

LOOP 202
South Mountain
Freeway

South Mountain Freeway FEIS/ROD Reevaluation #4

in Maricopa County, Arizona



Federal Highway Administration

ADOT

Arizona Department of Transportation

March 20, 2017

Federal-aid Project Number: NH-202-D(ADY)

ADOT Project Number: 202L MA 054 H8827 01D

Record of Decision

March 31, 2017

The Federal Highway Administration (FHWA), in coordination with the Arizona Department of Transportation (ADOT), reevaluated the South Mountain Freeway, Interstate 10 (I-10, Papago Freeway) to I-10 (Maricopa Freeway) Final Environmental Impact Statement and Record of Decision per 23 Code of Federal Regulations § 771.129 to address the clearance of remainder parcels outside the right-of-way footprint analyzed during the National Environmental Policy Act process. FHWA, with concurrence from ADOT, has determined that no substantial changes have occurred in the social, economic, or environmental impacts of the proposed action that would substantially impact the quality of the human, socioeconomic, or natural environment. Therefore, the original environmental document remains valid for the proposed action. It is recommended that the project identified herein be advanced to the next phase of project development.

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3/31/17

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List of Acronyms and Abbreviations

ADOT	Arizona Department of Transportation
AG	agricultural
AGFD	Arizona Game and Fish Department
ASM	Arizona State Museum
BIA	United States Bureau of Indian Affairs
CAT	Citizens Advisory Committee
C.F.R	Code of Federal Regulations
CRMP	Cultural Resource Management Program
DEIS	Draft Environmental Impact Statement
EIS	environmental impact statement
EPA	United States Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
HDR	HDR Engineering, Inc.
I-10	Interstate 10
NEPA	National Environmental Policy Act
NRHP	National Register of Historic Places
PA	Programmatic Agreement
ROD	Record of Decision
ROW	right-of-way
SFR	single family residence
SHPO	State Historic Preservation Office
Uniform Act	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
USACE	United States Army Corps of Engineers
U.S.C.	United States Code
USFWS	United States Fish and Wildlife Service
Western	Western Area Power Administration

1. Introduction and Project Description

The Federal Highway Administration (FHWA), in coordination with the Arizona Department of Transportation (ADOT), conducted a reevaluation of the South Mountain Freeway, Interstate 10 (I-10, Papago Freeway) to I-10 (Maricopa Freeway) Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) per 23 Code of Federal Regulations (CFR) § 771.129 to address the addition of remainder parcels to the Project right-of-way (ROW) since the approval of the ROD on March 5, 2015. This reevaluation is to review the effects of project activities related to these pieces of land, which could include demolition activities, use during the construction and maintenance phases of the project, and the disposal (sell or exchange) of the land during or after construction is complete. In the context of this reevaluation, a remainder parcel is defined as land outside of the ROW footprint analyzed in the FEIS/ROD. In most instances, only a part of a parcel was needed for the project, but the part of the parcel not needed for the project was acquired because it was no longer economically viable for the owner or the cost to remedy the damages to the value of the remainder parcel was greater than the cost of the remainder parcel itself; however in some situations, at the owners request, ADOT may acquire the ROW footprint parcel and not pursue the acquisition of the remainder parcel. In all cases, the acquisition was completed in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. This reevaluation document provides an overview of the freeway project, describes the remainder parcels, assesses the environmental consequences of the remainder parcels, describes past and future public and agency outreach, and presents a conclusion related to the inclusion of the remainder parcels in the freeway project.

Project Location

ADOT is the sponsor of the construction and operation of the South Mountain Freeway. The freeway will constitute a section of the Regional Freeway and Highway System; the Loop 202 (also referred to as State Route [SR] 202L). The project is in the southwestern portion of the Phoenix metropolitan area in Maricopa County, Arizona (see Figure 1). The approximately 22-mile-long freeway will be constructed as an eight-lane divided, access-controlled facility, with four travel lanes in each direction. Three lanes will be for general purpose use and one lane will be dedicated to high-occupancy vehicle use.

Approved Environmental Documentation

The approved environmental documentation completed by ADOT, the project sponsor, and FHWA, the lead federal agency, included:

- ▶ Draft Environmental Impact Statement (DEIS) signed on April 16, 2013, and released to the public on April 26, 2013.
- ▶ FEIS signed on September 18, 2014, and released to the public on September 26, 2014.



South Mountain Transportation Corridor
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Figure 1

Project Location Map

April 15, 2016

- ▶ Errata to the FEIS signed on November 19, 2014 and released to the public on November 28, 2014 (the Errata was published to address public comments on the DEIS that were inadvertently omitted from the FEIS).
- ▶ ROD signed on March 5, 2015, and released to the public on March 13, 2015.
- ▶ South Mountain Freeway FEIS/ROD Reevaluation (#1) signed February 19, 2016 addressed the addition of a local street connector and a pedestrian bridge.
- ▶ South Mountain Freeway FEIS/ROD Reevaluation (#2) signed June 20, 2016 addressed the addition of remainder parcels to the Project right-of-way (ROW).
- ▶ South Mountain Freeway FEIS/ROD Reevaluation (#3) signed August 10, 2016 addresses the extension of the limits of the Chandler Boulevard: 27th Avenue to 19th Avenue phase of the Project that was included in the ROD.

Clarification of Reevaluation #2

In the Reevaluation document signed June 20, 2016, parcel 7-11182 (Area 4 – Laveen agricultural, residential and utility corridor properties) is identified as a remnant parcel that ADOT is bringing into the Project right-of-way (ROW) footprint. In the Section 4(f) section, it should have discussed that the Hudson Farm and Barnes Dairy Barn (both afforded protection under Section 4(f)) are located on Parcel 7-11182 and were being brought into the Project ROW. The land that the features lie on was acquired as part of the remnant parcel purchase. The Project will not impact these features. ADOT has completed the mitigation as agreed through consultation with SHPO “*Documentation of Historic Properties, 202L, South Mountain Freeway, Maricopa County, Arizona: Narrative Data, Elevation Drawings and Floor Plans, Photographs*” (Stein 2015). The land and features will be disposed of per ADOT policies and procedures.

Previously Identified Impacts

The FEIS and ROD present a detailed description of anticipated impacts related to the Selected Alternative. Key elements are listed below. This reevaluation will cover impacts beyond those previously disclosed.

- ▶ The project will convert approximately 2,321 acres of land to a transportation use.
- ▶ The project is consistent with local and regional plans; however, it will introduce visual and noise intrusion adjacent to residential neighborhoods.
- ▶ Implementation of the project in the Western Section will result in adverse impacts on populations protected under Title VI and the environmental justice Executive Order; impacts will not, however, be disproportionately high or cause undue hardship when compared with such impacts on the general population.
- ▶ The project will result in the displacement of approximately 169 single-family homes, two

apartment complexes with 680 total units, and 42 businesses.

- ▶ The City of Phoenix will experience an inconsequential reduction of annual property and sales tax revenue due to the conversion of land to a transportation use. Travel time savings for motorists in the region after completion of the project will be over \$200 million per year (in 2013 dollars).
- ▶ The project will not result in any exceedances of the health-based National Ambient Air Quality Standards.
- ▶ The project will require the placement of noise barriers in selected locations to reduce noise to levels that meet ADOT policy and FHWA regulations.
- ▶ The project will affect up to 121 water wells and 94 acres of floodplains.
- ▶ The project will impact Waters of the United States and require appropriate permitting approvals from the U.S. Army Corps of Engineers (USACE).
- ▶ The project will not affect any currently listed threatened and endangered species. However, the project will result in the conversion of cover, nesting areas, and food resources for wildlife provided by the natural plant communities found in the Study Area. The project will create a physical barrier that could, depending on design, decrease movement of wildlife to and from the South Mountains and Sierra Estrella. In response, multifunctional crossing locations have been identified to provide habitat connectivity under the freeway.
- ▶ The project will affect a number of National Register of Historic Places (NRHP)-eligible prehistoric and historic sites and the South Mountains Traditional Cultural Property.
- ▶ The project will convert 900 acres of prime and unique farmlands to a transportation use.
- ▶ The project will interact with five high-priority hazardous materials sites.
- ▶ Impacts on views from residential and rural uses include construction impacts, new traffic interchanges, and visibility of the new facility. Impacts will not change the low-to-moderate visual quality of views along the freeway.
- ▶ The project will provide benefits related to regional energy consumption.
- ▶ The project will result in the direct use of resources in the South Mountains afforded protection by Section 4(f) of the US Department of Transportation Act of 1966. There is no feasible and prudent alternative that avoids use of the South Mountains.

Public and Agency Involvement

ADOT and FHWA undertook an extensive public and agency involvement program during the National Environmental Policy Act (NEPA) phase of the project. Key elements included:

- ▶ Publication of the Notice of Intent on April 20, 2001, in the *Federal Register* (66[77]:20345).
- ▶ Invitations sent in 2001 to USACE, U.S. Environmental Protection Agency (EPA), U.S. Bureau of Indian Affairs (BIA), and U.S. Fish and Wildlife Service (USFWS) to be

cooperating agencies were issued. USACE and BIA agreed to be federal cooperating agencies. EPA and USFWS declined. In 2009, the Western Area Power Administration (Western) was invited, and agreed, to be a cooperating agency.

- ▶ Agency scoping letters were sent to 232 federal, State, and local agencies in October 2001. A 2-day agency scoping meeting was held later that month in Phoenix. Agencies were invited to participate in the project through monthly progress meetings during the project duration.
- ▶ Public scoping was initiated in November 2001 and included presentations at 23 neighborhood meetings and two public meetings.
- ▶ Between the public scoping kick-off through the release of the DEIS, over 200 presentations were made to neighborhood groups, homeowners' associations, chambers of commerce, village planning committees, trade associations, and other interested parties. Twelve public meetings were held.
- ▶ ADOT created a Citizens Advisory Team (CAT) made up of groups and organizations in the Study Area. The CAT worked as a voluntary, advisory team to provide advice and input to ADOT and FHWA. Approximately 60 CAT meetings were held, each open to the public.
- ▶ The DEIS was released to the public on April 26, 2013, beginning the 90-day comment period (the minimum requirement under NEPA is 45 days). A public hearing was held May 21, 2013, at the Phoenix Convention Center from 10 a.m. to 8 p.m. Six community forums were held in Study Area communities to supplement the public hearing. Additionally, an online public hearing was created for those who could not attend a meeting in person. Approximately 900 people attended one of the public events, almost 1,900 unique visitors viewed information from the online hearing, and the project team received over 8,000 comments.
- ▶ The FEIS was released to the public on September 26, 2014. A 60-day review period was provided. As a result of the publication of the errata, ADOT and FHWA extended the review period to December 29, 2014. During the review period for the FEIS and errata, approximately 250 comments were received.
- ▶ ADOT and FHWA worked in close coordination with the Gila River Indian Community to hold a community forum on November 15, 2014, at the Boys & Girls Club, Gila River - Komatke. The Gila River Indian Community developed the agenda and facilitated the forum, which consisted of introductions, a description of the comment opportunities and court reporters' roles, an introduction to the South Mountain Freeway video flyover simulation, and an "open-microphone" comment period. Other than invited guests, the meeting was open to only Gila River Indian Community members. FHWA and ADOT project team members were guests at the forum and were in attendance to listen to comments. A translator was provided for those wishing to speak in the native O'odham language.
- ▶ Public meetings for updates on construction schedule and design began in July 2016 and have been on-going through the design process.

2. Description of Project Changes

The additional project scope item includes the addition of the remainder parcels to the Project ROW footprint analyzed during the FEIS/ROD, as described below. The Project ROW footprint established in the FEIS/ROD defined the area needed to construct and operate the Selected Alternative. The ROW footprint did not follow parcel boundary lines. So in many cases, the ROW footprint cut across parcels leaving part of the parcel within the ROW footprint and part of the parcel outside of the ROW footprint. A determination as to whether the entire parcel or just the part of the parcel within the ROW footprint would be acquired was not made until ADOT began the ROW acquisition and relocation process after the ROD.

During the ROW acquisition and relocation process, ADOT identified four (4) remainder parcels that are located outside of the Project ROW footprint analyzed in the FEIS/ROD. Categorical Exclusions (NEPA analysis) were completed only for acquisition of these parcels. This reevaluation is to review the effects of project activities related to these pieces of land, which could include demolition activities, use during the construction and maintenance phases of the project, and the disposal (sell or exchange) of the land during or after construction is complete. Demolition includes activities such as the removal of structures and irrigated vegetation. The work is performed in conformance with the ROD commitments such as providing dust control, obtaining pertinent permits, protection of native vegetation, and response to address wildlife or cultural resources. During construction, these remainder parcels may be used as staging sites for construction personnel, equipment, or materials. Similarly after construction, remainder parcels may be used for transportation related activities. If the remainder parcels are not used for the project, ADOT will attempt to dispose of the land per ADOT policies and procedures as described in Chapter 11 of the Property Management Section of the ADOT Right of Way Procedures Manual (2011).

The four parcels are described in Table 1 and site maps are provided in Figures 2 through 5.

Table 1. Remainder Parcel Properties						
ADOT Parcel No.	Owner's Name	Assessor Parcel Number	Site Address	Property Type	Location	Remnant Parcel Area (acres)
7-05914	ADOT	104-47-002D	Blank	Agriculture	east side of SR 202L between Lower Buckeye Road and Broadway Road	0.18

Table 1. Remainder Parcel Properties						
ADOT Parcel No.	Owner's Name	Assessor Parcel Number	Site Address	Property Type	Location	Remnant Parcel Area (acres)
7-10871	ADOT	104-65-003, 104-65-004A, 104-65-002B	4802 S 59th Ave	Agriculture	east and west side of SR 202L between Broadway Road and Southern Avenue	23.0
7-11654	ADOT (Rexco LLC)	104-81-001C	Blank	Agriculture	west side of SR 202L between Southern Avenue and Baseline Road	35.6
7-11949	ADOT (Foresight Group Holdings II, LLC)	104-47-002C	Blank	Agriculture	east side of SR 202L between Lower Buckeye Road and Broadway Road	3.94

The total area of the remainder parcels outside the Project ROW is 62.72 acres, or approximately 2.6 percent of the Project ROW [for reference, the total Project ROW (including right of way totals from reevaluations 1 through 3) is approximately 2,455 acres].



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Date: 2/20/2017
 Aerial imagery: Landiscor July 2013

202L MA 000 H8827 01D
 RAM 202-D-(200)
 South Mountain Transportation Corridor

 ROW Footprint
  Site Boundary




Figure 2: Map Site

ADOT Parcel 7-05914
 ADOT
 Assessors Parcel 104-47-002D



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Date: 2/20/2017
 Aerial imagery: Landiscor July 2013

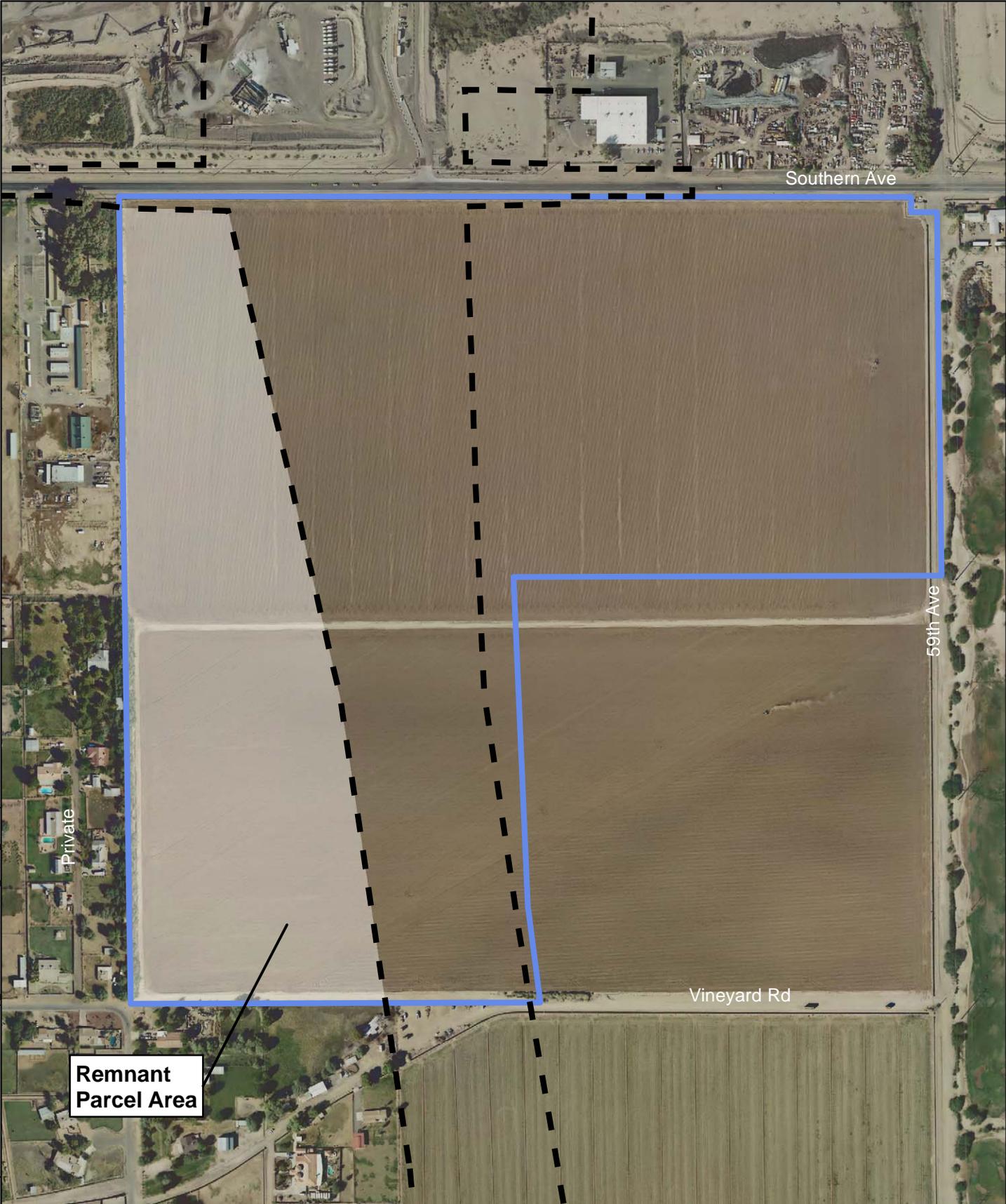
202L MA 000 H8827 01D
 RAM 202-D-(200)
 South Mountain Transportation Corridor

 ROW Footprint
  Site Boundary




Figure 3: Site Map

ADOT Parcel 10871
 Assessors parcel 10465002B, 10465003,
 10465004A



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Date: 2/20/2017
 Aerial imagery: Landiscor July 2013

202L MA 000 H8827 01D
 RAM 202-D-(200)
 South Mountain Transportation Corridor

ROW Footprint Site Boundary

0 125 250 500 Feet

Figure 4: Site Map

ADOT Parcel 7-11654
 Rexco LLC
 Assessors parcel 10481001C



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Date: 2/20/2017
 Aerial imagery: Landiscor July 2013

202L MA 000 H8827 01D
 RAM 202-D-(200)
 South Mountain Transportation Corridor

 ROW Footprint  Site Boundary



Figure 5: Site Map

ADOT Parcel 7-11949
 Foresight Group Holdings II, LLC
 Assessors Parcel 104-47-002C

3. Environmental Consequences

This section presents an analysis of environmental consequences at a corridor-wide level and includes additional details within each remnant parcel area. All of the mitigation and commitments made in the FEIS and ROD for the project apply to the remainder parcels presented in this reevaluation.

Corridor-wide Analysis

The remainder parcels are all located adjacent to the ROW footprint analyzed during the FEIS/ROD. Table 1 and the following sections provide a corridor-wide assessment of the environmental impacts from the entirety of the remainder parcels. The Setting/Resource Circumstance column in Table 2 and the subsequent sections refer to the respective sections found in Chapter 4 of the FEIS.

Setting/Resource Circumstance	Change in Affected Environment		Change in Environmental Impact		Additional Discussion Included
	Yes	No	Yes	No	
Land Use		X	X		See discussion below
Social Conditions		X		X	
Environmental Justice and Title VI		X		X	
Displacements and Relocations		X		X	
Economics		X		X	
Air Quality		X		X	
Noise		X		X	
Water Resources		X		X	
Floodplains		X		X	
Waters of the United States		X		X	There are no waters of the US within these parcels.
Topography, Geology, Soils		X		X	
Biological Resources		X	X		See discussion below
Cultural Resources		X	X		See discussion below
Prime and Unique Farmland		X		X	

Setting/Resource Circumstance	Change in Affected Environment		Change in Environmental Impact		Additional Discussion Included
	Yes	No	Yes	No	
Hazardous Materials		X		X	See discussion below
Visual Resources		X		X	
Energy		X		X	
Temporary Construction Impacts		X		X	
Material Sources and Waste Material		X		X	
Secondary and Cumulative Impacts		X		X	
Section 4(f)/6(f)		X		X	

Land Use

The remainder parcels are made up of approximately 63 acres of agricultural. The remainder parcels increase the acreage of the overall project by approximately 63 acres or 2.6 percent; however, because it is anticipated that almost all of remainder parcels 7-05914, 7-10871, and 7-11949 would be disposed after construction, the extent of this impact is mainly temporary. Parcel 7-11654 is planned as a permanent construction impact as it is planned to be used for a drainage basin.

Biological Resources

Remainder parcels were evaluated to determine if the acquisition of the parcels would result in new effects or contribute to cumulative effects beyond those addressed in the FEIS. Remainder parcels represent an approximate increase of 6.7 percent for the agricultural land cover type for the South Mountain Freeway project.

The remainder parcels are active or recently retired irrigated agricultural fields adjacent to or near the Salt River. No native vegetation occurs on these properties however they provide habitat for burrowing owls (*Athene cunicularia*) and reptiles and seasonally for various other migratory birds and small mammals.

The evaluation included obtaining information from the USFWS and Arizona Game and Fish Department (AGFD) species databases to update species information. Species associated with these remainder parcels and any concerns were all addressed in the FEIS and Biological Evaluation. The following requirement is included in the contractual technical provisions for the

Project: A biologist will be employed to complete a preconstruction survey for burrowing owls 96 hours prior to construction in all suitable habitats that will be disturbed.

Impacts to remainder parcels located outside of the footprint would not alter the conclusions for the impacts to biological resources as discussed in the FEIS for the Project. There will be no new effects to species, habitat, or wildlife connectivity because the remainder parcels are adjacent to or near the habitat addressed in the EIS and the habitat in the remainder parcels does not include any unique characteristics.

Cultural Resources

The remainder parcels have been investigated for cultural resources to identify historic properties that could potentially be affected by future actions. The area of potential effects for the remainder parcels is defined by the parcel boundaries.

Parcel 7-05914

The parcel is in an agricultural field south of Lower Buckeye Road. The remainder parcel includes 0.18 acres outside the freeway ROW at the southeast corner of the property. The remainder parcel was previously surveyed by the Gila River Indian Community's Cultural Resource Management Program (CRMP). The results were reported in "*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona*" (Darling 2005). SHPO concurred with the adequacy of the report (Jacobs [SHPO] to Greenspan [ADOT], January 23, 2006).

The remainder parcel is completely within the boundary of AZ T:12:52(ASM), a prehistoric Hohokam village determined eligible for listing on the NRHP under Criteria A and D. The remainder parcel has potential for intact cultural deposits below the plow zone and has not been previously tested archaeologically. There is no plan to use this parcel during construction; ADOT will perform archaeological data recovery so that it could be disposed in the future. The data recovery will follow the Programmatic Agreement (PA) and Historic Preservation Treatment Plan (HPTP) developed for the project.

Parcel 7-11949

The parcel is in an agricultural field south of Lower Buckeye Road. The remainder parcel includes 3.94 acres outside the freeway ROW in the southern half of the property. The remainder parcel was previously surveyed by Northland Research for a private development project. The results were reported in "*Cultural Resources Survey of 210 Acres Southeast of the Corner of 59th Avenue and Lower Buckeye Road, Maricopa County, Arizona*" (Shaw 2003). The remainder parcel is completely within the boundary of site AZ T:12:52(ASM), which was determined eligible for listing on the NRHP under Criteria A and D. The remainder parcel

subsequently underwent testing and data recovery the Louis Berger Group. The results were reported in *“Initial Archaeological Data Recovery at Pueblo del Alamo for Newport Development, Phoenix, and Maricopa County, Arizona”* (Hohmann 2003). Consultation for the survey and data recovery was not available. The testing conducted by the Louis Berger Group consisted of the excavation of 33 widely spaced trenches within a 210-acre area south of Lower Buckeye and east and west of 59th Avenue. However, none of the trenches extended into this remainder parcel. Subsequent data recovery by Louis Berger Group was confined to a 3.5-acre parcel south of the Salt River Project substation; data recovery was not conducted within the remainder parcel. There is no plan to use this parcel during construction; ADOT will perform archaeological data recovery so that it could be disposed in the future. The data recovery will follow the PA and HPTP developed for the project.

Parcel 7-10871

This parcel is in an agricultural field south of Broadway Road. The remainder parcels include 23.0 acres outside the freeway ROW at the east and west ends of the field. The remainder parcels were previously surveyed by HDR. The results are provided in *“A Class III Survey of Three Parcels in Support of the South Mountain Freeway Project, Maricopa County, Arizona”* (Brodbeck 2016). SHPO concurred with the adequacy of the report (Jacobs [SHPO] to Petty [FHWA], December 22, 2016). The survey documented an extension of site AZ T:12:206(ASM) west of the freeway ROW. No sites were identified east of the freeway ROW.

AZ T:12:206(ASM) is a low-density, prehistoric artifact scatter determined eligible for listing on the NRHP under Criterion D. Testing and data recovery were completed within the portion of the site within the ROW to resolve the adverse effects of the freeway construction. The remainder parcel outside the ROD/EIS footprint will be used for construction staging and laydown yard. Data recovery will be completed prior to that use following the PA and HPTP developed for the project. Long-term, the parcel may become part of the proposed SR 30 South Mountain Freeway interchange.

Parcel 7-11654

The parcel is in an agricultural field south of Southern Avenue. The remainder parcel includes 35.6 acres outside the freeway ROW on the west side of the property. The remainder parcel was surveyed by HDR, Inc. The results are reported in *“A Class III Survey of Three Parcels in Support of the South Mountain Freeway Project, Maricopa County, Arizona”* (Brodbeck 2016). SHPO concurred with the adequacy of the report (Jacobs [SHPO] to Petty [FHWA], December 22, 2016). HDR documented two previously recorded archaeological sites, AZ T:12:221(ASM) and AZ T:12:423(ASM). Both sites are prehistoric Hohokam artifact scatters determined eligible for listing on the NRHP under Criterion D. Archaeological testing and data recovery excavations are currently being performed for the portions of the sites within the freeway ROW as mitigation

to resolve the adverse effects of the freeway construction. The remainder parcel outside the ROD/EIS footprint will be used for the project as a drainage basin. Data recovery will be completed prior to that use following the PA and HPTP developed for the project.

Hazardous Materials

A Draft Initial Site Assessment for hazardous materials was completed in November 2012 and was updated in an addendum in June 2014 as part of the FEIS/ROD for the Project. Phase I environmental site assessments were completed for parcels 7-11654 and 7-11949 and no Phase II was recommended. ADOT conducted site assessments for Parcels 7-05914 and 7-10871 prior to their acquisition, which occurred prior to the ROD.

4. Public/Agency Outreach

Land acquisition and relocation assistance services for the project are available to all individuals in accordance with the Uniform Act, as amended. The implementing regulation for the Uniform Act on federally funded highway projects is 49 C.F.R. Part 24. The Uniform Act's objectives are to:

- ▶ provide uniform, fair, and equitable treatment of people whose property is acquired or who are displaced as a result of a federally funded project
- ▶ ensure relocation assistance is provided to displaced people to lessen the financial impact of being displaced
- ▶ ensure decent, safe, and sanitary housing will be made available to displacees within the person's financial means.
- ▶ encourage and expedite acquisition by agreement and without coercion

As part of the Uniform Act, ADOT and its consultants and contractors must prevent discrimination in all highway programs and must ensure compliance with Title VI of the Civil Rights Act of 1964, as amended (42 United States Code § 2000d, et seq.). Accordingly, no person can be excluded from participation in, denied the benefits of, or in any other way be subjected to discrimination under any federally funded program or activity because of his or her race, color, or national origin. For this project, all eligible displaced people will receive the same opportunities with regard to services, benefits, and financial aid. To ensure participation, informational meetings will be scheduled in convenient, accessible locations and at various times.

ADOT and FHWA will comply with the required acquisition and relocation assistance program (Uniform Act) afforded to affected residents and businesses and the detailed mitigation measures.

5. Conclusion and Recommendation

Since the ROD was signed, the project development process has continued with preliminary engineering, utility locating and coordination, geotechnical investigations, property acquisition, residential and business relocations, and demolition of parcels needed for the project. On February 26, 2016, ADOT entered into a contract with Connect 202 Partners, LLC, to design, build, and maintain the freeway for a 30-year term. Construction began in August 2016.

Since approval of the ROD, the following changes in laws or regulations that would affect the analysis of protected resources occurred:

- ▶ The US Fish and Wildlife Service determined that the Sonoran desert tortoise does not warrant endangered species protection and was removed from the Endangered Species Act candidate list; ADOT signed a Candidate Conservation Agreement for the Sonoran desert tortoise as a participating agency

The Selected Alternative with the proposed additional scope items analyzed in the previous section still meets the purpose and need for the proposed action from the FEIS and ROD. No changes to the purpose and need for the project are proposed.

Conclusion

A Supplemental FEIS is not warranted for the following reasons:

- ▶ The proposed modifications are limited in scope and impacts and are all within or adjacent to the ROW footprint analyzed in the FEIS/ROD.
- ▶ The Selected Alternative and its related impacts identified in the FEIS and ROD would not significantly change as a result of the modifications described herein.

Recommendation

FHWA, in coordination with ADOT, reevaluated the South Mountain Freeway, I-10 (Papago Freeway) to I-10 (Maricopa Freeway) FEIS and ROD per 23 C.F.R. § 771.129. FHWA, with concurrence from ADOT, has determined that no substantial changes have occurred in the social, economic, or environmental impacts of the proposed action that would substantially impact the quality of the human, socioeconomic, or natural environment. Therefore, the original environmental document remains valid for the proposed action. It is recommended that the project identified herein be advanced to the next phase of project development.