Arizona Department of Transportation (ADOT), I would like to provide you with a brief overview of the ongoing study for the proposed Loop 202 South Mountain Freeway:

Study Process

As part of the proposed South Mountain Freeway Study, ADOT is following the federal process, as defined in the National Environmental Policy Act (NEPA), by completing an Environmental Impact Statement (EIS) on behalf of the Federal Highway Administration (FHWA). The Draft EIS will present information about the study's purpose and need; alternatives developed and studied in detail; potential impacts to the social, economic and natural environment, including measures to avoid, reduce or otherwise mitigate impacts; Section 4(f) evaluation¹; and public and agency outreach.

ADOT is currently revising the Administrative Draft EIS; to include analysis of the Maricopa Association of Government's (MAG) proposed changes to the *Regional Transportation Plan*. These changes include reducing the overall "footprint" of the freeway to eight lanes (three general-purpose lanes and one High Occupancy Vehicle [HOV] lane in each direction) and evaluating a proposed modification to the I-10 connection in the West Valley at 59th Avenue.

Upon completion of the Administrative Draft EIS, the document will be reviewed by FHWA and other governmental agencies. ADOT's timeline for release of the Draft EIS and the associated public hearing is largely based on this review process. At this time, ADOT anticipates publication of the Draft EIS and the public hearing will occur in summer 2010, with an associated 90-day public comment period (twice the federal requirement). The Final EIS will be available for public review during a 60-day comment period. After considering any comments received on the Final EIS, FHWA will issue a Record of Decision (ROD). The ROD will identify the selected alternative for the proposed action. If a build alternative is selected, MAG will allocate funding.

While potential impacts associated with the proposed freeway, such as The Foothills' well, are disclosed in the Draft and Final EIS, mitigation measures presented would become formal ADOT commitments (if a build alternative is selected) when published as part of the ROD.

¹ Section 4(f) of the U.S. Department of Transportation Act protects the use of public recreational land, historic resources and traditional cultural properties (TCPs). This includes an evaluation of Section 4(f) resources; a determination of impacts and an evaluation of measures available to minimize impacts, when warranted.



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • WWW.AZGFD.COM

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DEPUTY DIRECTOR
STEVE K. FERRELL



Mesa Office, 7200 E. University, Mesa, Arizona 85207 (602) 981-9400

October 31, 2001

Mary Viparina, P.E.
Project Manager
HDR Engineering
2141E. Highland Ave., Suite 250
Phoenix, AZ 85016

Re: Scoping for South Mountain Corridor Location/Design Concept Report and Environmental Impact Statement

Dear Ms. Viparina,

Thank you for inviting us to the Agency Scoping and Field Review Workshop held on October 30 and 31. We are providing our initial comments herein.

Arizona Revised Statutes Title 17 gives the Arizona Game and Fish Department the authority for wildlife management in Arizona, except on Indian Reservations. We also have authorities under the federal Fish and Wildlife Coordination Act to provide federal agencies recommendations to minimize impacts to fish and wildlife and their habitats that may result from federal projects that relate to water. This Act comes into play in this project due to the necessity of the highway to cross washes and the Salt River. Although the Endangered Species Act mandates certain considerations for federally protected species which are also managed by the state, the Fish and Wildlife Coordination Act mandates that consideration be given to all other fish and wildlife species.

The following information on special status species that may be present in the project vicinity is from our Heritage Information System Database. Please consider these species, as well as all state wildlife in planning your project. Keep in mind that this information is based on past occurrence records in the general vicinity of the proposed project. Some of these species may not be affected by the proposed project. However, other special status species not listed here may be present. To better assess whether your project would impact special status wildlife or other species, more current and thorough surveys at the proper time of year need to be conducted in the project area.

Ms. Viparina
11/07/01
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Special Status Species in the area of Proposed I-10 Loop

NAME	COMMON NAME	ESA	USFS	BLM	WSCA	NPL
ATHENE CUNICULARIA HYPUGAEA	WESTERN BURROWING OWL	SC		S		
COCCYZUS AMERICANUS	YELLOW-BILLED CUCKOO	C	S		WC	
DENDROCYGNA AUTUMNALIS	BLACK-BELLIED WHISTLING-DUCK				WC	
IXOBRYCHUS EXILIS HESPERIS	WESTERN LEAST BITTERN	SC			WC	
RALLUS LONGIROSTRIS YUMANENSIS	YUMA CLAPPER RAIL	LE			WC	

No Critical Habitats within Project Area

Arizona Game and Fish Department, Heritage Data Management System, November 6, 2001.

The most significant wildlife and habitat resources that exist within the study area are in the riparian and wetland zones along the Salt River. As the Salt flows west the amount of water in the river, and thus the amount of wetland and riparian habitat, increases. The Salt River on the western end of the study area supports some highly developed riparian habitat that is habitat for many species of fish and wildlife. The broadleaf riparian and mesquite bosque communities along the Salt River support a diverse community of migratory songbirds. The Yuma clapper rail is a federally listed Endangered species that occurs in the emergent vegetation habitats along the Salt River. Other high priority species in the area include the yellow-billed cuckoo (federal candidate species), the black-crowned night heron, and the osprey. Xeriparian habitats (desert washes) also have high value to many species of wildlife not only due to the vegetation, but as movement corridors. Burrowing owls may be present in open upland areas along proposed highway alignments. If these areas are to be disturbed, the Department recommends that the owls be captured and relocated by experienced personnel. The following is a summary of the issues of concern to the Department:

Riparian and other Habitat: The Department would support an alternative that minimizes impacts to the riparian habitats along the Salt River. Crossing locations over the Salt River on the eastern end of the project study area would minimize disturbance to these key riparian areas. The Department would prefer an alignment that utilizes previously disturbed areas, existing highway corridors or farmland. The Department wishes that the NEPA analysis quantifies and compares the relative impact of the alternatives under consideration to riparian habitats. This would be best presented with a matrix showing the relative quantity and quality of habitat that would be disturbed by the alternatives under consideration.

Habitat Loss Replacement: The Department wishes to ensure that all habitat losses are replaced per the Department policy I2.3 (enclosed). Through the 404 permitting process the Corps of Engineers usually requires replacement of habitat within the waters of the United States. Our compensation policy, as well as that of the U.S. Fish and Wildlife Service, seek replacement of upland habitat as well. The Department would prefer that

Ms. Viparina
11/07/01
3

habitat losses be replaced either through improvement of existing habitat through fencing or other projects, or by acquisition and preservation of lands that are destined for development.

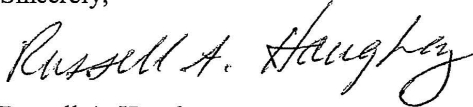
Wildlife Movement Corridors: The proposed project has the potential to cut off wildlife’s access to water and interrupt wildlife movement corridors. The Department would like to meet with the project planners to identify key movement areas and ensure that drainage crossing are adequately sized to accommodate wildlife movement where necessary. Further, we would like to identify areas where the highway may cut off access to water. In such situations if water is provided on both sides of the road, this would eliminate wildlife crossings and vehicle/wildlife collisions.

Wildlife Fencing Specifications: The Department’s wildlife fencing specification are enclosed. These specifications are designed to prevent livestock from crossing the fence, while ensuring that deer and other wildlife can cross without becoming entangled in the fence.

Access: The Department wishes that access to roads onto public lands and State trust lands be maintained for hunters, wildlife enthusiasts, off-highway vehicle users and other users of these lands. If access is cut off, it is likely that historical users will cut fences to access these roads, and this will result in livestock getting on the highway creating severe safety hazards. We would like to meet with the project planners to specifically identify key access points to maintain and develop safe and sensible designs to provide access from the new highway or other points.

Non-interruption of Flows: The Department wishes to ensure that highway construction does not cut off or divert flows that currently support native wash vegetation downstream.

Thank you for the opportunity to provide input into the planning of this highway. Please contact me at (480)981-9400 X 222 to set a time to discuss in more detail issues we have identified. We are looking forward to working with you and the agencies involved in the development of this highway.

Sincerely,

Russell A. Haughey
Habitat Program Manager, Region VI

Ms. Viparina
11/07/01
4

RH:rh

cc: Rod Lucas, Region VI Supervisor
Bob Broscheid, Habitat Branch
Josh Hurst, Wildlife Manager

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



Arizona Game and Fish Department Operating Manual
Section I: Wildlife, Habitat and the Environment
Chapter 2: Habitat and the Environment

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 I 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. Chihuahuahua, 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.

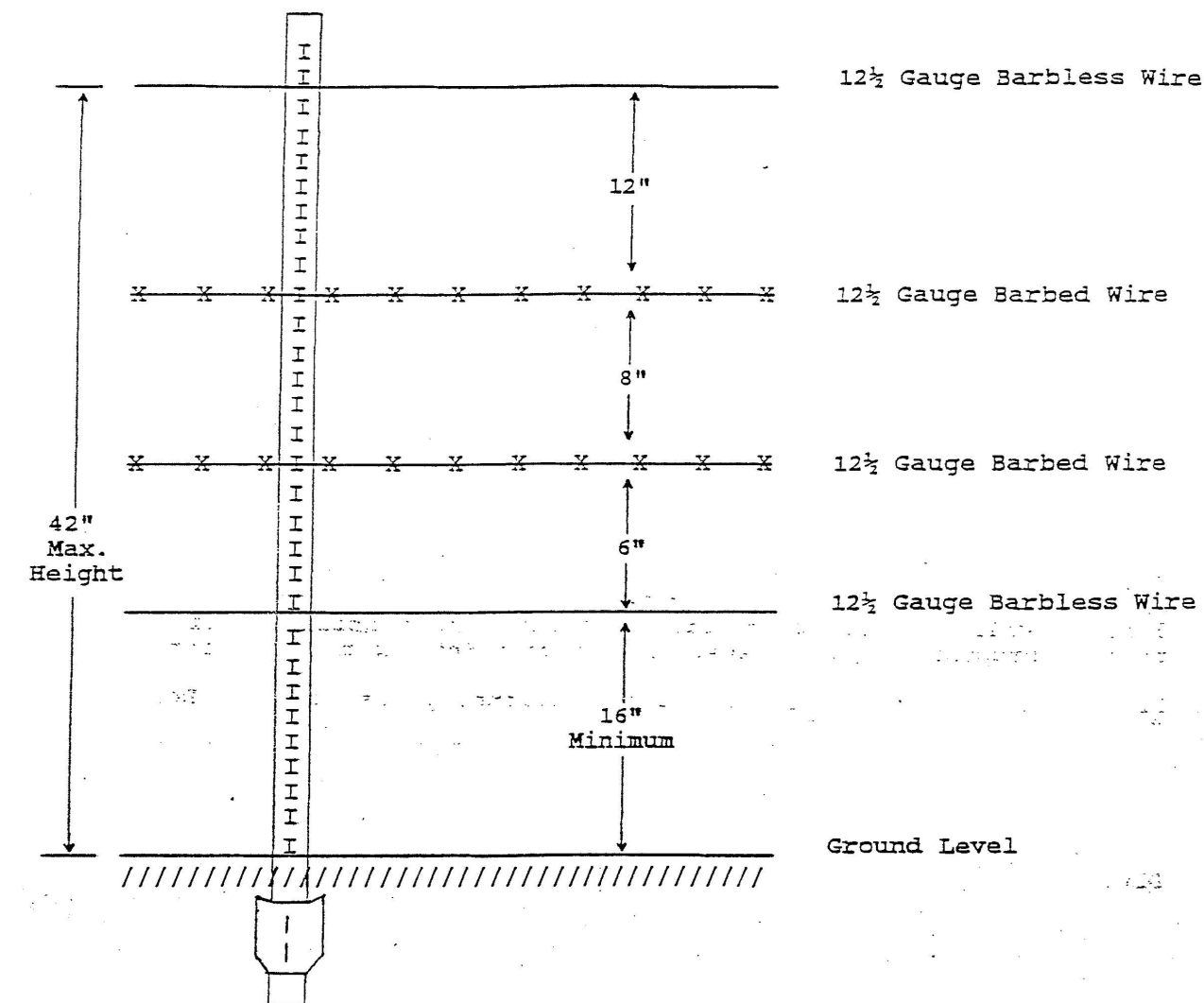
B. Proposal Screening Committee. Conservation Supervisor, chair; Development Branch Chief, Nongame Branch Chief, and Field Operations Coordinator.

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.

ARIZONA GAME AND FISH DEPARTMENT
STANDARD GAME FENCE SPECIFICATIONS



Additional Specifications:

- 20 - 25 feet between T-posts.
- At least 3 equally spaced stays between each post.
- Modifications to this design may be requested for fencing anticipated to be routinely encountered by elk, bighorn sheep or pronghorn.

Revised 11/93
Habitat Branch
DLW:RAC:nc

ARIZONA GAME AND FISH DEPARTMENT
STANDARD GAME FENCE SPECIFICATIONS

The following are fence specifications on cattle allotments intended to facilitate safe movements by wildlife.

Standard AGFD Recommended Fence Specifications.

Wire	Type	Position
1st	smooth	16" above ground
2nd	barbed	6" above bottom wire
3rd	barbed	8" above second wire
4th	smooth	12" above third wire

Total Fence Height - 42"

Additional Specifications: 20-25 feet between T-posts, with at least three equally spaced stays in between each post.

Most Important Specifications:

- total fence height
- height of bottom wire
- space between 3rd and 4th wire
- fence stays and spacing between posts
- smooth bottom wire

Negotiable Points:

- smooth top wire
- space between 2nd and 3rd wire
- space between 1st and 2nd wire
- total height up to 44"

Fence Specifications in Bighorn Sheep Range

Wire	Type	Position
1st	smooth	20" above ground
2nd	barbed	15" above bottom wire
3rd	smooth or barbed	4" above second wire

Total Fence Height - 39"

Burro Exclusion Fence Specifications in Bighorn Sheep Range

Wire	Type	Position
1st	rail	20" above ground
2nd	rail	16" above bottom rail
3rd	barbed	8" above second rail
4th	barbed	4" above third wire

- OR -

1st	rail	20" above ground
2nd	rail	16" above bottom rail
3rd	rail	6" above second rail

Total Fence Height - 42 - 48"

Fence Specifications for Pronghorn Habitat

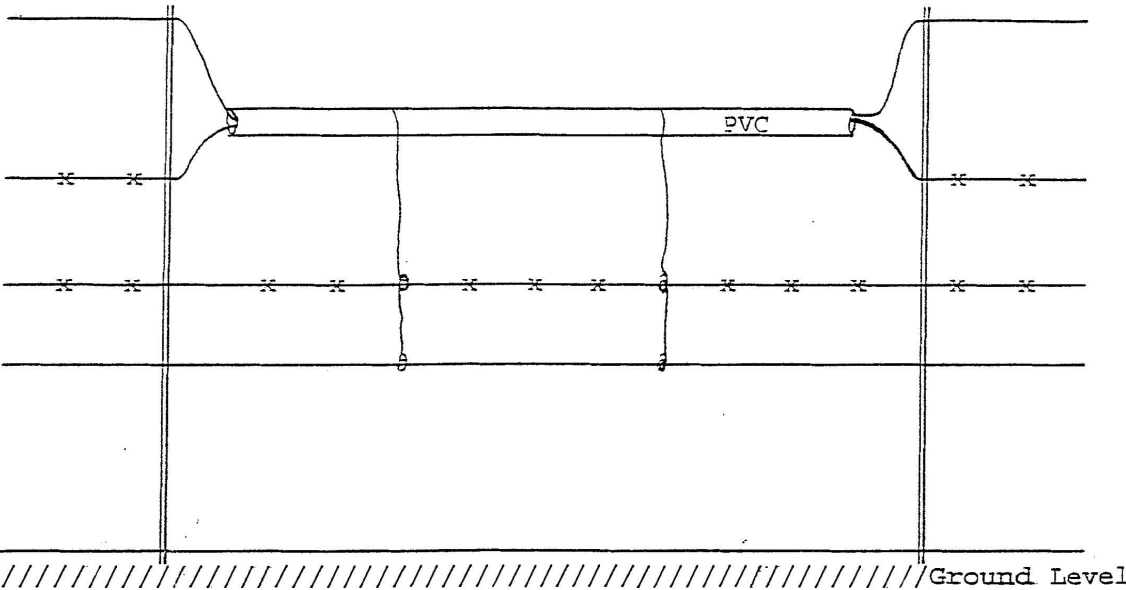
Wire	Type	Position
1st	smooth	16" above ground
2nd	barbed	14" above bottom wire
3rd	barbed	12" above second wire

Total Fence Height - 42"

Additional Specification: Sixteen to thirty feet between posts; no fence stays between posts that are less than 20 feet apart, only one stay between posts greater than 20 feet apart.

Note: The AGFD standard recommended fence is an adequate alternative. However, stays should be omitted, or reduced in number if deer are generally absent from the area.

ARIZONA GAME AND FISH DEPARTMENT
PVC FENCE CROSSING FOR ELK
April 11, 1994



Materials: 10' Length 1½" or 1¾" PVC
Boundary Fence
Wire Cutters
Leather Gloves

Instructions:

1. Remove fence stays between two primary fence posts.
2. Cut the top two wires approximately 18-24 inches from one of the primary posts.
3. Run both wires through the PVC. Then re-stretch and re-tie both wires.
4. Use smooth wire to form wire stays that hold down the PVC to the bottom two wires.

Notes: Time to install ~ 10-15 minutes.
Cost ~ \$2.50-\$5.00 for PVC.

Revised 4/11/94
Habitat Branch
BV:no



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2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • WWW.AZGFD.COM

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DEPUTY DIRECTOR
STEVE K. FERRELL



January 18, 2002

Ms. Fiona Goodson
HDR
2141 E. Highland Ave.
Suite 250
Phoenix, AZ 85016-4736

Re: Special Status Species Information for **Township 2 North, Range 1 East, Sections 33-36; Township 2 North, Range 2 East Sections 31-34; Township 1 North, Range 1 East, Sections 1-36; Township 1 North, Range 2 East Sections 3-10, 15-22, 27-34; Township 1 South, Range 1 East Sections 1, 12; Township 1 South, Range 2 East Sections 17, 18, 20, 27, 28, 34, and 35; Township 1 South, Range 3 East, Sections 31-36; Township 1 South, Range 4 East Sections 31-33, ADOT South Mountain Corridor Study.**

Dear Ms. Goodson:

The Arizona Game and Fish Department (Department) has reviewed your request, dated January 10, 2002, regarding special status species information associated with the above-referenced project area. The Department's Heritage Data Management System (HDMS) has been accessed and current records show that the special status species listed on the attachment have been documented as occurring in the project area. In addition, this project does not occur in the vicinity of any proposed or designated Critical Habitats.

The Department's HDMS data are not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity.

Making available this information does not substitute for the Department's review of project proposals, and should not decrease our opportunities to review and evaluate new project proposals and sites. The Department is also concerned about other resource values, such as other wildlife, including game species, and wildlife-related recreation.

Ms. Fiona Goodson
January 18, 2002
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The Department would appreciate the opportunity to provide an evaluation of impacts to wildlife or wildlife habitats associated with project activities occurring in the subject area, when specific details become available.

If you have any questions regarding the attached species list, please contact me at (602) 789-3618. General status information and county distribution lists for special status species are also available on our web site at:
http://www.azgfd.com/frames/fishwild/hdms_site/Home.htm.

Sincerely,

Sabra S. Schwartz
Heritage Data Management System, Coordinator

SSS:ss

Attachment

cc: Bob Broscheid, Project Evaluation Program Supervisor
Russ Haughey, Habitat Program Manager, Region VI

AGFD #1-11-02(03)

STATUS DEFINITIONS
ARIZONA GAME AND FISH DEPARTMENT (AGFD)
HERITAGE DATA MANAGEMENT SYSTEM (HDMS)

FEDERAL US STATUS

ESA Endangered Species Act (1973 as amended)
US Department of Interior, Fish and Wildlife Service (<http://arizonaes.fws.gov>)

Listed

- LE Listed Endangered: imminent jeopardy of extinction.
- LT Listed Threatened: imminent jeopardy of becoming Endangered.
- XN Experimental Nonessential population.

Proposed for Listing

- PE Proposed Endangered.
- PT Proposed Threatened.

Candidate (Notice of Review: 1999)

- C Candidate. Species for which USFWS has sufficient information on biological vulnerability and threats to support proposals to list as Endangered or Threatened under ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.
- SC Species of Concern. The terms "Species of Concern" or "Species at Risk" should be considered as terms-of-art that describe the entire realm of taxa whose conservation status may be of concern to the US Fish and Wildlife Service, but neither term has official status (currently all former C2 species).

Critical Habitat (check with state or regional USFWS office for location details)

- Y Yes: Critical Habitat has been designated.
- P Proposed: Critical Habitat has been proposed.

[\N No Status: certain populations of this taxon do not have designated status (check with state or regional USFWS office for details about which populations have designated status)].

USFS US Forest Service (1999 Animals, 1999 Plants: corrected 2000)
US Department of Agriculture, Forest Service, Region 3 (<http://www.fs.fed.us/r3/>)

- S Sensitive: those taxa occurring on National Forests in Arizona which are considered sensitive by the Regional Forester.

BLM US Bureau of Land Management (2000 Animals, 2000 Plants)
US Department of Interior, Bureau of Land Management, Arizona State Office
(<http://azwww.az.blm.gov>)

- S Sensitive: those taxa occurring on BLM Field Office Lands in Arizona which are considered sensitive by the Arizona State Office.
- P Population: only those populations of Banded Gila monster (*Heloderma suspectum cinctum*) that occur north and west of the Colorado River, are considered sensitive by the Arizona State Office.

Status Definitions 3 AGFD, HDMS

STATE STATUS

NPL Arizona Native Plant Law (1999)
Arizona Department of Agriculture (<http://agriculture.state.az.us/PSD/nativeplants.htm>)

- HS Highly Safeguarded: no collection allowed.
- SR Salvage Restricted: collection only with permit.
- ER Export Restricted: transport out of State prohibited.
- SA Salvage Assessed: permits required to remove live trees.
- HR Harvest Restricted: permits required to remove plant by-products.

WSCA Wildlife of Special Concern in Arizona (1996 in prep)
Arizona Game and Fish Department (<http://www.azgfd.com>)

- WC Wildlife of Special Concern in Arizona. Species whose occurrence in Arizona is or may be in jeopardy, or with known or perceived threats or population declines, as described by the Arizona Game and Fish Department's listing of Wildlife of Special Concern in Arizona (WSCA, in prep). Species indicated on printouts as WC are currently the same as those in Threatened Native Wildlife in Arizona (1988).

Revised 10/3/01, AGFD HDMS
J:\HDMS\DOCUMENT\NBOOKS\TEMPLATE\EORDEFS\STATDEF

Special Status Species within .5 Miles of T2N,R1E Sec 33-36; T2N,R2E Sec 31-34;
T1N,R1E Sec 1-36; T1N,R2E Sec 3-10, 15-22, 27-34; T1S,R1E Sec 1, 12;
T1S,R2E Sec 17, 18, 20, 27, 28, 34, 35; T1S,R3E Sec 31-36; T1S,R4E Sec 31-33

Arizona Game and Fish Department, Heritage Data Management System
January 18, 2002

Scientific Name	Common Name	ESA	USFS	BLM	WSCA	NPL
ATHENE CUNICULARIA HYPUGAEA	WESTERN BURROWING OWL	SC		S		
COCCYZUS AMERICANUS	YELLOW-BILLED CUCKOO	C	S		WC	
DENDROCYGNA AUTUMNALIS	BLACK-BELLIED WHISTLING-DUCK				WC	
GOPHERUS AGASSIZII (SONORAN POPULATION)	SONORAN DESERT TORTOISE	SC			WC	

No Critical Habitats in project area. AGFD #01-11-02(03), ADOT South Mountain Corridor Study.



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
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DEPUTY DIRECTOR
STEVE K. FERRELL



May 6, 2002

Ms. Sirena Brownlee
HDR
Park One
2141 E. Highland Ave.
Suite 250
Phoenix, AZ 85016-4736

Re: Special Status Species Shapefiles for South Mountain Area

Dear Ms. Brownlee:

Enclosed is the information requested in your April 19, 2002, email for species shapefiles for the South Mountain area (shapefile provided by HDR Engineering). The data is provided in ArcView shapefiles in NAD 27, Zone 12 projection. It is my understanding that the information is to be used to identify areas of high biodiversity for project components.

Per your request, enclosed is a diskette with a shapefile for species tracked by the Heritage Data Management System (HDMS). The HDMS focuses its efforts on special status or otherwise rare species. The data set are not intended to include potential locations, but are actual point observation or collections. The locations are one-mile radius polygons, but no names of the species are included. The areas are where special status species have been documented. The status information is included (i.e. listed endangered, BLM sensitive), but no other identifier is included, such as name or taxonomic group.

These data are still considered to contain sensitive information that if used inappropriately could worsen the situation of already sensitive species. For this reason, please consider these data as property of the Arizona Game and Fish Department (Department), and as such, are confidential. Consequently, the Department is providing the requested data with confirmation of your understanding and acceptance of the following conditions:

- HDMS data provided by the Department will be used solely for the purpose of analyzing areas of high biodiversity, **and no other project**, and will be used solely by your office to conduct analysis.
- HDMS data provided by the Department will not be distributed to other organizations, to individuals, or the public, or put on the Internet.

Ms. Sirena Brownlee

May 6, 2002

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- No HDMS data provided by the Department will be retained after the completion of your analysis as hard or soft copy. HDMS data provided by the Department will be deleted from any and all computers used in this project and returned to the Department upon completion of the analysis.
- Site locality data will not be included in or as part of any product released to the public. The site data maps are to be used solely for internal planning efforts. Only correlation or statistics and interpretations will be made public. No maps or tables of point locations will be included in any product for external use. Any maps used for this project will be at such a scale as to cover a minimum of more than one square mile.
- All 3rd party requests for access to this data will be referred to the HDMS at the Department.
- The information being provided by the Department is for general planning purposes only, and is not to replace any future correspondence requesting special status species information for a specific project.

Previous conduct of applicants is considered in processing requests for information. Because general release of site-specific data will negatively impact sensitive species, the Department will only release this information if it can assure adequate protection to the species. If the above agreed upon terms are violated, it will be considered a breach of agreement and you will be denied site specific level information in the future.

Please feel free to contact me at (602) 789-3618 if you have any questions with the data being provided. A hard copy field definition list is also provided with the data.

Sincerely,



Sabra S. Schwartz
HDMS Coordinator

SSS:ss

Enclosure



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.COM

GOVERNOR
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DEPUTY DIRECTOR
STEVE K. FERRELL



October 12, 2004

Ms. Andrea Love
HDR Engineering, Inc.
3200 E. Camelback Rd., Ste. 350
Phoenix, AZ 85018-2311

Re: South Mountain Transportation Corridor in Maricopa County, Draft Biological Technical Report, dated October 2003

Dear Ms. Love:

The Arizona Game and Fish Department (Department) has reviewed the Draft Biological Technical Report for the South Mountain Transportation Corridor (Report). The Department appreciates the opportunity to provide comments for the technical study and looks forward to reviewing the Draft Environmental Impact Statement (DEIS) when it becomes available. The following specific comments are provided for your consideration:

Affected Environment and Environmental Consequences

Wildlife Resources:

Page 3-6; The species list associated with the South Mountain Park/Preserve should include other nocturnal species such as owls and various species of bats.

Paragraph 3; the statement that the agricultural fields "have little value for native plants or wildlife", should be modified. Burrowing owls (state species of concern) are frequently located on the perimeter of agricultural fields utilizing fields for hunting and irrigation dikes for nesting. A brochure is enclosed for further information on burrowing owls.

Last sentence; this pertains to the sand and gravel pits along the Salt River riverbed and their potential use as wildlife habitats. The Report states, "...unlike natural ecosystems, the steep sides of the pits create less important zonal habitat than natural aquatic systems like rivers or lakes." If the gravel pits are non-active they could have their slopes modified to create shallow water habitats which would provide more suitable habitat to wildlife.

Last paragraph; this section only addresses those washes that have been or will be directly impacted by the project. A description of intact washes, including their functionality and ability to support wildlife should be included in the Report.

Ms. Andrea Love
October 12, 2004
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Environmental Consequences: Impacts Associated with All Action Alternatives:
Page 3-6 (last line on page); impacts are referenced as being largely restricted to a limited number of roadkills and disturbances caused by traffic noise (USDOT 2000). Roadkill and noise disturbances can result in major impacts to wildlife species. We recommend that any sections pertaining to road disturbances and how roads may be made more permeable for wildlife be expanded. Much research is being done nationwide (California, Florida, Colorado) regarding road design and their ability to support wildlife movement and the Department recommends that these studies be considered.

Wildlife movement corridors between the South Mountain Park area and the Sierra Estrella Mountains should be elevated in importance within the document. The establishment of wildlife crossings should be incorporated into the document in more detail and with a greater level of emphasis. This would allow for the potential dispersal of species between the two ranges despite the current level of degradation of the native habitats to prevent the establishment or further development of a “population sink” effect in habitats adjacent to the park. Potential locations and designs for movement corridors should be provided in the DEIS and should be included in the *Measures to Minimize Harm* section of the Report.

Measures to Minimize Harm:
Paragraph 2; the Report states that the Arizona Department of Transportation (ADOT) will landscape disturbed areas with native plants but does not indicate if there will be any monitoring to measure the success of the planting effort. Please indicate what steps will be taken to keep exotic species out of the revegetated areas and if there are any plans to replant if the revegetation is unsuccessful.

Paragraph 3; plans should be included on how the equipment wash water will be disposed of to avoid dispersing nonnative seeds to another location.

Paragraph 5; raised roadbeds (overpasses) allow for the maintenance of more natural vegetation, require less fill and have been demonstrated to have a higher rate of usage for more species than the standard drainage or box culvert crossing. This recommendation relates back to the above section regarding wildlife movement corridors.

Threatened and Endangered Species:
The Report should include a complete evaluation of all wildlife species, including special status species that are represented in the study area and within the 5-mile boundary. The DEIS should contain a thorough review, including potential impacts and mitigation of impacts for all species located within the 5-mile boundary. The Department utilizes boundaries that extend beyond the study area to account for wildlife movement. An evaluation should be made regarding potential impacts to each species considering their range, habitat use, breeding periods, etc.

Ms. Andrea Love
October 12, 2004
3

All wildlife species identified are either diurnal or crepuscular in nature. Obligate nocturnal species should also be identified, such as bats, owls, etc.

For any species where you are indicating that there are no current records, “current” should be defined. In addition, the state acronym for Wildlife Species of Concern is WSC, rather than WC.

P. 3-13, paragraph 1; please indicate the WSC species that the Report refers to as being “documented in the vicinity of alternative T02 and options T02A and T02B.

Environmental Consequences: Impacts Associated with All Build Alternatives:
Page 3-13; states that, “Tres Rios is in the vicinity, less than 1 mile to the west, and it is likely that the birds would relocate to that area.” An explanation of how Tres Rios can support the influx of displaced wildlife whether birds, or other species, should be provided.

Cumulative Impacts

The increase in non-native plants is identified, as well as the additional impacts associated with the species such as increases in non-native wildlife which are known to displace native species, e.g. European starling vs. Gila woodpecker. The document should provide potential alternatives for mitigating these foreseeable impacts to the environment. As non-native species become established in close proximity to relatively native habitat such as that in south Mountain Park, these native areas become increasingly stressed and therefore more susceptible to invasion by non-native species.

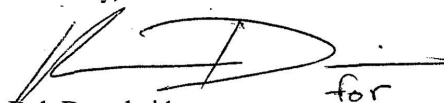
This section should also address the cumulative impacts that may occur to Tres Rios in relation to all project activities. This description should include the influx of wildlife as previously discussed and the impacts of noise and disturbance to wildlife at Tres Rios.

The Department appreciates the opportunity to provide comments for this project and we would be interested in working with your team to address the comments provided herein as part of your range of alternatives and your preferred alternative. The Department is committed to partnering with agencies and managers to maintain wildlife permeability across the state of Arizona as habitat fragmentation is a serious issue that can cause species decline when important habitat components such as breeding sites or food sources can no longer be accessed. Populations can decline in the long term from lack of genetic variability that can eventually lead to species being federally listed as endangered or threatened.

Ms. Andrea Love
October 12, 2004
4

The Department looks forward to coordinating with your planning team as needed, when identifying the locations of alternative wildlife crossings. Please coordinate with Rebecca Davidson, Project Evaluation Program Supervisor at (602) 789-3602, if you have any questions regarding these comments.

Sincerely,


for
Bob Broscheid
Habitat Branch Chief

BB:ea

Enclosure

cc: Rebecca Davidson, Project Evaluation Program Supervisor
Russ Haughey, Habitat Program Manager, Region VI

AGFD# 03-30-04 (01)



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.COM

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DIRECTOR
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DEPUTY DIRECTOR
STEVE K. FERRELL



October 25, 2004

Ms. Andrea Love
HDR Engineering, Inc.
3200 E. Camelback Rd.
Suite 350
Phoenix, AZ 85018

Re: Special Status Species Information for Township 2 North, Range 1 East, Section 33-36; Township 2 North, Range 2 East, Section 31-34; Township 1 North, Range 1 East, Section 1-36; Township 1 North, Range 2 East, Section 3-10, 15-22, and 27-34; Township 1 South, Range 1 East, Section 1 and 12; Township 1 South, Range 2 East, Section 17, 18, 20, 27, 28, 34, and 35; Township 1 South, Range 3 East, Section 31-36; Township 1 South, Range 4 East, Section 31-33: Proposed Freeway Connection.

Dear Ms. Love:

The Arizona Game and Fish Department (Department) has reviewed your request, dated October 6, 2004, regarding special status species information associated with the above-referenced project area. The Department's Heritage Data Management System (HDMS) has been accessed and current records show that the special status species listed on the attachment have been documented as occurring in the project vicinity (2-mile buffer). In addition this project does not occur in the vicinity of any Designated or Proposed Critical Habitats.

The Department's HDMS data are not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity.

Making available this information does not substitute for the Department's review of project proposals, and should not decrease our opportunities to review and evaluate new project proposals and sites. The Department is also concerned about other resource values, such as other wildlife, including game species, and wildlife-related recreation. The Department would appreciate the opportunity to provide an evaluation of impacts to wildlife or wildlife habitats associated with project activities occurring in the subject area, when specific details become available.

Ms. Andrea Love
October 25, 2004
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If you have any questions regarding this letter, please contact me at (602) 789-3619. General status information, county and watershed distribution lists and abstracts for some special status species are also available on our web site at <http://www.azgfd.com/hdms>.

Sincerely,



Ginger L. Ritter
Heritage Data Management System, Data Specialist

SSS:glr

Attachment

cc: Rebecca Davidson, Project Evaluation Program Supervisor
Russ Haughey, Habitat Program Manager, Region VI

AGFD #10-21-04 (01)

Special Status Species within 2 Miles of T2N, R1E Sec. 33-36; T2N, R2E Sec. 31-34; T1N, R1E Sec. 1-36; T1N, R2E Sec. 3-10, 15-22, & 27-34; T1S, R1E Sec. 1 & 12; T1S, R2E Sec. 17, 18, 20, 27, 28, 34, & 35; T1S, R3E, Sec. 31-36; T1S, R4E Sec. 31-33

NAME	COMMON NAME	ESA	BLM	USFS	STATE
<i>Athene cunicularia hypugaea</i>	Western Burrowing Owl	SC	S		
<i>Coccyzus americanus occidentalis</i>	Western Yellow-billed Cuckoo	C		S	WSC
<i>Dendrocygna autumnalis</i>	Black-bellied Whistling-duck				WSC
<i>Gopherus agassizii</i> (Sonoran Population)	Sonoran Desert Tortoise	SC			WSC
<i>Ixobrychus exilis</i>	Least Bittern				WSC
<i>Lasiurus blossevillii</i>	Western Red Bat				WSC
<i>Rallus longirostris yumanensis</i>	Yuma Clapper Rail	LE			WSC

No Critical Habitats in project area. AGFD # 10-21-04(01). Proposed Freeway Connection.

Arizona Game and Fish Department, Heritage Data Management System, October 25, 2004.

STATUS DEFINITIONS
ARIZONA GAME AND FISH DEPARTMENT (AGFD)
HERITAGE DATA MANAGEMENT SYSTEM (HDMS)

FEDERAL US STATUS

- ESA** Endangered Species Act (1973 as amended)
US Department of Interior, Fish and Wildlife Service (<http://arizonaes.fws.gov>)
- Listed**
- LE** Listed Endangered: imminent jeopardy of extinction.
 - LT** Listed Threatened: imminent jeopardy of becoming Endangered.
 - XN** Experimental Nonessential population.
- Proposed for Listing**
- PE** Proposed Endangered.
 - PT** Proposed Threatened.
- Candidate** (Notice of Review: 1999)
- C** Candidate. Species for which USFWS has sufficient information on biological vulnerability and threats to support proposals to list as Endangered or Threatened under ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.
 - SC** Species of Concern. The terms "Species of Concern" or "Species at Risk" should be considered as terms-of-art that describe the entire realm of taxa whose conservation status may be of concern to the US Fish and Wildlife Service, but neither term has official status (currently all former C2 species).
- Critical Habitat** (check with state or regional USFWS office for location details)
- Y** Yes: Critical Habitat has been designated.
 - P** Proposed: Critical Habitat has been proposed.
- [\N** No Status: certain populations of this taxon do not have designated status (check with state or regional USFWS office for details about which populations have designated status)].
- USFS** US Forest Service (1999 Animals, 1999 Plants: corrected 2000)
US Department of Agriculture, Forest Service, Region 3 (<http://www.fs.fed.us/r3/>)
- S** Sensitive: those taxa occurring on National Forests in Arizona which are considered sensitive by the Regional Forester.
- BLM** US Bureau of Land Management (2000 Animals, 2000 Plants)
US Department of Interior, Bureau of Land Management, Arizona State Office (<http://azwww.blm.gov>)
- S** Sensitive: those taxa occurring on BLM Field Office Lands in Arizona which are considered sensitive by the Arizona State Office.
 - P** Population: only those populations of Banded Gila monster (*Heloderma suspectum cinctum*) that occur north and west of the Colorado River, are considered sensitive by the Arizona State Office.

Status Definitions

3

AGFD, HDMS

STATE STATUS

STATE:

Plants - NPL Arizona Native Plant Law (1999)
Arizona Department of Agriculture (<http://agriculture.state.az.us/PSD/nativeplants.htm>)

- HS** Highly Safeguarded: no collection allowed.
- SR** Salvage Restricted: collection only with permit.
- ER** Export Restricted: transport out of State prohibited.
- SA** Salvage Assessed: permits required to remove live trees.
- HR** Harvest Restricted: permits required to remove plant by-products.

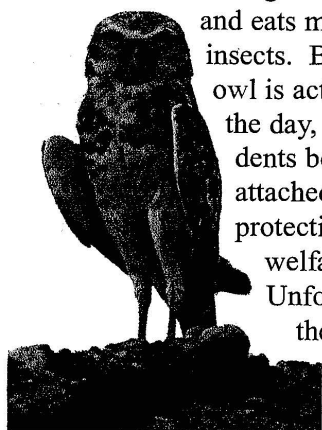
Wildlife - WSCA Wildlife of Special Concern in Arizona (in prep)
Arizona Game and Fish Department (<http://www.azgfd.com>)

WSC Wildlife of Special Concern in Arizona. Species whose occurrence in Arizona is or may be in jeopardy, or with known or perceived threats or population declines, as described by the Arizona Game and Fish Department's listing of Wildlife of Special Concern in Arizona (WSCA, in prep). Species indicated on printouts as WSC are currently the same as those in **Threatened Native Wildlife in Arizona** (1988).

Revised 8/24/04, AGFD HDMS
J:\HDMS\DOCUMENT\NBOOKS\TEMPLATE\EORDEFS\STATDEF

The Burrowing Owl Project

The Burrowing Owl is a beneficial raptor that lives in underground burrows and eats mice and insects. Because the owl is active during the day, nearby residents become very attached to them and protective of their welfare.



Unfortunately, in the past, heavy equipment has been used to prepare a site while the owls were still living there, in many cases killing the adult owls and burying baby owls in the nest. No one would deliberately chop down a tree with an eagle on a nest, yet that is what is happening to the Burrowing Owl. Because this bird lives underground, it is not immediately apparent that there are protected birds in danger. Moving the birds out of the way is very inexpensive compared to a project delay. A licensed specialist, such as Wild At Heart in Cave Creek, Arizona, can remove the owls and relocate them to an area that won't be developed.

For More Information

- To report the location of a Burrowing Owl burrow that lies in the path of development, or to request help in removing an owl, contact:
Bob Fox
Wild At Heart
31840 North 45th Street
Cave Creek, Arizona 85331
(480) 595-5047
- To request help in finding or evaluating a site for artificial burrows, contact:
Greg Clark
Burrowing Owl Project
650 South 79th Street
Chandler, Arizona 85226
(480) 961-4047
- Visit the Burrowing Owl Project web site at <http://mirror-pole.com> for details about owl removal, relocation and burrow installation locations.
- For more information about Arizona Partners in Flight contact:
Jennifer Martin
Arizona Partners in Flight
Arizona Game and Fish Dept.
2221 W. Greenway Road
Phoenix, Arizona 85023-4399
(602) 789-3576
jmartin@gf.state.az.us

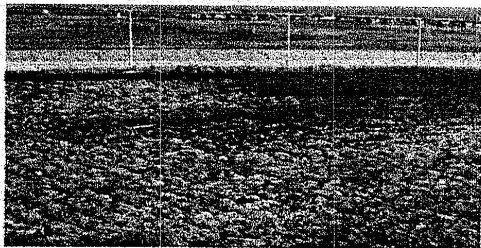
DEVELOPMENT AND BURROWING OWLS IN ARIZONA

Don't let poor planning cause delays and cost you money!

If you do not move this owl well before grading begins, it could delay your project, make enemies of the neighbors, and possibly subject your company to fines for breaking a federal law, the Migratory Bird Treaty Act of 1918.

Where Are the Owls Found?

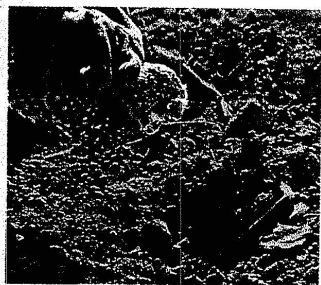
It is possible to find Burrowing Owls anywhere in Arizona where the land is flat and open. The most likely locations are near agricultural fields where the burrows are found in dirt canal banks



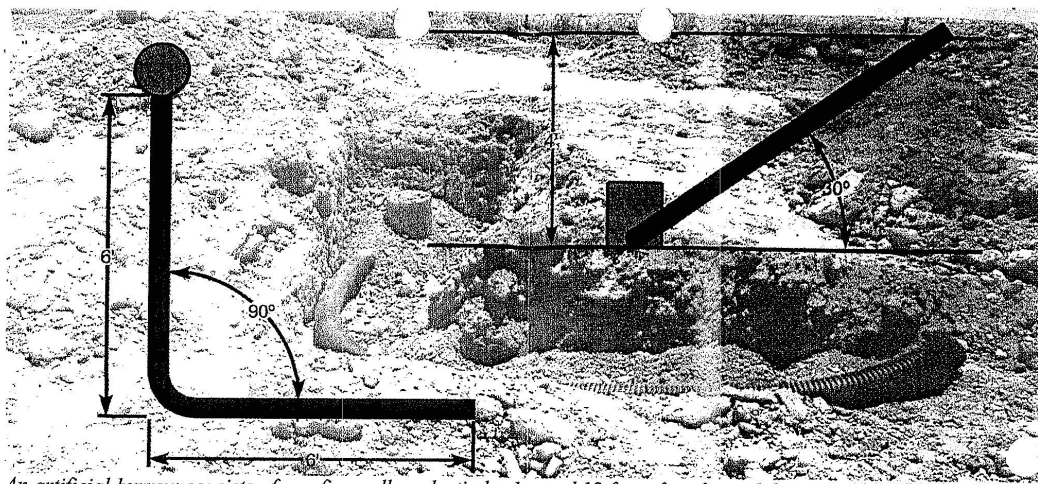
and culvert pipes. Burrowing Owls are also found in undisturbed desert and grassland areas where the vegetation is sparse and there are very few big trees.

What is Relocation?

Burrowing Owls can be safely captured by an expert and held for later release. Typically, the site for the release is designated within or near the development, and artificial burrows are installed in advance of capture.



The cost of materials for a burrow is only \$10, and digging the hole for installation is quick and easy with a backhoe.



An artificial burrow consists of one five-gallon plastic bucket and 12 feet of perforated drain pipe.

Be Part of the Solution

Burrowing Owls are a valuable addition to a development. Wholly beneficial, they catch insects, such as scorpions, and rodents that most people would rather not have around. In addition, the owls can be an important educational resource for schools and children.

The builder provided a backhoe and operator to excavate the hole for an artificial burrow.



ASU students digging a hole for an artificial burrow.

Partners in Flight

Partners in Flight

is an international cooperative program of agencies, organizations, and individuals committed to conserving our neotropical migratory and native land birds.

Arizona Partners in Flight

(APIF) is a subgroup of this international program. Its goal is to maintain healthy populations of Arizona's birds and their habitats.

This brochure was created as part of the Partners in Flight Conservation Initiative. Through improved habitat management and environmental awareness, Partners in Flight strives to reverse the declining numbers of many North American bird species and to work toward keeping common birds common.

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES ENCOUNTERED ON DEVELOPMENT PROJECTS

Arizona Game and Fish Department
Revised January 17, 1997

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

Desert tortoises of the Sonoran population are those occurring south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position at all times and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 105 degrees Fahrenheit unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to two miles, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 105 degrees Fahrenheit, the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. *Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises.* Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- These guidelines do not apply to the Mohave population of desert tortoises (north and west of the Colorado River). Mohave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.
- These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.
- Take, possession, or harassment of wild desert tortoises is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.

RAC:NLO:rc

-----Original Message-----

From: Alicia Jontz [<mailto:AJontz@gf.state.az.us>]

Sent: Friday, March 31, 2006 11:19 AM

To: Morage, Michael E.

Cc: Russ Haughey; Pat Crouch; Ray Schweinsburg; Kelly Wolff

Subject: South Mountain Parkway

Michael,

On February 17, 2006, Arizona Game and Fish Department biologists met with Phoenix Parks and Recreation Department at South Mountain to evaluate the proposed route for the continuation of Loop 202, the alternative routes and the proposed wildlife crossings. The Department is strongly committed to maintaining connectivity between wildlife habitats within Arizona. Connectivity should be maintained between South Mountain Park and the Estrella Mountains if possible. In the review of the proposed freeway construction and site visit several challenges to maintaining connectivity between the mountain ranges were noted.

In order for any wildlife crossings to be successful, it is essential that undeveloped wildlife corridors be established and maintained between South Mountain Park and the Estrella Mountains. The majority of the land falling between the two mountain ranges belongs to the Gila River Indian Community. This land is currently sparsely developed; however, while on site, we observed areas that appear to be prepared for development. GRIC would need to be involved in this process and agree to establish corridors across their land. Since reservations are essentially a sovereign nation and many tribes face economic challenges, it may be extremely difficult to develop a relationship with the GRIC at this late juncture and have them set aside lands that they may otherwise develop to the benefit of their economy and tribal members. Surface streets, such as 51st Avenue, may also prove to be barriers to successful wildlife movement as traffic increases. If wildlife corridors are established it may be necessary to place crossings on surface streets lying between the two mountain ranges.

While reviewing the proposed freeway design, we noted that at final buildout, the new freeway is scheduled to be a solid roadway including both lanes of travel and HOV lanes, without a break in the median. A freeway of this size would require lengthy wildlife underpasses or tunnels. Research has shown that many species will not use these large crossings, due to reduced visibility inside the crossing and the inability to see the other side of the crossing. A preferred alternative would be to separate the two lanes of travel, at crossings, allowing for a break in the median and natural light to penetrate the wildlife crossing. The wildlife crossings would then be built at two shorter crossings, which wildlife will more readily use. If this is not possible, the use of artificial lighting inside the crossing may be sufficient.

Currently, the new freeway is proposed to be a ground level freeway with several small wildlife crossings such as box culverts and a few larger crossings. Coyotes, javelina, bobcats, foxes desert tortoises, snakes, gila monsters, chuckwalls are known to occur within South Mountain Park. Both historically and recently, there have been several credible, but unconfirmed sightings of Mountain Lions within South Mountain Park. Mule deer have not be documented in South Mountain Park for some time and are believed to be extirpated from the area; however, it is possible they still occur in small numbers. The smaller box culvert type crossings will work for many of the smaller wildlife species; however, larger crossings such a raised bridge, provide a more effective crossing for all wildlife species. Natural stream beds or washes may be appropriate places to locate the bridges. With either type of crossing it is essential that the bottom of the crossing be a natural substrate, not the bottom of a concrete box or metal tube, and that fencing is used to encourage use of the crossing.

In the plans for the proposed wildlife crossings, a multiple use crossing was outlined that would allow for both wildlife crossing and human recreation such as hiking and horseback riding. We would strongly discourage this type of design for a wildlife crossing. While some human traffic is unavoidable, managing for high use human recreation would discourage wildlife from using the area, making the crossing ineffective for wildlife movements.

Several routes are proposed to connect the 202 to I-10 in the west valley. In order to maintain the quality and integrity of our riparian systems, the 75th Avenue alternative would be preferable to the 91st Avenue alternative.

The Department appreciates the effort and consideration put into this project by ADOT and other participating parties. Wildlife crossings on roadways in Arizona are relatively new and previously concessions were not made for wildlife. In this instance all involved parties may need to consider that due to expanding development in the Phoenix metropolitan area and the lack of long term sustainable corridors between South Mountain and the Estrella Mountains across GRIC land, this project may not be the highest priority for wildlife crossings in the state. While some wildlife crossings may be appropriate, large expenditures of state funds may not be appropriate in this case. Any wildlife that migrates from the Estrella Mountains into South Mountain park will find themselves landlocked by development and may end up in the urban area causing conflicts with human populations. If all barriers to movement can be overcome, a comprehensive study of species occurrence and density within South Mountain Park would be useful to determine the types of crossings that should be build, species use of crossings once built, and long term population dynamics pre and post freeway construction.

Alicia Jontz
Wildlife Manager Central Phoenix
623-556-1158



JANET NAPOLITANO
GOVERNOR

STATE OF ARIZONA
Office of Homeland Security
1700 W. Washington Street Phoenix, AZ 85007
(602) 542-7030 Facsimile: (602) 364-1521



FRANK F. NAVARRETE
DIRECTOR

June 15, 2006

Victor M. Mendez
Director
Arizona Department of Transportation
205 South 17th Avenue
Room 135 A
Phoenix, Arizona 85007

Dear Director Mendez:

The intent of this letter is to document the Arizona Office of Homeland Security's position concerning the proximity of the South Mountain Freeway to the tank farm at 55th Avenue and Van Buren Street.

The security of the tank farm will not be compromised by the alignment and design of the freeway as long as the changes outlined by City Manager Fred Fairbanks in a June 2, 2006 letter are made.

These changes include:

- Shift freeway alignment as far west as possible, while remaining in the vicinity of the 55th Avenue corridor;
- Minimize the take of land from the tank farm site;
- Build a screen wall or barrier that will block the line of sight from trucks on the freeway mainline and northbound off-ramp into the tank farm. The ramp barrier should be designed to prevent a heavy vehicle from penetrating into the tank farm; and
- Collaborate with representatives from the Arizona Counter-Terrorism Information Center in developing appropriate protection solutions for the tank farm in relation to potential effects from the freeway right-of-way.

Sincerely,

Frank F. Navarrete, Director
Office of Homeland Security

GILA RIVER INDIAN COMMUNITY

SACATON, AZ. 85247

ADMINISTRATIVE OFFICES
P.O. Box 97—(602) 562-3311

December 2, 1986

Mr. Charles Miller
Director, Arizona Department of Transportation
206 South 17th Avenue
Phoenix, Arizona 85007

Dear Mr. Miller,

As the design stage of the Southwest and Southeast Loops nears, it is important to restate the Tribe's concern that adequate north-south access will serve Gila River Indian Community lands. Although it is still the Tribe's position that a Queen Creek alignment would better serve all parties than the Pecos Road alignment recommended by the Maricopa Association of Governments, we have been actively and beneficially involved in route reconnaissance stage activities with ADOT's consultant teams, HDR, Inc. and Dames and Moore, and with ADOT liaison person Steve Miller. Through them, we have indicated that we will require access at the following points:

- A full T.I. at 59th Avenue;
- A grade separation at 51st Avenue;
- A T.I. at 35th Avenue;
- A T.I. at 19th Avenue;
- A T.I. at 7th Street;
- A T.I. at 32nd Street;
- A T.I. at 40th Street;
- A grade separation at 48th Street;
- A grade separation at 56th Street;
- A grade separation at Kyrene Road;
- A T.I. at McClintock Road.

These locations were developed in conjunction with the City of Phoenix Department of Transportation to assure compatibility with South Mountain developments while serving Tribal needs in a meeting held June 17, 1985, and have been discussed with City of Chandler staff on a number of occasions.

In addition to the above access points, the Tribe must maintain full access to Reservation lands at the freeway-to-freeway

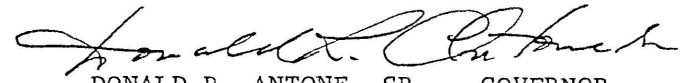
interchanges at I-10 and at Price Road. We believe that the complexity of the interchange at I-10 as presented in the concept stages has negative impacts on access to Pima-Chandler Industrial Park, one of the Tribe's most important economic resources. Similarly, the interchange at Price Road, as presented in concept, did not provide direct access to the south to Tribal lands. These concerns have been stated to both consultants and ADOT representatives.

Because of the proposed freeway location approximately one-quarter mile north of the Reservation boundary, there is a gap between the freeway and Reservation lands that must be acquired as right of way to provide access from the freeway to the Reservation boundary. It is of utmost concern to the Tribe that this access be guaranteed as part of the right of way reservation activities presently being undertaken by ADOT. Further, it is equally important that commitment to the type and location of access points be made at this time so that the Tribe can begin the necessary steps to plan and reserve right of way, drainage, and other facilities on the Reservation.

Before consultants and ADOT staff begin final design recommendations, it is imperative that the Tribe have a commitment from ADOT designating the type and location of access points, and a commitment that ADOT will acquire right of way and fund construction of roads from those access points across the gap between the Reservation lands and the freeway.

Please feel free to contact me if you have any questions.

Sincerely,


DONALD R. ANTONE, SR. - GOVERNOR
GILA RIVER INDIAN COMMUNITY

DRA/dh

cc: Mr. James Stevens, Director, Bureau of Indian Affairs,
Phoenix Area Office
Mr. Vernon Palmer, Acting Superintendent, Pima Agency
Mr. Steven Martin, ADOT
Mr. Eric Keen, Dames and Moore
Mr. Bill Korf, HDR Infrastructure, Inc.



John Louis
GILA RIVER INDIAN COMMUNITY
SACATON, AZ. 85247

ADMINISTRATIVE OFFICES
P. O. Box 97
(602) 562-3311 or 963-4323

July 12, 1989

Mr. Larry Landry
Landry Associates
2 N. Central #1950
Phoenix, Arizona 85004

Dear Mr. Landry,

During our recent meeting discussing roads development plans on the reservation, you requested clarification of the Gila River Indian Community's north-south access points to the Southwest Loop freeway. We indicated that the tribe's master plan for the northern border area identifies 7th Street as critical and necessary to service existing and planned development. However, 7th Avenue is not needed for access to Community lands, as staff has made clear on a number of occasions during Technical Advisory Committee sessions with ADOT and its consultant, HDR, Inc.

I hope this clarifies the tribe's position on 7th Street, rather than 7th Avenue, being the requested point of access. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Thomas R. White
THOMAS R. WHITE - Governor
GILA RIVER INDIAN COMMUNITY

cc: CAntone, Land Use Planning
DHallock, OP&E



ROSE MOFFORD
Governor
CHARLES L. MILLER
Director

ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

206 South Seventeenth Avenue Phoenix, Arizona 85007

July 3, 1989

THOMAS A. BRYANT, II
State Engineer

Dorothy Hallock
Comprehensive Planner
Gila River Indian Community
P. O. Box 97
Sacaton, Arizona 85247

RE: South Mountain Freeway

Dear Dorothy:

Recent statements made by Gila River Indian Community (GRIC) staff at various meetings indicate that there is some confusion regarding location of the South Mountain Freeway and access afforded the GRIC to the freeway.

For your information, I have attached one of our handouts depicting the alignment, design features and approximate right-of-way for the South Mountain Freeway.

I should point out that sheet 5 of 11 fails to show the proposed Estrella Drive grade separation which is part of the design concept. Otherwise, these handouts are consistent with the Design Concept Report, Design Concept Report Plans Set, and Final Environmental Assessment transmitted to GRIC July 27, 1988.

If you have any questions or need further clarification, please do not hesitate to contact me.

Sincerely,

John L. Louis
JOHN L. LOUIS
Assistant Urban Highway Engineer
Urban Highway Section

JLL:SAM:vlb

Attachment

cc: Ed Wueste, FHWA





GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

*Executive Office of the
Governor and Lt. Governor*

315 West Casa Blanca Road
Post Office Box 97

July 12, 1999

(520) 562-6000
Fax: (520) 562-6010

The Honorable Mayor Skip Rimsza
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003

Dear Mayor Rimsza:

The Gila River Indian Community (the "Community") has received a draft copy of the South Mountain Parkway Specific Plan which was prepared by the City of Phoenix's Planning Department. Members of my staff have completed a preliminary review of this draft plan that proposes an alternative alignment through our Community.

While this proposed plan would obviously benefit the City of Phoenix's limited access to the west valley, the Community does not see any benefits to having this alignment on our lands. We do not desire to see the proposed state highway proceed through any portion of South Mountain due to cultural and religious significance. However, there are several disadvantages to Alternative "B".

- There is no guaranteed access which would be provided to the Community through the development of this proposed highway. We would require access.
- The alignment, as proposed, is not eligible for the \$85 million in parkway funds unless the Maricopa Association of Governments (MAG) approves the new alignment. Which entity would pursue parkway funds and the change of alignment?
- ADOT would be required to complete environmental studies in this area according to regulations.
- ADOT's State Transportation Board would have to approve this alignment as a new state highway, and according to ADOT, this would be a limited access highway.
- The plan discusses proposed noise and visual mitigation elements which would only benefit the residents of the Ahwatukee Foothills area. There appears to be no positive aesthetic enhancements for the Community. Therefore, the Community would be subject to negative noise and visual impacts from the proposed highway. This is not acceptable.
- The proposed alignment creates the potential for incompatible development opportunities for the Community's landowners in the area. Therefore, the proposed highway alignment may not meet mutual objectives. Our future development in this area would be limited.

The Honorable Mayor Skip Rimsza
July 12, 1999
Page 2

Since the toll road concept has been abandoned, the Community has not pursued further discussions as to any alternative alignment(s) on our land. However, ADOT has recently requested the Community's consideration on an alignment south of South Mountain. The Community's Gila Borderlands Plan conveyed a conceptual plan for an alternative alignment if the toll road concept had proved feasible and advantageous to our Community.

We remain very concerned that your office did not communicate its intent to circulate a plan of this nature, prior to distribution, given the key role the Community would have in the proposed project. If a project of this magnitude were to occur, it would be on a government to government relationship. However, a planner within the City of Phoenix's Planning Department distributed it to two staff members of mine who are not directly involved in transportation planning issues. In the future, I strongly suggest that documents of this nature be provided directly to my office with copies to Ms. Sandra Shade, Director of our Community's Department of Transportation via the Mayor's office.

In closing, our Community has roadways within our respective areas which we consider to be a priority. The dilemma currently confronted by the City of Phoenix is not a priority our Community desires to undertake at this time. Should the Community desire to entertain this matter further, we will contact your office.

Sincerely,

Mary V. Thomas
7-12-99

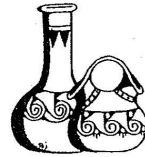
Mary V. Thomas
Governor

MVT:ss

cc: Cecil F. Antone, Lt. Governor, GRIC
Community Council, GRIC
I-10 & Pecos Landowners Association, GRIC
Districts 6 & 7 Communities, GRIC
Sandra Shade, Director, GRIC DOT
Mary Peters, Director, ADOT
Sal DiCiccio, Councilman, City of Phoenix



GILA RIVER INDIAN COMMUNITY



DISTRICT 7 SERVICE CENTER
RURAL ROUTE 4, BOX 186
LAVEEN, ARIZONA 85339

(520) 430-4780
FAX (520) 430-3224

Memorandum

To: Mr. John D. Godec
South Mountain Corridor Team Leader

Fr: Keith R. Fohrenkam, Chairperson *KRF*
GRIC District Seven

Date: December 11, 2001

Re: South Mountain Freeway

Upon the District review of your presentation on the proposed routes for the South Mountain Freeway, it is the majority ruling of the District Seven Community members to write this letter in opposition of the Freeway coming through the District Seven Community.

If you should have any further questions, please call the telephone numbers listed above. Thank-you.

xc: file

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

Donald R. Antone, Sr.
Governor



Richard P. Narcia
Lieutenant Governor

January 10, 2002

Mr. Victor Mendez, Director
Arizona Department of Transportation
206 S. 17th Avenue
Phoenix, AZ 85007

Re: Reduced Corridor Study for the South Mountain EIS

Dear Mr. Mendez:

The Gila River Indian Community (the "Community") appreciates being included as a key stakeholder for the South Mountain Corridor EIS. As you know, this corridor has been the subject of several studies during the past fifteen years. Several of these studies considered freeway alignments on our Community's lands and these studies all concluded that freeway alignments more than a few miles south of Pecos Road are not feasible.

The Community is not interested in revisiting alignments South of the Ocotillo Road section line, as referenced with the accompanying map to the Right of Entry Permit No. RE-02-01 that was granted by our Community Council on September 5, 2001.

As recently as 1996, studies showed such alignments to be infeasible. In light of the above considerations, the Community Council has indicated that the study area on Community land be limited to the area North of the Ocotillo Road section line and North of the Gila River. We do not wish to preclude options, however, we do not believe there is value in studying alignments outside this area.

We looked forward to a continued working relationship with the South Mountain EIS project team.

Sincerely,

Donald R. Antone, Sr.
Governor

Victor Mendez, Director
January 10, 2002
Page 2

Reduced Corridor Study for the South Mountain EIS

cc: Richard P. Narcia, Lt. Governor
Sandra Shade, Director, GRIC DOT
Fred Ringlero, Director, GRIC LUP&Z
Bill Hayden, Special Assistant to Director, ADOT
Mary Viparini, Project Manager, ADOT
Steve Martin, Project Manager, HDR
Bill Vachon, Engineer, FHWA
Davis Pecusa, Superintendent, BIA Pima Agency

GILA RIVER INDIAN COMMUNITY
Executive Office of the Governor & Lieutenant Governor

Donald R. Aronow, Sr.
Governor



Richard P. Narcia
Lieutenant Governor

April 25, 2002

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

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

Dear Mr. Hollis:

As you are aware, staff from our Community have partnered with members of your staff, Arizona Department of Transportation, and the consultant team regarding the Environmental Impact Statement and Design Concept Report for the South Mountain Transportation Corridor Study. In addition, we have initiated a Gila Borderlands Task Force that is currently working on updating development plans along our northern boundary which is adjacent to the proposed transportation corridor.

Our Community Council adopted a resolution in August 2000 which in essence does not support any freeway alignment on Tribal land within the proposed study area. Therefore, until such time that our Council revisits this resolution and modifies or rescinds it, the Community can not offer any alignments for inclusion into the above study.

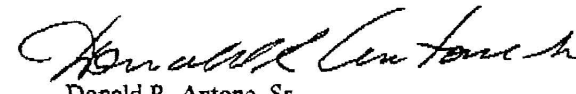
The Gila Borderlands Task Force has had preliminary internal discussions regarding potential alignments which may be advantageous to the Community and allotted landowners. The Task Force, as a recommending body, will continue to discuss the matter at future meetings. Should the resolution issue be resolved and the alignments forwarded to our Natural Resources Standing Committee, the Committee will determine whether the proposed alignments have merit which warrant their support for a favorable recommendation to our Community Council. In the meantime, the Community appreciates your understanding that only the Community government has the right to designate alignment alternatives within its boundaries.

Mr. Robert E. Hollis
April 25, 2002
Page 2

EIS/DCR South Mountain Transportation Corridor

Members of my staff will continue to work with your staff during this study process. We look forward to a continued mutually beneficial working relationship.

Sincerely,



Donald R. Antone, Sr.
Governor

cc: Richard P. Nacchia, Lt. Governor
Victor Mendez, Director, Arizona Department of Transportation
Davis Pecusa, Superintendent, BIA, Pima Agency
Sandra Shade, Director, GRIC DOT

Richard P. Nacchia
GOVERNOR



Mary V. Thomas
LIEUTENANT GOVERNOR

Gila River Indian Community
EXECUTIVE OFFICE OF THE GOVERNOR & LIEUTENANT GOVERNOR

April 11, 2003

Mr. Robert E. Hollis
Division Administrator
Federal Highway Administration
Arizona Division
One Arizona Center, Suite 410
400 E. Van Buren St.
Phoenix, AZ 85004-2285

Re: HDA-AZ File #: NH-202-D(ADY)

Dear Mr. Hollis:

This correspondence is in response to your March 6, 2003 letter in which you have requested the Community to identify a corridor for study for the Environmental Impact Statement Study for the South Mountain Corridor Study.

As you will note from the attached letter to ADOT dated January 10, 2002 and accompanying map to the Right of Entry Permit, a reduced corridor study was outlined as the area North of the Ocotillo Road section line and North of the Gila River.

For the Community to offer an "alignment(s)" for study, we would have to undertake a similar process that ADOT's consultant, HDR, is currently undergoing with regarding to the Environmental Impact Statement Study. If the Community were to "dictate" an alignment for study, this might defeat the purpose of the study.

As also conveyed in a letter to FHWA dated April 25, 2002 our Community Council has adopted a resolution in August 2000 which in essence does not support any freeway alignment on Tribal land within the proposed study area. Until such time that our Council revisits this resolution, the Community staff, as a part of the monthly EIS meetings, cannot offer any alignments for consideration.

315 WEST CASA BLANCA ROAD • POST OFFICE BOX 97 • SACATON, ARIZONA 85247
TELEPHONE: (520) 562-6000 • FAX: (520) 562-6010 • EMAIL: executivemail@gric.nsn.us

Robert E. Hollis
April 11, 2003
Page 2

At this time, we feel that you have a corridor to study alignments. Any alignments for consideration must be ultimately approved by our Community Council.

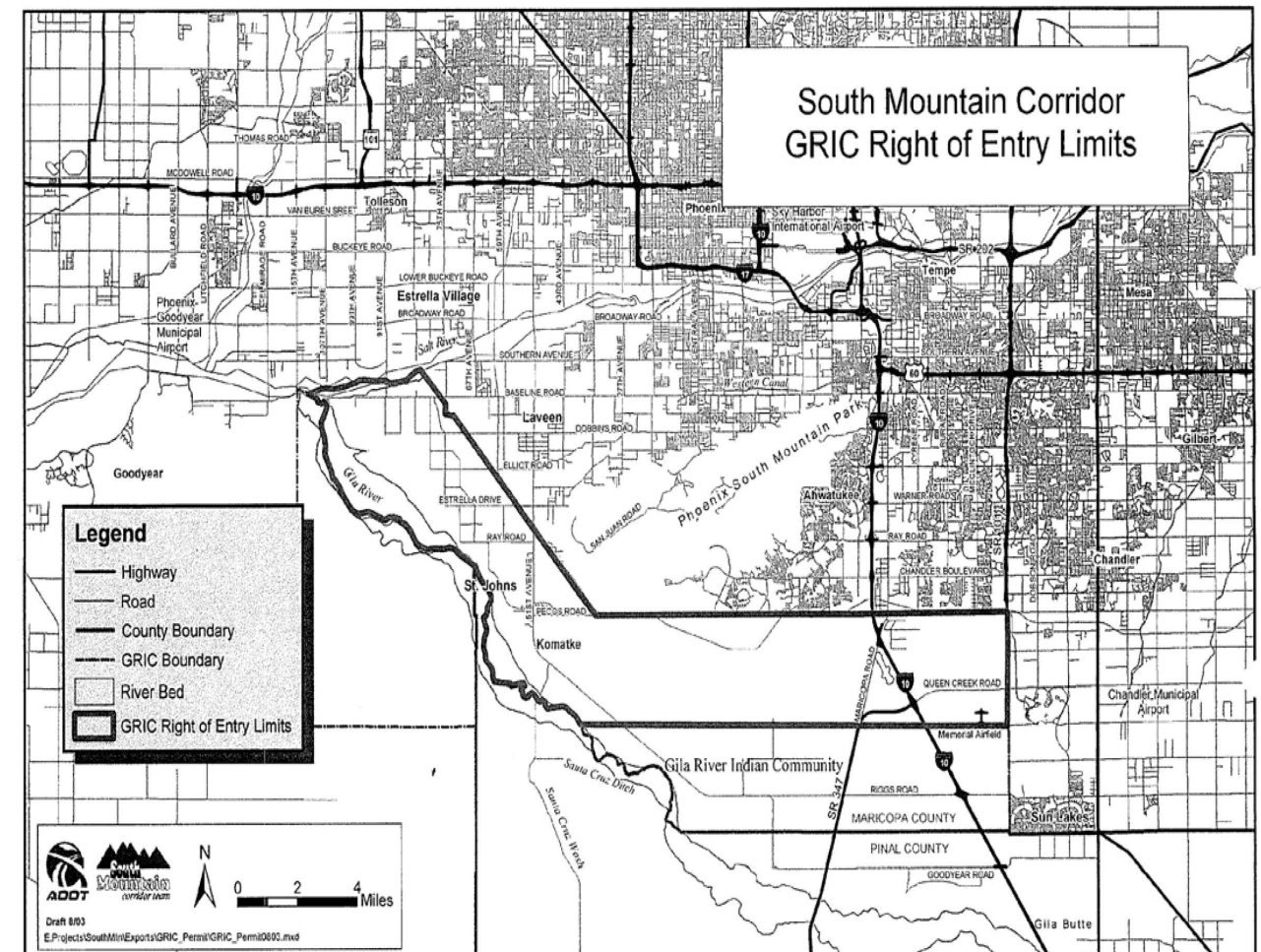
Sincerely,

Richard P. Nance

Richard P. Nardcia
Governor

cc: Mary V. Thomas, Lt. Governor
Community Council , GRIC
Victor Mendez, Director, ADOT

attachments: Correspondence dated January 10, 2002 to ADOT Director
Correspondence dated April 25, 2002 to FHWA Division Administrator





GILA RIVER INDIAN COMMUNITY

DISTRICT NO. 6 SERVICE CENTER

Post Office Box 54
Laveen, Arizona 85339
(520) 550-3805
(520) 550-3806
FAX: (520) 550-2900

April 23, 2003

Governor Richard P. Narcia
Gila River Indian Community
P. O. Box 97
Sacaton, Arizona 85427

Re: South Mountain Freeway

Dear Governor Narcia:

During this past year the Federal Highway Administration and the Arizona Department of Transportation began an Environmental Impact Study for the Future South Mountain Freeway. Meetings were held in the Districts to discuss the study with their residents and several articles appeared in the Gila River Indian newspaper. As a result of these activities, our District Six residents began to inquire as to where the future freeway might be and if it would impact their property.

As you are aware, our District Six Community and the Community Council had adopted a resolution in August 2000 which did not support construction of new highways within our District boundaries.

Based upon increased interest and requests from District Six residents, a meeting was scheduled in December 2002 to provide an opportunity to update the District Six Community and respond to questions from landowners, community residents, and District Community Council members. ADOT and HDR staff and answering many questions from our residents, the District Six Community voted to permit ADOT to proceed with their study. The Community emphasized that approval did not replace the 2000 resolution.

This is a letter of support, on behalf of the District Six Community, for ADOT to proceed with the Environmental Impact Study for the future South Mountain Freeway and to abide by the resolution enacted in the year 2000.

Page 2
Governor Richard Narcia
April 23, 2003

Sincerely,

Albert Pablo
Chairman, District Six Community

Cc: District Six Councilmen (3)
File

Richard P. Narcia
GOVERNOR



Mary V. Thomas
LIEUTENANT GOVERNOR

Gila River Indian Community
EXECUTIVE OFFICE OF THE GOVERNOR & LIEUTENANT GOVERNOR

May 5, 2003

Honorable Mayor Skip Rimsza
City of Phoenix
200 West Washington
Phoenix, AZ 85001

Re: Extension of 48th Street South to the Boundary of the Gila River Indian Community

Honorable Mayor Rimsza:

This is to apprise you of the concerns of the Gila River Indian Community (the "Community") regarding the extension of 48th Street South to the Community's boundary. In June 1998, Mr. Frank Fairbanks, Phoenix City (the "City") Manager, along with other City staff met with then Governor Mary Thomas and members of her staff. The purpose of the meeting was to discuss 48th Street and how vital the connection to the Community will be for our development plans in our North Central area which encompasses over 2,000 acres. A copy of our Gila Borderlands Study was provided which depicts development along 48th Street. During that meeting assurances that 48th Street would be constructed to our common boundary were conveyed by Mr. Fairbanks to the Community. Based upon this discussion, we proceeded with the development of this area. This included making investments in excess of \$200,000,000 for our Wild Horse Pass Resort and Casino and rezoning the area South of Ahwatukee for commercial use. This was done on the premise and understanding that 48th Street would be our "signature" entrance into our development area. The appraisals and rental contracts for these developments are based on access to 48th Street that is connected through the City of Phoenix.

The February 24, 2001, Arizona Republic article on "Battle of 48th Street" indicates that "after the meeting with the City of Phoenix and the Community, the Pecos connection to I-10 was redesigned, elevating one ramp and depressing the other below street level so that 48th Street could be extended to the Gila River Community border."

Since the meeting in 1998, we have relied on the commitments made by City officials. As you will note from the attached correspondence, over the past few years we have continued to communicate our intent to the City. We have never been officially informed to the contrary of any changes. We are also aware that the City requested an amendment to the General Plan allowing it to make 48th Street into a four-lane arterial road and take the street from where it ends now just South of Chandler Boulevard through Pecos Park, and into our Community. We understand that the City often extends arterial streets into other jurisdictions and requires developments to be planned around those streets.

315 WEST CASA BLANCA ROAD • POST OFFICE BOX 97 • SACATON, ARIZONA 85247
TELEPHONE: (520) 562-6000 • FAX: (520) 562-6010 • EMAIL: executivemail@gric.nsn.us

Honorable Mayor Skip Rimsza
May 5, 2003
Page 2

As recently as April 3, 2003 members of my staff met with staff from the City along with a representative from the Arizona Department of Transportation (the "ADOT") to again discuss common access points within the City. In that meeting a Park plan, approved in 1999, was provided to our staff which showed 48th Street as a dead end road North of the boundary. During this meeting, City staff indicated that if the Community wanted to pay an estimated \$3,000,000, which would include widening the bridge and providing a grade separation, then perhaps Ahwatukee residents may agree that the roadway be extended. The future roadway is on a section line and constitutes a major arterial for both the Community and the City.

ADOT also has been aware of our plans and they too have ignored the Community's plans to extend this roadway to four lanes, given their construction of a two lane bridge over the freeway. A four-lane structure will be required for our plans to come to fruition. In addition, neither the City nor ADOT has indicated a willingness to share in the above referenced costs.

The Community never received official notice that a retention basin would become a park and that this factor would preclude the construction of 48th Street to our boundary. This is contrary to our written request of June, 1998, in which we requested that we be advised of any actions that may impact our Community.

We need to know if the City is still committed to the extension of 48th Street South to our boundary as a major arterial. I therefore request an opportunity to meet with you and the City Manager to discuss this matter. Please have a member of your staff contact Mr. Jose Solarez, Economic Development Planner, at (520) 562-6131 to schedule this meeting.

Sincerely,

GILA RIVER INDIAN COMMUNITY

Richard P. Narcia
Richard P. Narcia
Governor

cc: Mary V. Thomas, Lt. Governor
Community Council, GRIC
Wild Horse Pass Development Authority
✓Victor Mendez, Director, ADOT

attachments: Correspondence dated June 18, 1998 to Phoenix City Manager
Correspondence dated August 18, 2000 to Phoenix City Manager



GILA RIVER INDIAN COMMUNITY
SACATON, AZ 85247

*Executive Office of the
Governor and Lt. Governor*
315 West Casa Blanca Road
Post Office Box 97

(520) 562-6000
Fax: (520) 562-6010

June 18, 1998

Mr. Frank Fairbanks
City Manager
City of Phoenix
200 W. Washington
Phoenix, AZ

Dear Mr. Fairbanks,

I appreciate the visit by you and your staff members to discuss our mutual planning and transportation issues.

As you are aware the Community has development plans our lands south of Pecos Road, that we consider essential to our long term economic prosperity. Enclosed is a copy of the Gila Borderlands Study, recently adopted by the Community Council, that reflects our current planning for our lands that border your City.

The City's agreement to extend the 48th Street right-of-way to the Community boundary, and to work with the Community in determining the mutual agreed upon alignment was very encouraging. We are currently constructing 48th Street about ¼ mile south of Pecos Road, and will be locating some utilities in the corridor to the north. I would like to have our staff work with your staff as soon as possible to determine the exact location. Sandra Shade, our Department of Transportation Director, will be coordinating our 48th Street alignment.

I hope the City of Phoenix and the Gila River Indian Community can work cooperatively in planning and developing our mutual boundary. Please keep us informed of any actions that may impact our Community.


Mary V. Thomas, Governor
Gila River Indian Community

cc: Cecil F. Antone, Lt. Governor
Sandra Shade, Transportation Director

GILA RIVER INDIAN COMMUNITY
Executive Office of the Governor & Lieutenant Governor

Donald R. Antone, Sr.
Governor



Richard P. Narcia
Lieutenant Governor

August 18, 2000

Mr. Frank Fairbanks
City Manager
City of Phoenix
200 W. Washington
Phoenix, AZ 85001

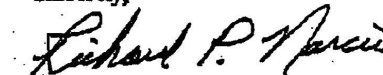
Dear Mr. Fairbanks:

In June of 1998 representatives from the Gila River Indian Community and the City of Phoenix met to discuss mutual planning and transportation issues regarding the extension of 48th Street south to our Community's boundary. It is my understanding that the City agreed to extend 48th Street and to work with our staff in determining the mutual agreed upon alignment of the roadway.

We are still interested in pursuing this important project because as the Community conveyed during the earlier meetings, our long range plans include a variety of economic and commercial developments on over 2,000 acres that will surround our Wild Horse Pass Casino.

We would like to request a meeting with you and representatives of the City's transportation staff to discuss the 48th Street extension. Please have a member of your staff contact Ms. Carol Buckles, Executive Assistant, at (520) 562-6040 to schedule a date and time. Should your staff have any questions or desire additional information they may contact Ms. Sandra Shade, Director for our Community's Department of Transportation at (520) 562-6110.

Sincerely,



Richard P. Narcia
Lt. Governor

cc: Donald R. Antone, Sr., Governor
Sandra Shade, Director, GRIC DOT
Dale Gutenson, Consultant, GRIC

Richard P. Nacria
GOVERNOR



Gila River Indian Community
EXECUTIVE OFFICE OF THE GOVERNOR & LIEUTENANT GOVERNOR

September 10, 2003

Honorable Mayor Neil Giuliano, Chair
Transportation Policy Committee
Maricopa Association of Governments
302 North 1st Avenue, Suite 300
Phoenix, AZ 85003

Dear Chairman Giuliano:

Recently, representatives from the Maricopa Association of Governments (MAG), a member of the Transportation Policy Committee (TPC), and a City of Phoenix representative met with members of my staff to discuss the possibility of our Community supporting a motion at an upcoming TPC meeting regarding the South Mountain Freeway.

During the past two years, the Gila River Indian Community has participated, as a key stakeholder, in the Environmental Impact Statement (EIS) Study for the South Mountain Freeway Corridor. Meetings have been held with the administrators for the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) to inform them of the Community's position regarding the proposed freeway. In addition, our Community Council adopted a Resolution in August 2000, which in essence, does not support any freeway alignment on Tribal lands within the proposed study area. Therefore, until such time that our Council revisits this Resolution, the Community will not support or endorse any proposed alignments within our boundary.

We feel strongly that it is premature for any freeway alignment to take precedence over another given that the EIS study is still two years away from a Record of Decision. Further, we feel that any alignments identified outside the Community's boundary should not be precluded from the study and must also include the original Pecos Road alignment that was identified in MAG's Long Range Transportation Plan in 1985.

Honorable Neil Giuliano, Chair
September 10, 2003
Page 2

Members of my staff will continue to work with the study team for the EIS; however, any alignments for consideration or approval must be ultimately approved by our Community Council.

Sincerely,

Richard P. Nacria
Governor

cc: Mary V. Thomas, Lt. Governor
Gila River Community Council Members
Urban Giff, Community Manager
Gary Bohnee, Executive Assistant, GRIC
Sandra Shade, Director, GRIC DOT
Davis Pecusa, Superintendent, BIA Pima Agency
Victor Mendez, Director, ADOT
Bill Hayden, Special Assistant to Director, ADOT
Robert Hollis, Division Administrator, FHWA
Dennis Smith, Executive Director, MAG

Richard P. Narcia
GOVERNOR



MARY V. T.
LIEUTENANT G

Gila River Indian Community

EXECUTIVE OFFICE OF THE GOVERNOR & LIEUTENANT GOVERNOR

October 14, 2005

Mr. Victor Mendez, Director
Arizona Department of Transportation
206 S. Seventeenth Avenue
Phoenix, AZ 85007-3213

Dear Director Mendez:

On behalf of the Gila River Indian Community (the "Community"), I appreciate the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) for taking the time to meet to discuss important transportation issues that face our respective organizations.

As such, I believe the key to building a successful partnership is to develop a better communication process and protocol. Central to this effort is the need to identify a point of contact in our respective organizations that is both knowledgeable and capable of speaking in an official capacity. For the Community, Ms. Sandra Shade, Director, Gila River Department of Transportation will continue to serve as the primary contact.

Consistent with our discussion, the Community would like to have Mr. Bill Hayden serve as the ADOT's primary liaison to the Community. As a part of your current team, Mr. Hayden brings to the table the requisite experience in working with tribal governments. He has an established relationship with the Community Council, key staff, and the Bureau of Indian Affairs (BIA). Of equal importance are his experience, knowledge and respect for our tribal protocol. The Lieutenant Governor and I both feel strongly that Mr. Hayden has demonstrated the ability to work with our leadership in an effective manner and, therefore, remain unyielding in our request that he serve as the key point of contact from ADOT to work with our Community on this project. We believe Mr. Hayden will move this project forward in a positive manner in the spirit of communication and cooperation with all stakeholders.

Importantly, the Community recognizes the Interstate 10 (I-10) Widening Project is the number one statewide priority project for ADOT. As such, we feel strongly that ADOT

must bring an experienced and professional project management team who will work closely with our key staff in moving this project forward.

The Community Council adopted Resolution GR-119-05 on August 5, 2005 that identifies several priority areas regarding the alignment, improvement, operation and maintenance of, and access to Interstate 10 within the boundaries of our Community. A copy of this resolution has been provided to you and Mr. Robert Hollis of FHWA so that your respective organizations may begin the review process while we concurrently move forward with a Community outreach program and additional input and participation.

Again, it was a pleasure to have the opportunity to meet with you and Mr. Hollis and I look forward to a mutually beneficial working relationship. Your consideration of the Community's recommendations is greatly appreciated.

Sincerely,

Richard P. Narcia, Governor
Gila River Indian Community

cc: Lt. Governor Mary V. Thomas
Gary Bohnee, Chief of Staff, GRIC
Sandra Shade, Director, GRIC DOT
Robert Hollis, FHWA Division Administrator
The Honorable Governor Janet Napolitano

Richard P. NARCIA
GOVERNOR



Mary V. Thomas
LIEUTENANT GOVERNOR

Gila River Indian Community
EXECUTIVE OFFICE OF THE GOVERNOR & LIEUTENANT GOVERNOR

December 20, 2005

Mr. Victor Mendez
Director
Arizona Department of Transportation
206 S. 17th Avenue
Phoenix, AZ 85007

Dear Director Mendez:

As you are aware, there has recently been considerable public debate on the future of the proposed South Mountain Loop 202. In an effort to clarify the position of the Gila River Indian Community ("the Community") on this issue please accept this letter to reaffirm that the Community does not support any freeway alignment on tribal lands.

Consistent with a Community Council resolution (GR-126-00) adopted in August 2000 and, more recently, a motion that was adopted by the Council on December 8, 2005 to reaffirm the August 2000 resolution, the Community remains steadfast in its position on the proposed South Mountain Loop 202. Importantly, it is the authority of the Community Council to determine the transportation policy of the Community. Therefore, until such time that the Community Council revisits the actions, the Community will not support or endorse any proposed alignment within the boundaries of the reservation.

While the Community appreciates being a key stakeholder in the Environmental Impact Statement ("EIS") process to date, with the heightened level of public debate on this issue it is important for the Community to convey its position as clearly as possible. In any public forum it is our hope the Community's position is enunciated accurately. Indeed, on behalf of the Community we look forward to working with you on other significant transportation projects that are of common interest.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Richard P. NARCIA
Governor

cc: Community Council, GRIC
Robert Hollis, Division Administrator, FHWA
Sandra Shade, Director, GRICDOT
Cecilia Martinez, Acting Superintendent, BIA, Pima Agency

315 WEST CASA BLANCA ROAD • POST OFFICE BOX 97 • SACATON, ARIZONA 85247
TELEPHONE: (520) 562-6000 • FAX: (520) 562-6010 • EMAIL: executivemail@gric.nsn.us



May 23, 2006

FOR MORE INFORMATION CONTACT: Jeri Thomas
Community Public Information Officer
Gila River Indian Community
(520) 562-6000
(520) 562-6030

Executive Office of the Governor and Lieutenant Governor
-- Media Advisory --

**Governor William R. Rhodes States
The People of Gila River Indian Community
Are Entitled to Vote on Loop 202 Issue**

Sacaton, Arizona – William R. Rhodes, Governor of the Gila River Indian Community, who in the past several weeks has raised speculation among off-reservation residents, politicians, and highway transportation officials that building the South Mountain Freeway on reservation land may still be a possibility, despite past rejection of such a proposal by the Community Council, says his suggestion that the freeway issue should be decided by tribal members in a voter referendum is out of concern that all affected landowners and community residents be heard on the matter.

Rhodes said he acknowledges that the community's District Six council passed district legislation opposing building the freeway on district land, and that the Gila River Community Council reaffirmed that opposition last year. "District Six, they have a legal resolution, and the Community Council resolution reaffirming the District Six resolution is legal," he said, but he noted that during his campaign for governor land owner groups approached him with concerns about not having a voice when opposition was raised.

"The landowners are saying, 'We didn't get a chance to vote.' That's true, if you're not from that District (Six), you didn't get to vote," Rhodes said. He explained that tribal members who have land interest in the affected area of the proposed South Mountain Freeway aren't necessarily members of District Six;

they may be enrolled members in any of the other six districts of the Gila River Indian Community.

This oversight can be remedied, he said, "Their right to vote can come through a voter referendum. This issue has been going on for the past three to four administrations, we will get an answer, and the way get an answer is by a referendum vote. I'm doing this to protect the peoples' rights. They have a right to a referendum."

Rhodes said the bylaws and constitution of the Gila River Indian Community outlines two ways that such a referendum can be held—one, it can be called by a resolution of the Community Council; two, it can called if at least 10 percent of the registered voters in the community sign a petition.

Article 13-Referendum, of the Community's Constitution reads, "A referendum on any enacted or proposed ordinance or resolution or other action of the Council shall be called by a petition of 10 percent or more of the qualified voters of the Community or by resolution of the Council. Such referendum may be held at a special election called for that purpose or may be held at the same time as and concurrent with any other election. The result of such referendum shall be immediately noted in the Council minutes by the Secretary and shall be conclusive and binding upon the Council."

Rhodes said in pursuit of such a referendum, "We can go through the Community Council, ask them for a referendum vote to get an answer from the voters. If the Council feels it doesn't want to do a special election, then we'll have to go get signatures. The people have a right to a referendum, it's in the Constitution. The landowners have a right to express yes or no."



GILA RIVER INDIAN COMMUNITY
SACATON, AZ 85247

LAND USE PLANNING & ZONING
Fred Ringlero, Director
Planning & Zoning Commission
Ordinance Enforcement Office
Tribal Homesite Office
Livestock Office
Survey & Engineering

POST OFFICE BOX E
(520) 562-3301
(480) 899-0092
(520) 836-7291
FAX (520) 562-4008

NATURAL RESOURCES STANDING COMMITTEE
RIGHT- OF- ENTRY
PERMIT NO. RE-02-01

THIS RIGHT- OF- ENTRY is hereby granted to:

HDR Engineering, Inc.
2141 East Highland Avenue
Suite 250
Phoenix, Arizona 85016-4736
Telephone (602) 508-6600
*Contact Person: Stephen A. Martin, P.E., Project Manager

THIS RIGHT-OF-ENTRY, has been granted for the following purpose: To perform the following general types of work:

1. To perform land surveying and temporary aerial target construction.
2. To conduct field investigations for a variety of non-disturbing environmental surveys including drainage, biological, cultural, land use, socio-economic, transportation, geological, visual, noise, air quality, utilities, and other environmental considerations.

THIS RIGHT-OF-ENTRY, will encompass the general alignment studies already approved for consideration through prior Tribal Council Resolution. The study area is a three-mile wide corridor starting with the eastern boundary line being the Interstate Highway I-10, northern boundary is the GRIC northern boundary line or commonly known as Pecos Road alignment to a point known as the 35th Ave alignment and turns northwest to the Salt River, the western boundary line is the Gila River and runs north to the Salt River. Please see the attached map of the approved study area.

THIS RIGHT-OF-WAY, will commence **September 6, 2001** and end **September 5, 2003**

THIS RIGHT-OF-WAY, was approved at a duly held meeting of the Gila River Tribal Council meeting on September 5, 2001 in which Gila River Tribal Council approved granting a blanket right-of-entry for a three (3) year period beginning September 6, 2001 and ending September 5, 2004.

THIS RIGHT-OF-ENTRY, is granted with the following conditions:

1. Individuals granted entry into the Gila River Indian Community (the "Community"), but found in other areas outside of their job sites may be cited for civil trespassing by tribal Rangers and/or tribal law enforcement officers. In addition, individuals cited for civil trespass could be fined and have their vehicles and/or equipment confiscated.
2. Activities which are not related directly for the purpose stated above is a violation of the granting for this Right-of- Entry permit and may be cause for the permit to be revoked.
3. Individuals granted access into the Community are prohibited from carrying firearms onto tribal lands. (Tribal Law prohibits hunting and fishing activities).
4. Individuals granted access into the Community must be aware that there are ordinances protecting archaeological and historical sites, as well as the protection of native plants. In the event any ground disturbance is conducted contact with the Land Use Ordinance Office has to be made prior to the activity. Individuals granted access into the Community should make an earnest effort to become knowledgeable of these ordinances, or make inquiries to the GRIC/Land and Water Resources Department when in doubt about situations relating to them.
5. The individuals identified in this permit will notify the Land Use Ordinance Office 24 hours in advance when visits will be made into the Community.
6. Individuals granted access into the Gila River Indian Community must keep this Right-of-Entry in their possession at all times (copies of this permit may be made). Further, it will be understood that the participants of this activity will abide by the laws and

ordinances of the Gila River Indian Community.

THIS RIGHT-OF-ENTRY, in no way holds the Gila River Indian Community liable for

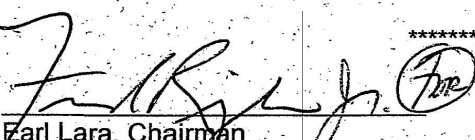
any thefts, damages or injuries while on the Gila River Indian Community Reservation.

Vehicles: See attached vehicle information.

Personnel: See attached personnel information

Notes:

1. Current Business License is required for all consultants doing work within the Gila River Indian Community, including sub consultants.
2. Any additions to field personnel and field vehicles will need to be reported/faxed to the Land Use Ordinance Office.
3. Maps attached identifying areas where work will be conducted.


 Earl Lara, Chairman
 Natural Resources Standing Committee

11/9/01
 Date

cc: Donald Antone, Sr., Governor
 Richard Narica, Lt. Governor
 Davis Pecusa, Pima Agency Superintendent
 GRIC Rangers
 Elaine Blackwater, Land Use Ordinance Officer