

LOOP 202
South Mountain
Freeway

South Mountain Freeway FEIS/ROD Reevaluation #5

in Maricopa County, Arizona



Federal Highway Administration



Arizona Department of Transportation

June 1, 2017

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

ADOT Project Number: 202L MA 054 H8827 01C

Record of Decision

June 1, 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 § 771.29 to address the clearance of 47 parcels of new easement and/or right-of-way to be added to the project since the approval of the ROD on March 5, 2015.

FHWA, with concurrence from ADOT, has determined that no substantial changes have occurred in social, economic, or environmental impacts of the proposed action that would substantially impact the quality of the human, socioeconomic, or natural environmental. Therefore, the original environmental document remains valid for the proposed action.

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List of Acronyms and Abbreviations

ADOT	Arizona Department of Transportation
BIA	Bureau of Indian Affairs
CAT	Citizens Advisory Team
CFR	Code of Federal Regulations
DEIS	Draft Environmental Impact Statement
EPA	Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
HOV	high occupancy vehicle
I-10	Interstate 10
N/A	Not Applicable
NEPA	National Environmental Policy Act
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
ROD	Record of Decision
ROW	right-of-way
SMF	South Mountain Freeway
TI	Traffic Interchange
UA	Uniform Act
USACE	U.S Army Corps of Engineers
USFWS	U.S Fish and Wildlife Service
Western	Western Area Power Administration

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1.0 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 (SMF), 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 identification of 47 parcels where new easement and/or right-of-way (ROW) is required since the approval of the ROD on March 5, 2015. All 47 parcels are located outside of the ROW footprint analyzed in the FEIS/ROD (Overview Figure). Parcels that are being acquired as ROW are fee title and will become State-owned lands permanently incorporated into the State Highway System. The easements are divided into two basic categories, temporary construction and perpetual drainage. In both cases the underlying ownership will remain unchanged. Temporary construction easements (TCEs) will grant ADOT rights to occupy the land during construction but will expire when the project is finished and the unencumbered fee interest in the land will revert back to the owner. For perpetual drainage easements, ADOT will have the rights to construct drainage conveyances and will also have rights to access and maintain those conveyances after the project is completed. Instances of parcels being used for construction under a State Board Resolution are the same as TCEs but the owner is not financially compensated for use of the easement, typically because the owner is a municipal entity.

Acquisitions are being 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 new actions requiring the expansion of rights-of-ways and easements, assesses the environmental consequences of the expansion of rights-of-ways and easements, describes past and future public and agency outreach, and presents a conclusion related to the inclusion of the new ROW and easement parcels in the freeway project.

1.1 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 202L). The project is in the southwestern portion of the Phoenix metropolitan area in Maricopa County, Arizona (refer to Overview Figure). 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.

1.2 Approved Environmental Documentation

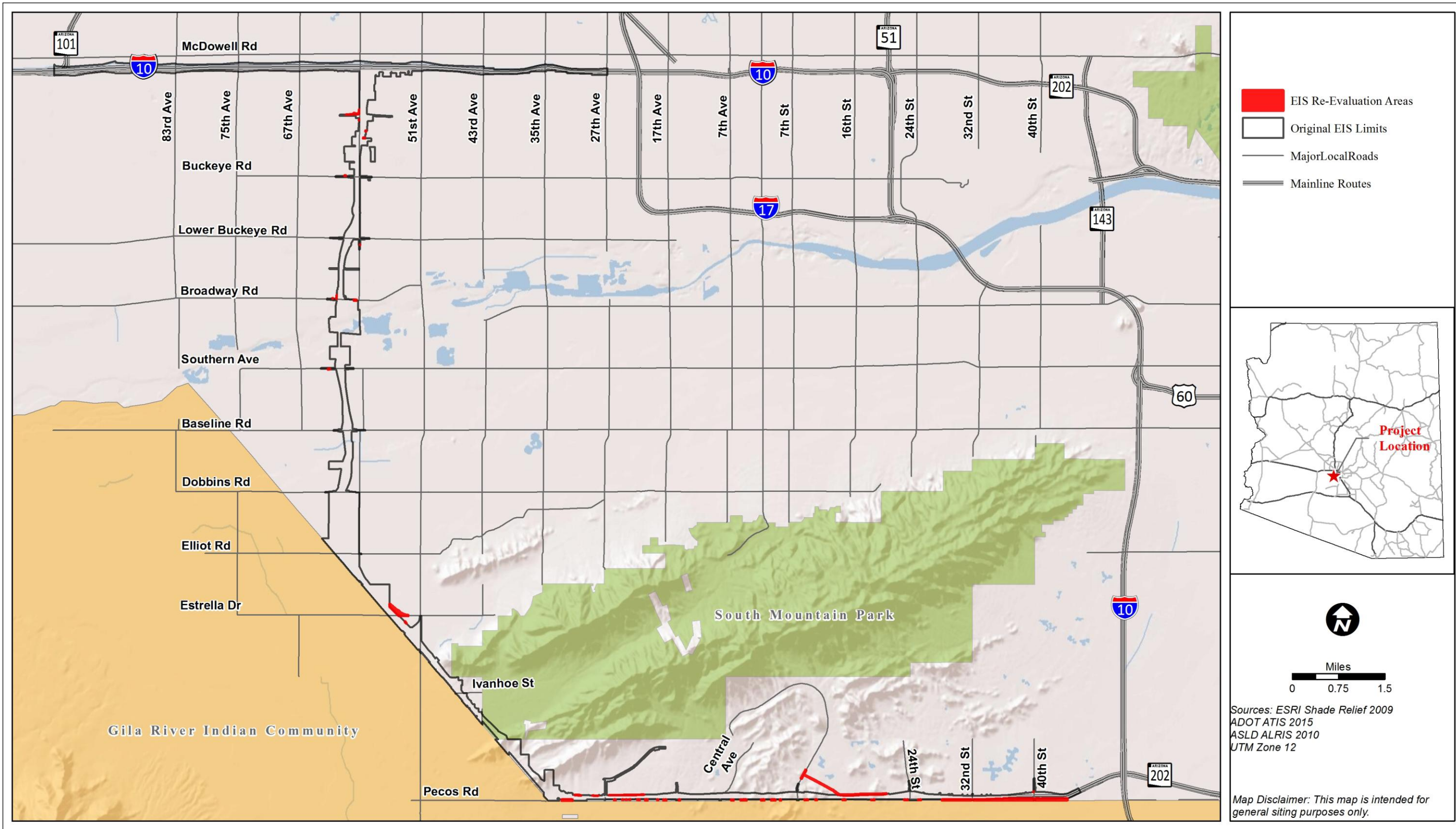
The approved environmental documentation completed by ADOT, the project sponsor, and FHWA, the lead federal agency, included:

- 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.

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Overview Figure



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- 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 ROW.
- South Mountain Freeway FEIS/ROD Reevaluation (#3) signed August 10, 2016 addresses the addition of Chandler Boulevard: 27th Avenue to 19th Avenue.
- South Mountain Freeway FEIS/ROD Letter-to-file (#1) signed August 18, 2016 addresses the addition of high occupancy vehicle (HOV) median widening at the I-10 Maricopa Traffic Interchange (TI).
- South Mountain Freeway FEIS/ROD Reevaluation (#4) signed April 4, 2017, is for changing partial-parcel acquisitions to entire-parcel acquisitions between Vineyard Road and Lower Buckeye Road.

1.3 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 1,813 acres of land to a transportation use.
- The project will acquire approximately 508 acres of land as remainder parcels that will eventually be sold or disposed after construction.
- 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 122 water wells and 94 acres of floodplains.

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- 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 723 acres of prime and unique farmlands to a transportation use.
- The project will indirectly convert 177 acres of prime and unique farmlands to uses other than agriculture.
- 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 Department of Transportation Act of 1966. There is no feasible and prudent alternative that avoids use of the South Mountains.

1.4 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.

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- 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.
- An open house meeting on June 15, 2016, at Pecos Community Center, 17010 S. 48th St., Phoenix, was sponsored by State Representative Jill Norgaard in collaboration with State Representative Bob Robson, State Senator Jeff Dial, and City of Phoenix Councilman Sal DiCiccio. The purpose of the meeting was to provide a briefing on noise-abatement plans, traffic management and scheduling, bike paths, and aesthetics.
- A public open house meeting was held on August 24, 2016, at the Kings Ridge Preparatory Academy Cafeteria, 3650 S 64th Lane, Phoenix, to discuss the location and aesthetic treatment of the planned pedestrian bridge located between Broadway and Lower Buckeye Roads. Thirteen people attended the presentation and participated in a question and answer session.

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- Three public meetings were held in 2016 to provide details and seek input on preliminary design plans, including information on the freeway's location, profile, interchange configurations and noise barrier locations, as well as initial concepts for landscaping and visual appearance:
 - September 27, 2016, at the Desert Vista High School, Multipurpose Room, 16440 S. 32nd St., Phoenix
 - September 28, 2016, at the Betty Fairfax High School, Multipurpose Room, 8225 S. 59th Ave., Laveen
 - October 6, 2016, at the Fowler Elementary School, Multipurpose Room, 6707 W. Van Buren St., Phoenix

Approximately 800 people participated in these meetings and the more than 660 comments, questions, emails and phone calls were collected by the Project team.

- A meeting for leaders from cities, regional agencies, schools, Title VI organizations, large employers, associations, and community public information officers was held December 20, 2016, at 411 N Roosevelt Ave, Chandler, to provide a 6-month construction look ahead for the period between January 2017 and July 2017.
- Since September 2016 outreach has included the following metrics:
 - 764 stakeholders have been engaged through attending a public meeting or contacting the Project team.
 - 305 inquiries from members of the public have been received.
 - 135 public parties were contacted by the Project team to complete questionnaires and surveys.
 - 6 construction alerts have been issued for specific activities.
 - 1 Construction notice has been issued in both English and Spanish to provide a 6-month look ahead for the period between January 2017 and July 2017.
 - ADOT has issued media releases on average once per week since September 2016 to keep the public apprised of project updates.

2.0 Description of Project Change

New ROW and easements summarized in the table below are for stormwater drainage facilities, utility relocations, changes to grading and slopes, changes to the location of ramps at the planned Estrella Drive Traffic Interchange (TI), modifications to the local road system, modifications to driveways and access points, and slight variations from the preliminary ROW plans to the final ROW boundary (refer to Figures 1 through 8 following Table 1).

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Number; ADOT Parcel No.	Acre- age	Type	Purpose/ Notes		Number; ADOT Parcel No	Acre- age	Type	Purpose/ Notes
2 Not applicable (N/A)	9.67	Incorporating land owned by ADOT into the highway system as perpetual drainage easement ^b	Construct and maintain stormwater detention facility		3 7-11915	0.03	Temporary construction easement ^c	Modify driveway entrance
4 7-11561	14.23	Perpetual drainage easement ^b	Construct and maintain stormwater detention facility		5 7-11561	3.72	Perpetual drainage easement ^b	Construct and maintain stormwater detention facility
8 7-11469	0.23	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		9 7-11504	0.34	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
10 7-11504	0.26	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		11 7-11504	0.43	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
12 7-11504	0.26	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		13 7-11504	0.28	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
14 7-11504	0.17	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		15 7-11504	0.68	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
16 7-11504	0.28	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		17 7-11504	0.09	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
18 7-11504	0.72	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		19 7-11504	0.15	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
20 7-11504	0.17	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		21 7-11504	0.13	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
22 7-11421	0.13	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		23 7-11421	0.08	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
24 7-11421	0.34	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		25 7-11421	0.10	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
26 7-11421	0.02	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		27 7-11421	0.11	Perpetual drainage easement ^b	Construct and maintain stormwater facilities

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Number; ADOT Parcel No.	Acre- age	Type	Purpose/ Notes		Number; ADOT Parcel No	Acre- age	Type	Purpose/ Notes
28 7-11421	0.11	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		29 7-11421	0.14	Perpetual drainage easement ^b	Construct and maintain stormwater facilities
30 7-11421	0.17	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		32 7-11421	0.77	Fee ROW ^d	Not covered in FEIS. Resolve discrepancy between preliminary and final ROW boundary
33 7-11784	0.07	Fee ROW ^d	Construct and maintain stormwater facilities		34 7-11506	0.28	Fee ROW ^d	Not covered in FEIS. Resolve discrepancy between preliminary and final ROW boundary
35 7-11445	2.16	Perpetual drainage easement ^b	Construct and maintain stormwater facilities		37a 7-11547	9.64	Fee ROW ^d	Reconfigure ramps and crossroad at Estrella Drive Traffic Interchange
37b 7-11576	0.09	Fee ROW ^d	Reconfigure ramps and crossroad at Estrella Drive Traffic Interchange		38 7-11461	0.06	Temporary construction easement ^c	Modify driveway entrance
39 7-11657	0.01	Fee ROW ^d	Modify local road system		40 7-11657	0.05	Fee ROW ^d	Resolve discrepancy between preliminary and final ROW boundary
41 7-11657	0.001	Fee ROW ^d	Match slope to surrounding terrain		42 7-11657	0.02	Fee ROW ^d	Match slope to surrounding terrain
43 7-11940	0.01	Fee ROW ^d	Resolve discrepancy between preliminary and final ROW boundary		44 7-11607	0.15	Temporary construction easement ^c	Modify driveway entrance
45 7-11500	0.21	Fee ROW ^d	Cul-de-sac		46 7-11541	0.08	Temporary construction easement ^c	Modify driveway

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Number; ADOT Parcel No.	Acre- age	Type	Purpose/ Notes		Number; ADOT Parcel No	Acre- age	Type	Purpose/ Notes
47 7-11525	0.67	Temporary Construction Easement and Fee ROW ^d	Bus Bay and Street Widening		48 N/A	14.07	Temporary construction easement ^c	Relocate water main
50 City Street	0.59	State Board Resolution ^c	Modify local road system		52 City Street	0.02	State Board Resolution	Modify local road system
54 7-11547	0.24	State Board Resolution ^c	Modify local road system					
Total acres:						62.23		

Notes:

^aParcel numbers 1, 6, 7, 31, 36, 49, 51 and 53 have been omitted from Reevaluation #5 due to administrative reasons, and will be included in separate and subsequent reevaluations if needed. The numbering of the parcels has been left as-is to maintain consistency with the previously submitted cultural resources survey report for Reevaluation #5.

^bPermanent easement allowing disturbance for both construction and perpetual maintenance.

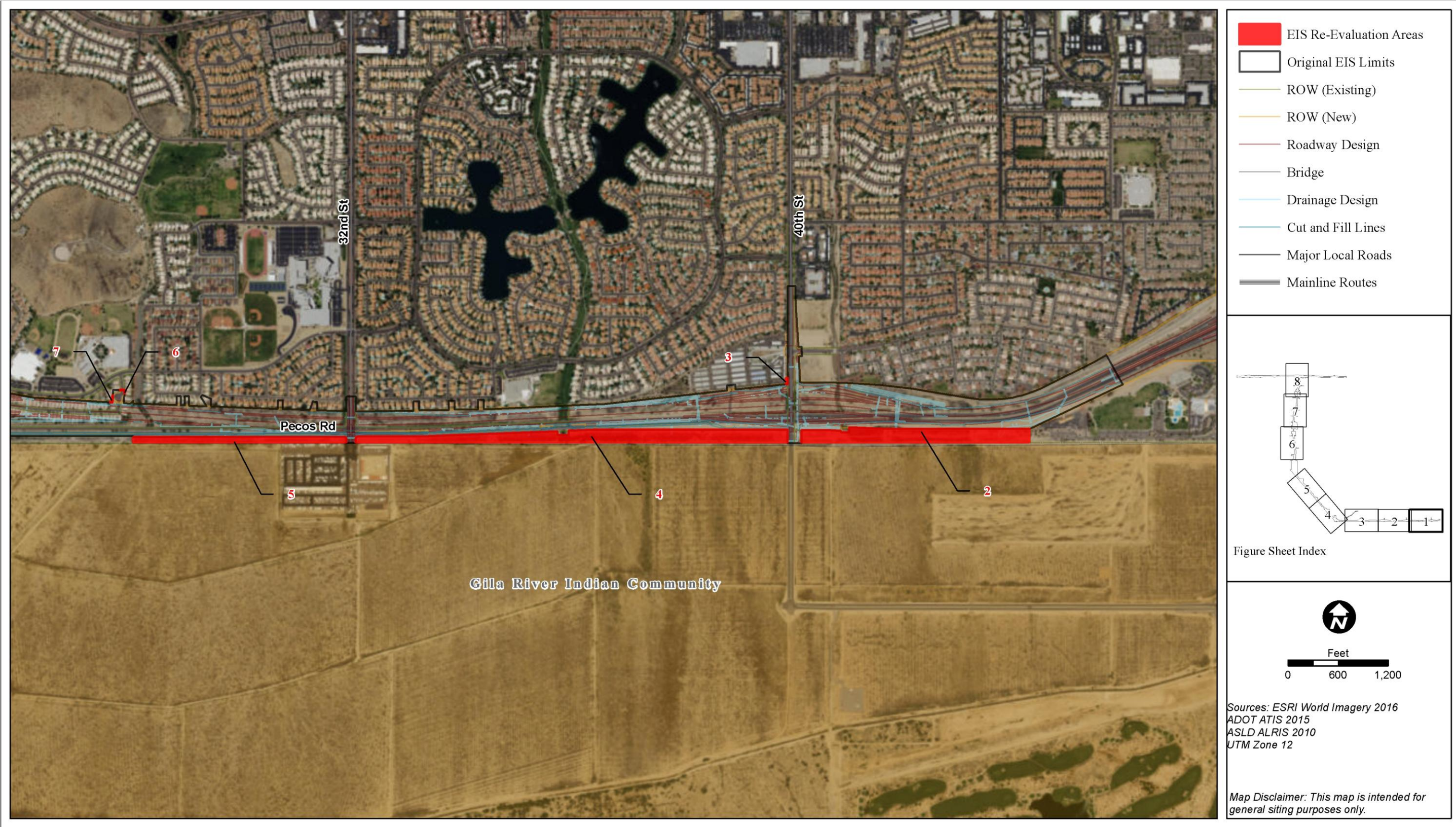
^cTemporary easement for use during construction period only.

^dPermanent ROW allowing disturbance for both construction and perpetual maintenance.

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Figure 1. Detail Map



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Figure 2. Detail Map



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Figure 3. Detail Map



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Figure 4. Detail Map



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Figure 5. Detail Map

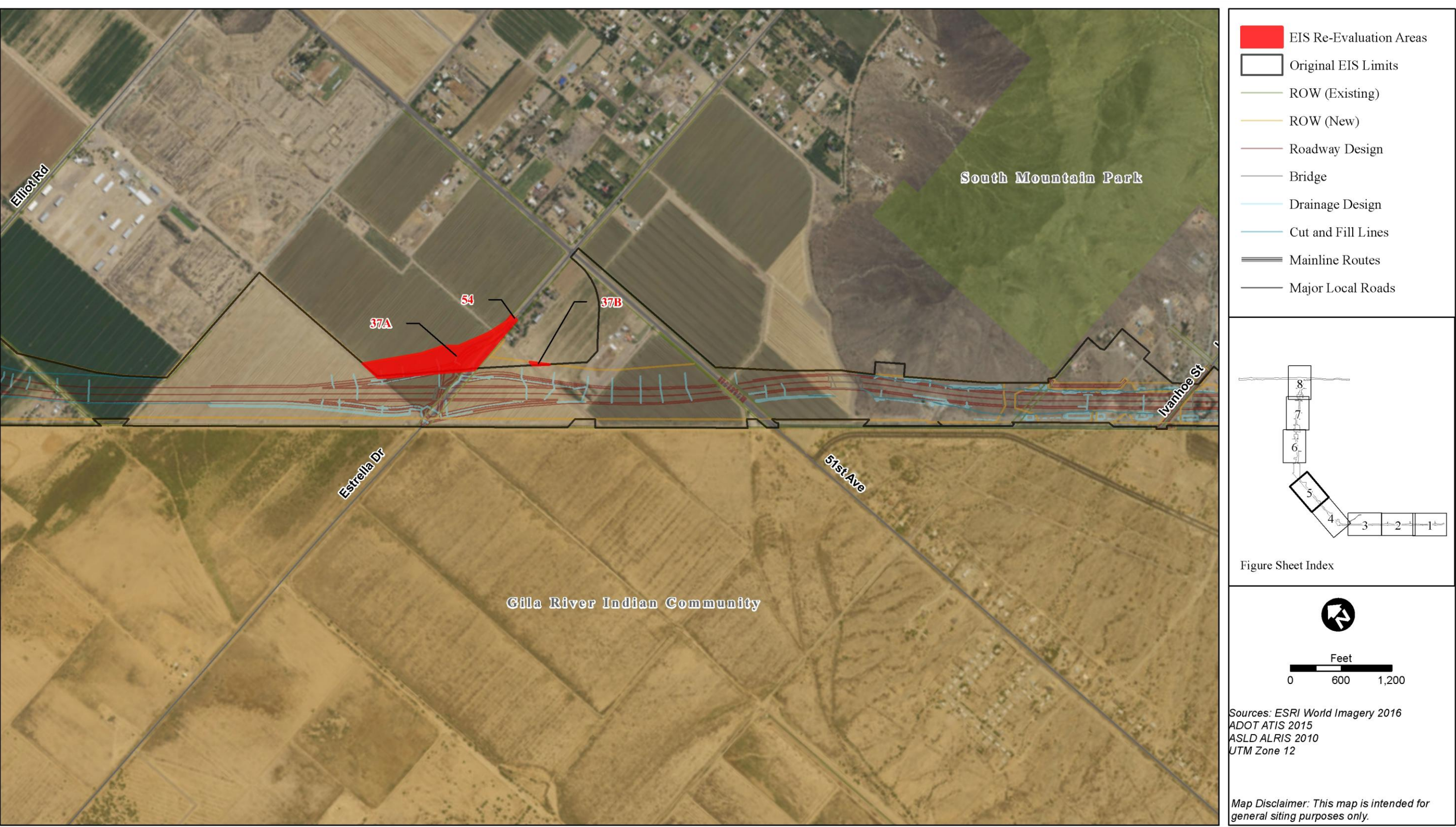


Figure 6. Detail Map

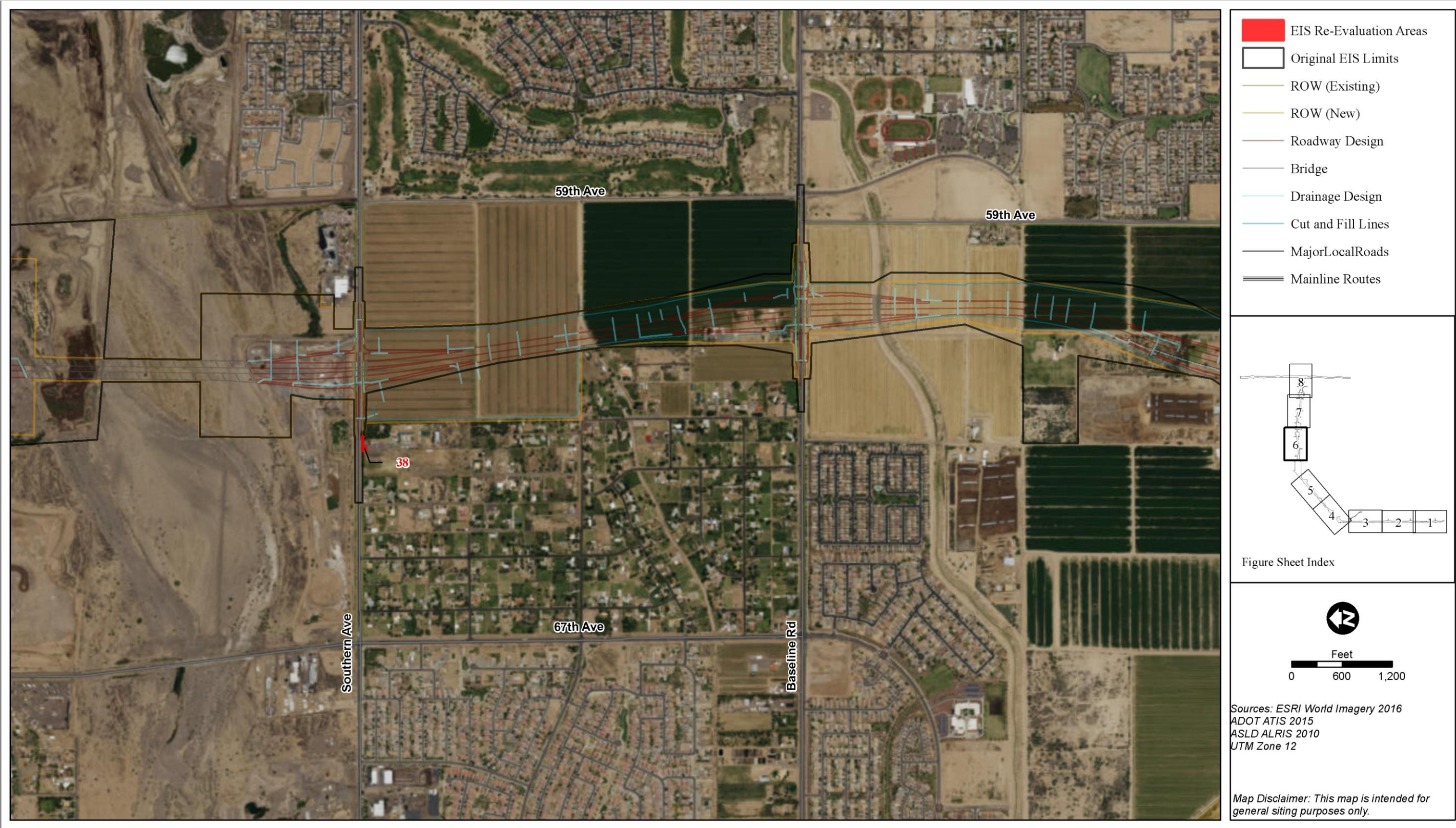


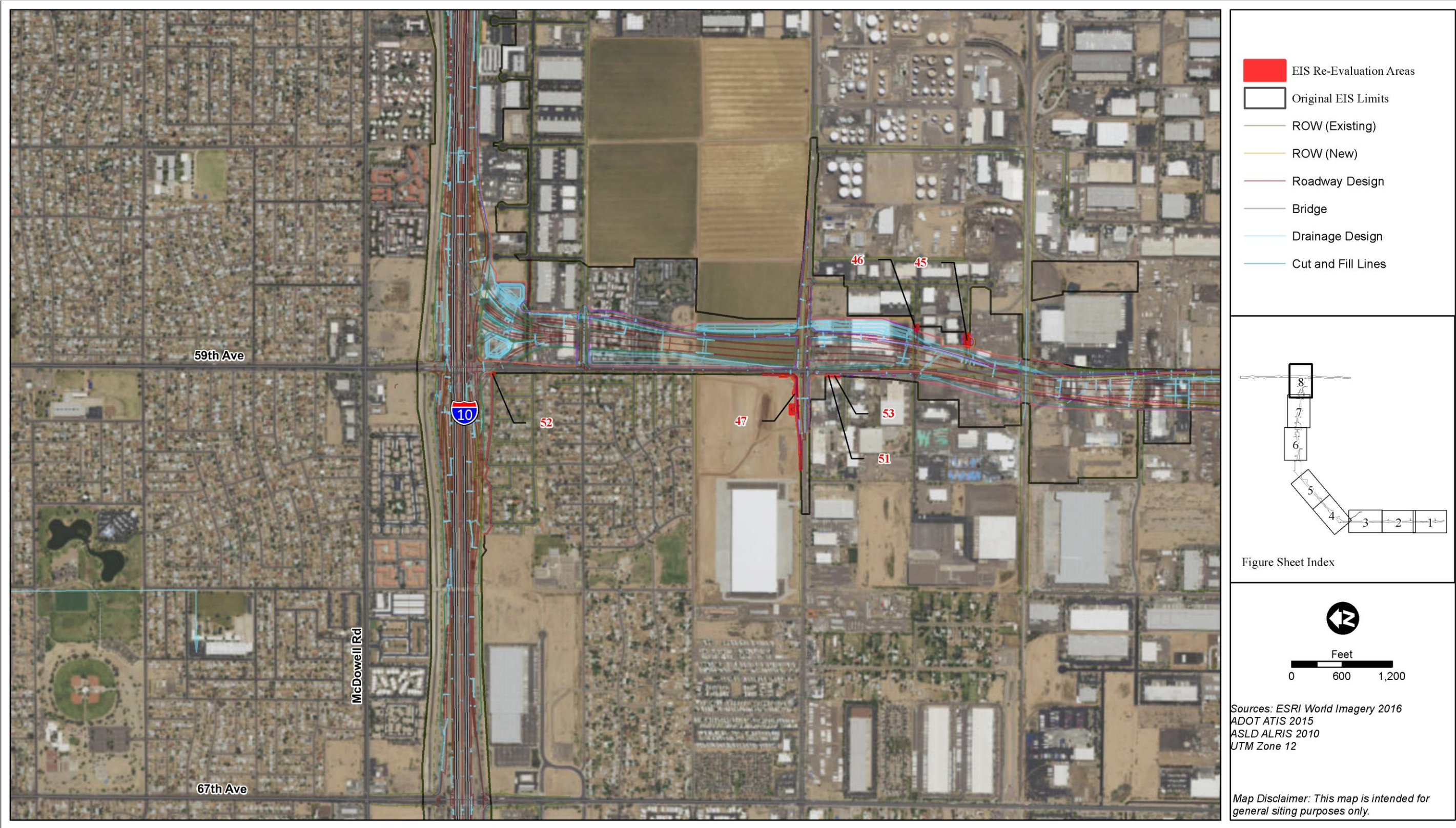
Figure 7. Detail Map



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Figure 8. Detail Map



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3.0 Environmental Consequences

This section presents an analysis of the environmental consequences at a corridor-wide level (Table 2) and then provides additional details for changes to the project occurring in new ROW and/or easements. All of the mitigation and commitments made in the FEIS and ROD for the project apply to the new parcels presented in this reevaluation. Resources with changes in environmental impacts are described in more detail following the table.

Table 2. Environmental Consequences Assessment, Acquisition of New Parcels					
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	See discussion below
Economics		X		X	
Air Quality		X		X	
Noise		X		X	
Water Resources	X			X	See discussion below
Floodplains		X		X	
Waters of the United States	X		X		See discussion below
Topography, Geology, Soils	X			X	See discussion below
Biological Resources	X		X		See discussion below
Cultural Resources	X			X	See discussion below
Prime and Unique Farmland	X		X		See discussion below
Hazardous Materials	X			X	See discussion below
Visual Resources	X			X	See discussion below
Energy		X		X	
Temporary Construction Impacts	X			X	See discussion below
Material Sources and Waste Material	X			X	See discussion below
Secondary and Cumulative Impacts		X		X	
Section 4(f)/6(f)		X		X	

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3.1 Land Use

An additional 62.23 acres of land not originally disclosed in the FEIS/ROD will be converted to rights-of-ways or easements and will encompass the construction of elements related either directly or indirectly to the SMF project. This is a 3.4 percent increase over the 1,813 acres of land required for the project anticipated in the FEIS/ROD. All areas of previously unidentified rights-of-ways or easements are adjacent to the proposed freeway ROW identified in the FEIS/ROD. The current uses for the new parcels are undeveloped lands, existing public rights-of-ways occupied by city streets or sidewalks, and portions of private lands that have been developed as commercial, industrial, residential, or farmland. Compared to the FEIS/ROD, the amount of land being temporarily or permanently converted to transportation use from undeveloped land is increasing by 5.2 percent (an additional 36.89 acres over 712 acres), from residential is increasing by 0.1 percent (an additional 0.15 acres over 164 acres), from commercial/industrial is increasing by 0.1 percent (an additional 0.21 acres over 177 acres), and from farmland is increasing by 1.3 percent (an additional 9.74 acres over 723 acres). Easements totaling 15.24 acres are being acquired from existing streets and sidewalks will not result in a change in impacts because those areas are currently used for transportation. Changes in ROW and easement requirements are small increases that represent minor refinements based on final design; impacts to land uses have been adequately disclosed in the FEIS/ROD. No new mitigation measures are required for impacts on land use as a result of these project changes.

3.2 Displacements and Relocations

None of the rights-of-ways or easement acquisitions will result in additional displaced residents or businesses. The acquisitions from developed private properties are for the purposes of maintaining driveway access and for reconfiguring pedestrian facilities and access. These changes will not impact the buildings on the affected properties or otherwise result in conditions that make houses uninhabitable or business unviable. No new mitigation measures are required to address displacement or relocation impacts as a result of these project changes.

3.3 Water Resources

As listed in the above Table 1, many of the new rights-of-ways and easement parcels are required to construct and maintain stormwater conveyance and detention facilities. These facilities are being designed to comply with post-construction water quality requirements and best-management practices as described in the ADOT *Erosion and Pollution Control Manual*. Other than the intermittent conveyance of storm runoff and inundation during or immediately following storm events, none of the parcels encompass surface waters that could be potentially impacted. No new mitigation measures are required for impacts on water resources as a result of these project changes.

3.4 Waters of the United States

A preliminary jurisdictional delineation and individual permit application have been submitted to USACE for the project that includes the new ROW and easements that are the subject of this reevaluation. Impacts to Waters of the US are quantified in the individual permit application that account for the activities planned in these areas where Waters of the US are present. The change in impacts from those disclosed in the EIS/ROD are categorized as temporary but permanent impacts have not increased as a

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result of project changes since the EIS/ROD. No work will occur within jurisdictional areas until all governmental approvals have been received to authorize the work. To prevent the contractor or third parties from entering jurisdictional areas before authorization has been received, rope barriers have been erected surrounding the jurisdictional areas to prevent entry. No new mitigation measures are required for impacts on Waters of the US as a result of these project changes.

3.5 Topography, Geology, Soils

New parcels being acquired for stormwater facilities will undergo excavation to construct channels and detention basins. As a result, changes in topography will occur. These changes to the topography are relatively minor and will represent a small portion of the project's overall impacts to topography. Because the purpose of these stormwater facilities is control discharge rates and provide sediment and erosion control, no additional or worsening of impacts to soils and topography offsite are anticipated. No new mitigation measures are required for impacts on topography, geology, or soils as a result of these project changes.

3.6 Biological Resources

Construction in the new parcels will impact habitats that are potentially suitable for federally protected, state-protected, and tribal-special-status species previously analyzed in the Biological Evaluation (July 2014) and the ROD. Of the new parcels, 15.25 acres (approximately 25 percent of the new parcel total) is land that is covered in hard surface (asphalt, concrete, or buildings) or compacted gravel. The developed areas do not represent potential habitat for wildlife or protected species, and no further action is needed to address potential impacts in those areas. The new parcels that encompass undeveloped desert or desert landscaping totaling 36.31 acres (approximately 59 percent of the new parcel total) or farmland including fallow farmland and uncultivated areas immediately adjacent to farmland totaling 10.23 acres (approximately 16 percent of the new parcel total) could potentially be occupied by wildlife and protected species. Compared to the overall project conversion of undeveloped lands to transportation uses disclosed in the FEIS/ROD totaling 712 acres, the new parcel acquisitions of undeveloped desert or desert landscaped areas will represent an increase of approximately 5.1 percent. For farmland, the FEIS ROD disclosed the conversion of 723 acres to transportation use, while the new parcel acquisitions will increase the amount of farmland converted by approximately 1.4 percent. Given the varied quality and amount of additional undeveloped desert, desert landscaping, and farmlands representing potential wildlife habitat that will be impacted, these increases do not represent a meaningful change in the impacted habitat already disclosed in the FEIS/ROD and Biological Evaluation. Furthermore, because the new parcels are not being acquired due to substantial changes in location, length, width, or configuration of the project, the impacts to wildlife connectivity and habitat fragmentation will not worsen compared to the impacts described in the FEIS/ROD.

To prevent impacts to individual members of protected species, the new parcels will be subjected to pre-construction surveys in accordance with the project's Technical Provisions. To prevent impacts to other protected species, the new ROW and TCE parcels will be subjected to pre-construction surveys in accordance with the project's Technical Provisions. Any wildlife encountered in harm's way will be relocated or transferred to a properly-licensed wildlife rehabilitator as necessary in accordance with the

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project's Technical Provisions and applicable wildlife laws/regulations. No new mitigation measures are required for impacts on biological resources as a result of these project changes.

3.7 Cultural Resources

Cultural resources surveys of the new parcels were conducted in November 2016 and documented in *A Class III Cultural Resource Survey of 50 Parcels for the Loop 202–South Mountain Freeway Environmental Impact Statement Reevaluation, Maricopa County, Arizona* (Bowler et al. 2017). No significant cultural resources were identified.

In accordance with the programmatic agreement (PA) developed among FHWA, Arizona State Historic Preservation Office, and ADOT (executed July 21, 2015), Section 106 consultation has occurred with the following agencies listed below as part of this reevaluation:

- Ak-Chin Indian Community
- Arizona State Land Department
- Arizona State Museum
- Army Corps of Engineers
- City of Avondale
- Bureau of Indian Affairs
- Bureau of Land Management
- City of Chandler
- Chemehuevi Tribe
- City of Phoenix Archaeology Section
- City of Phoenix Historic Preservation Office
- Colorado River Indian Tribes
- Flood Control District of Maricopa County
- Fort Mojave Indian Tribe
- Fort McDowell Yavapai Nation
- Forty Yuma Quechan Tribe
- City of Glendale
- Gila River Indian Community
- Havasupai Tribe
- Hopi Tribe
- Hualapai Tribe
- Kaibab Band of Paiute Indians
- Maricopa County Department of Transportation
- Navajo Nation
- Pascua Yaqui Tribe
- Bureau of Reclamation
- Roosevelt Irrigation District
- San Juan Southern Paiute
- State Historic Preservation Office
- Salt River Project
- Salt River Pima-Maricopa Indian Community
- Tonto Apache Tribe
- City of Tolleson
- Tohono O'odham Nation
- Western Area Power Administration
- Yavapai-Apache Nation
- Pueblo of Zuni

Responding parties have concurred with the adequacy of the cultural resources survey report and its findings (refer to Appendix-B Section 106 Consultation Summary).

3.8 Prime and Unique Farmland

New parcels 37a, 37b, and 43 are farmland that will be converted to transportation use. As previously discussed in the land use section, the amount of farmland being impacted by the project is increasing by 9.74 acres or 1.3 percent over the impacts originally disclosed in the FEIS/ROD. To report this change in impacts, a revised Farmland Conversion Impact Rating for Corridor Type Projects form (NRCS-CPA-106) was submitted to the Natural Resources Conservation Service (NRCS). This change to the loss of agricultural land is negligible relative to the amount of land in the region and to other land development

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trends that are contributing to the loss of agricultural land. NRCS provided a letter on May 18, 2017 stating that the additional impacts to farmlands are exempt because the area is already in or committed to urban development (see Appendix C). No new mitigation measures are required for impacts on farmland as a result of these project changes.

3.9 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. In addition, Phase 1 environmental site assessments have been completed for all but three of the parcels in Table 1. Parcels still requiring additional investigation include: 7-11445, 7-11607, and 7-11541. Therefore, per the Technical Provisions, the contractor shall not access new parcels until the Phase I environmental site assessments have been completed and approved by ADOT. Prior to personnel conducting or observing ground disturbing activities on high-risk areas, they shall possess a 40-hour HAZWOPER training/certification.

3.10 Visual Resources

The features constructed within the new parcels do not represent a material change in the project scope and will not introduce new or worsened impacts to the landscape character or viewsheds in the project area. No new mitigation measures are required for impacts on visual resources as a result of these project changes.

3.11 Temporary Construction Impacts

The new parcels are located adjacent to the ROW limits described in the FEIS/ROD and are therefore in areas where temporary construction impacts have already been disclosed. The previously disclosed impacts involving temporary construction noise and disruption to the pre-construction traffic patterns, for example, will not be materially worsened. No new mitigation measures are required for temporary construction impacts as a result of these project changes.

3.12 Material Sources and Waste Material

Some new parcels will undergo excavation for the construction of stormwater facilities. The material generated from these excavations will be recycled into road fills elsewhere in the project or disposed offsite at a permitted facility. Should hazardous materials investigations identify regulated waste in the excavation sites, the material will be handled in accordance with the project's Technical Provisions. No new mitigation measures are required for impacts related to material sources and waste material as a result of these project changes.

4.0 New commitments related to New Parcel Acquisitions

The commitments listed below will be implemented and tracked along with the commitments and mitigation measures presented in the ROD and incorporated as necessary into the contractual technical provisions for the Project.

- The contractor shall not access the new parcels until ADOT provides permission.

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- The contractor shall disclose future changes in rights-of-way and easement requirements for the project to ADOT as they are identified.

5.0 Public/Agency Outreach

Changes to the project related to the acquisition of new rights-of-ways and easements does not require an additional public hearing because the resulting change to impacts from those disclosed in the FEIS/ROD are not substantial as discussed in the Environmental Consequences section of this reevaluation.

6.0 Conclusion and Recommendation

6.1 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.
- As a result of the modifications to the project described herein, no substantial changes to the Selected Alternative and its related impacts identified in the FEIS and ROD will occur.

6.2 Recommendations

FHWA, in coordination with ADOT, reevaluated the South Mountain Freeway, Interstate 10 (I- 10, Papago Freeway) to I-10 (Maricopa Freeway) FEIS and ROD per 23 CFR § 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.

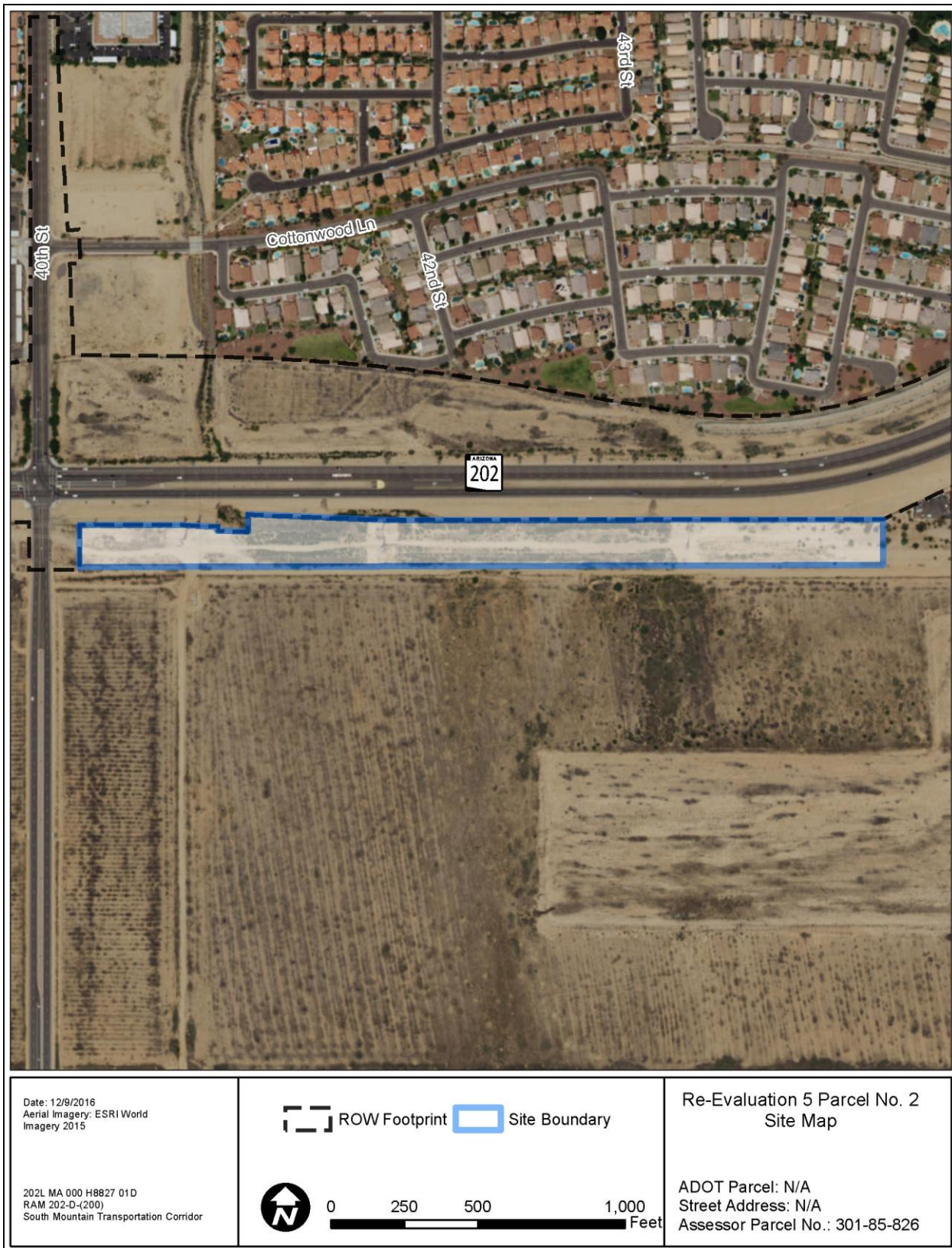
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Appendix-A Parcel Maps

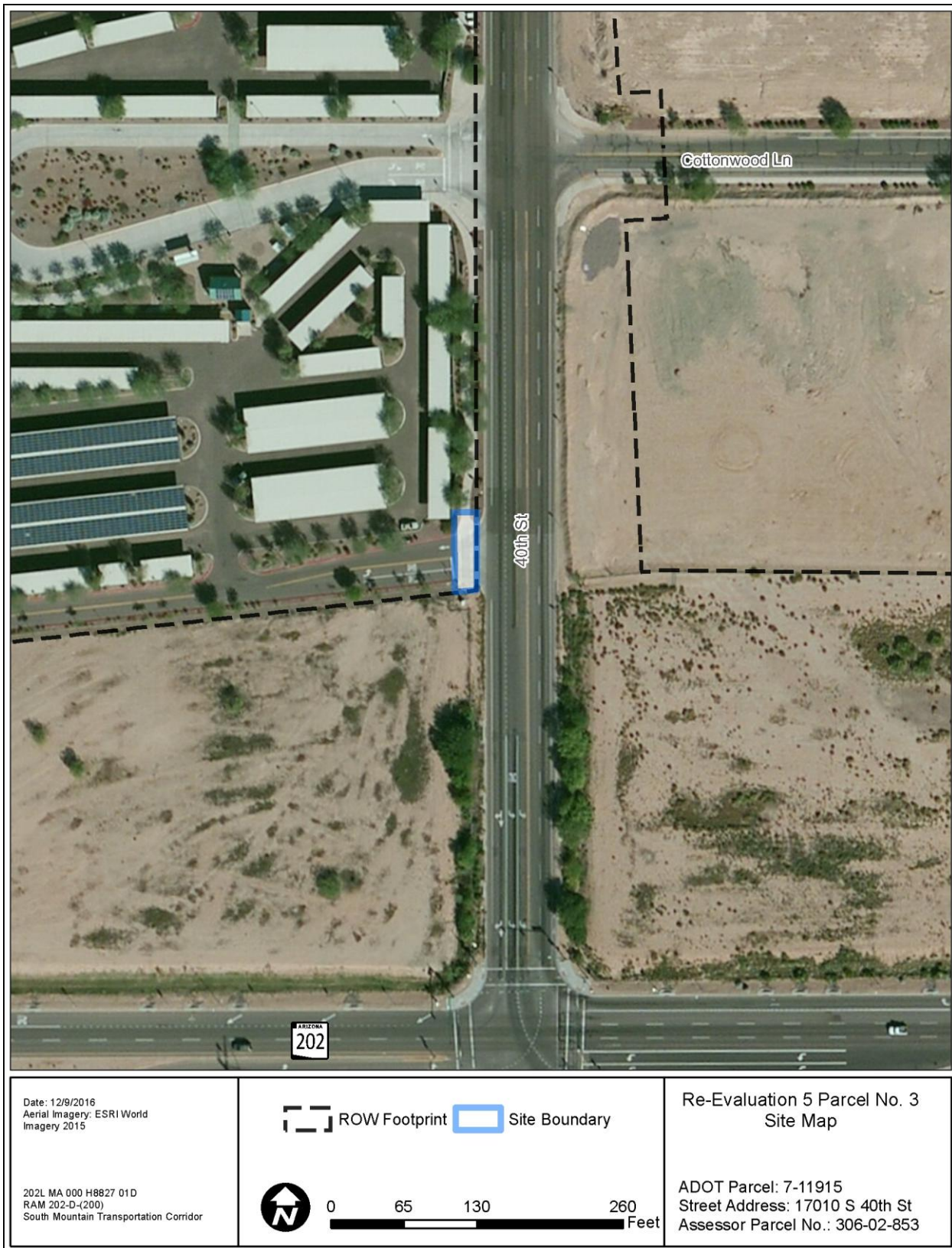
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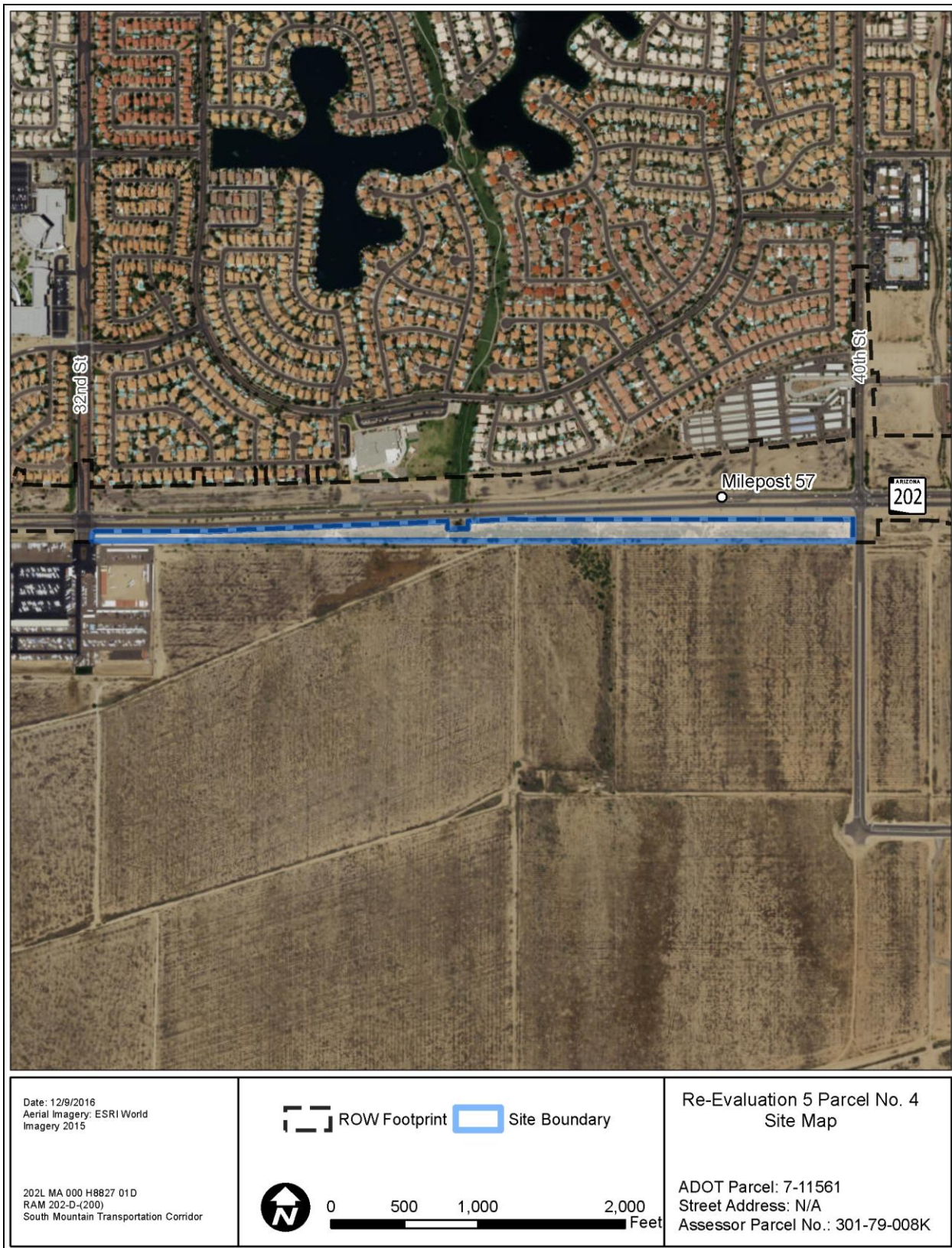
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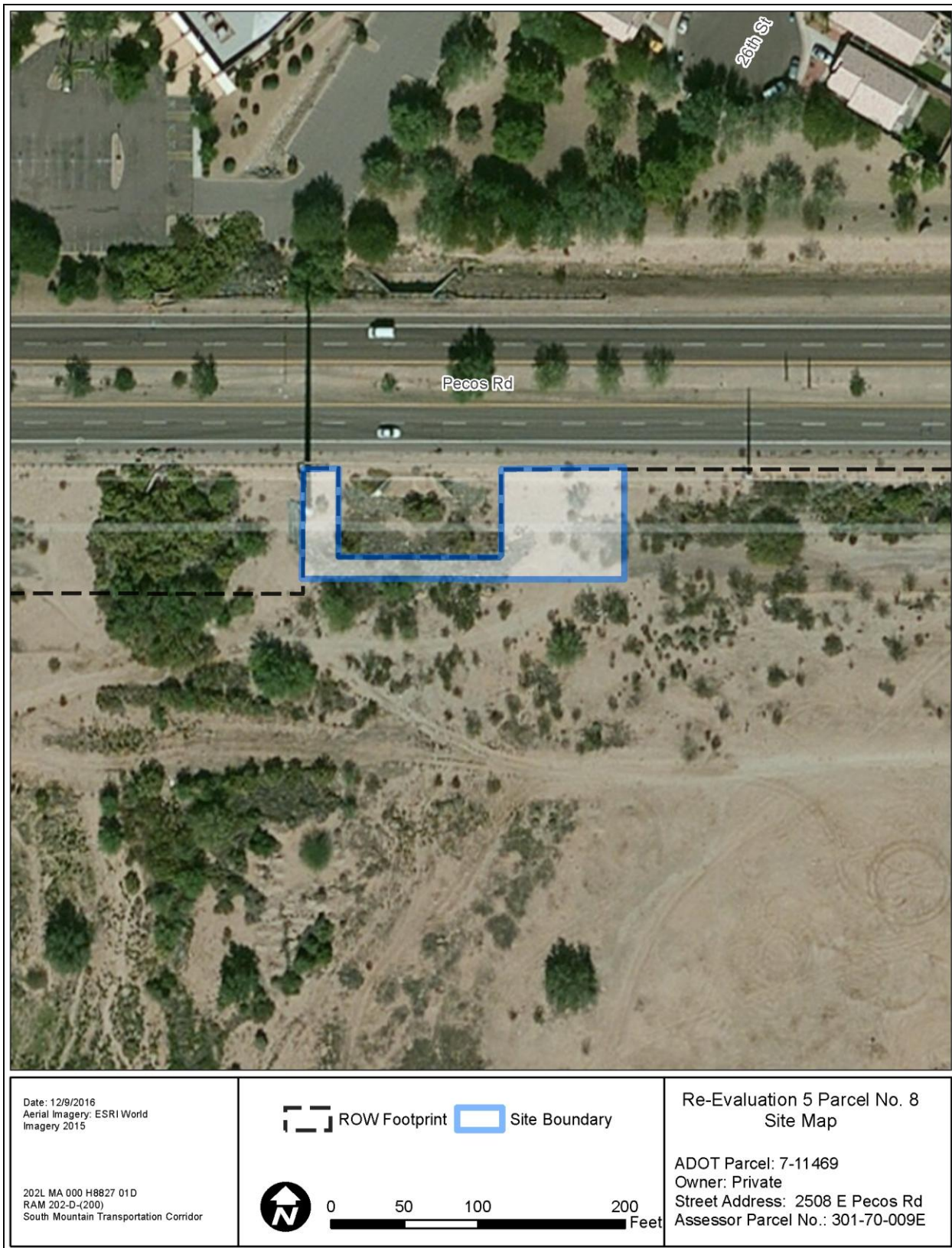
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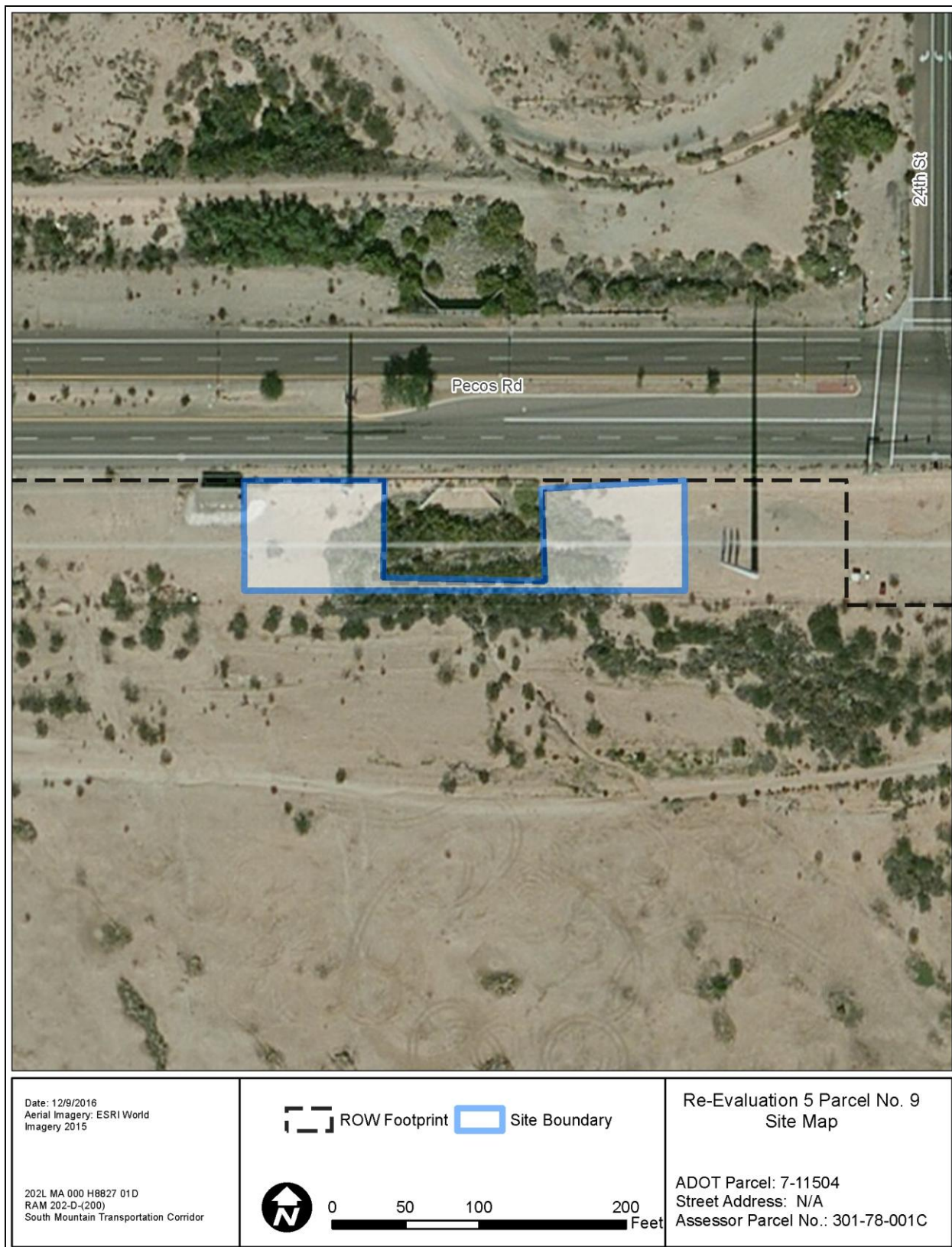
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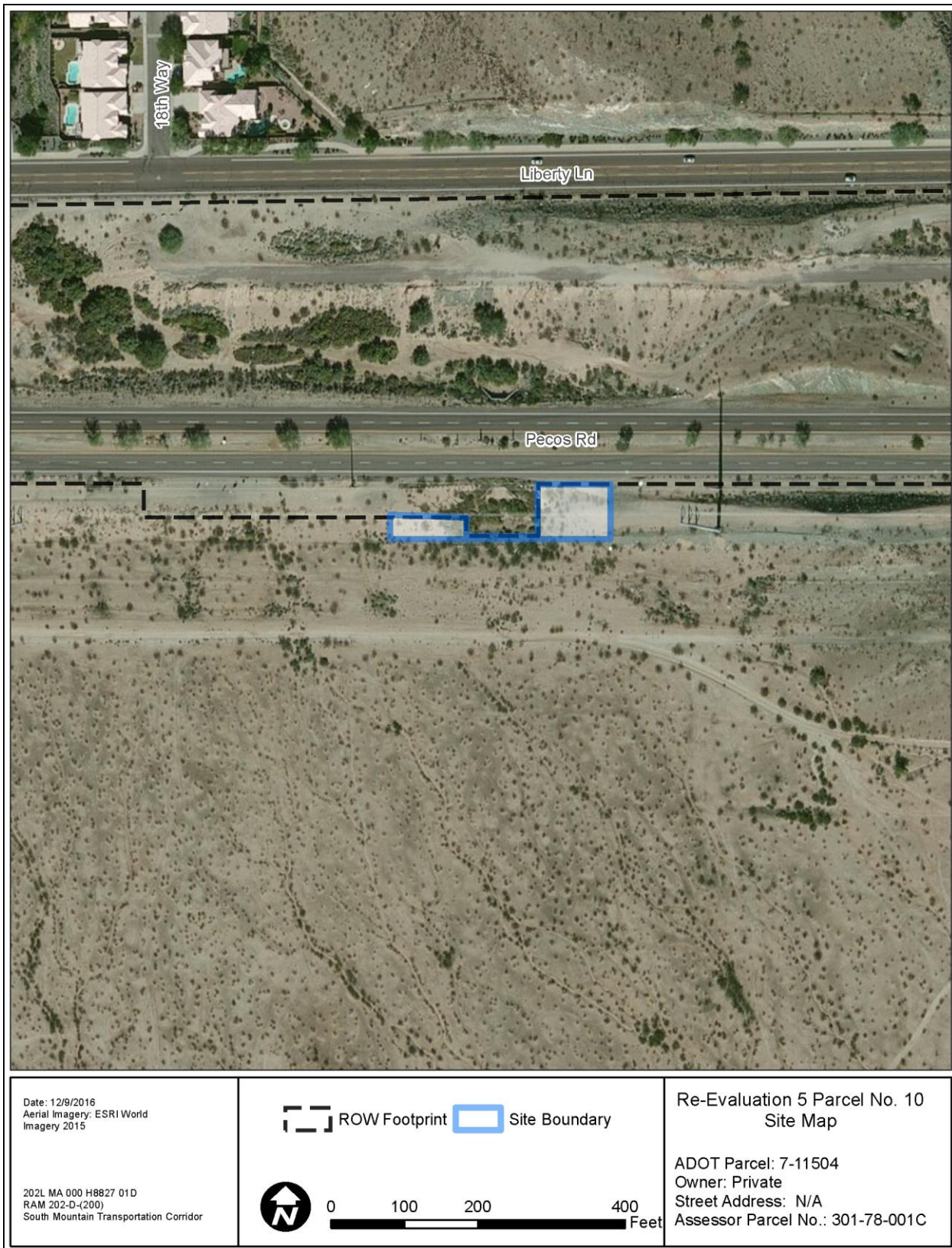
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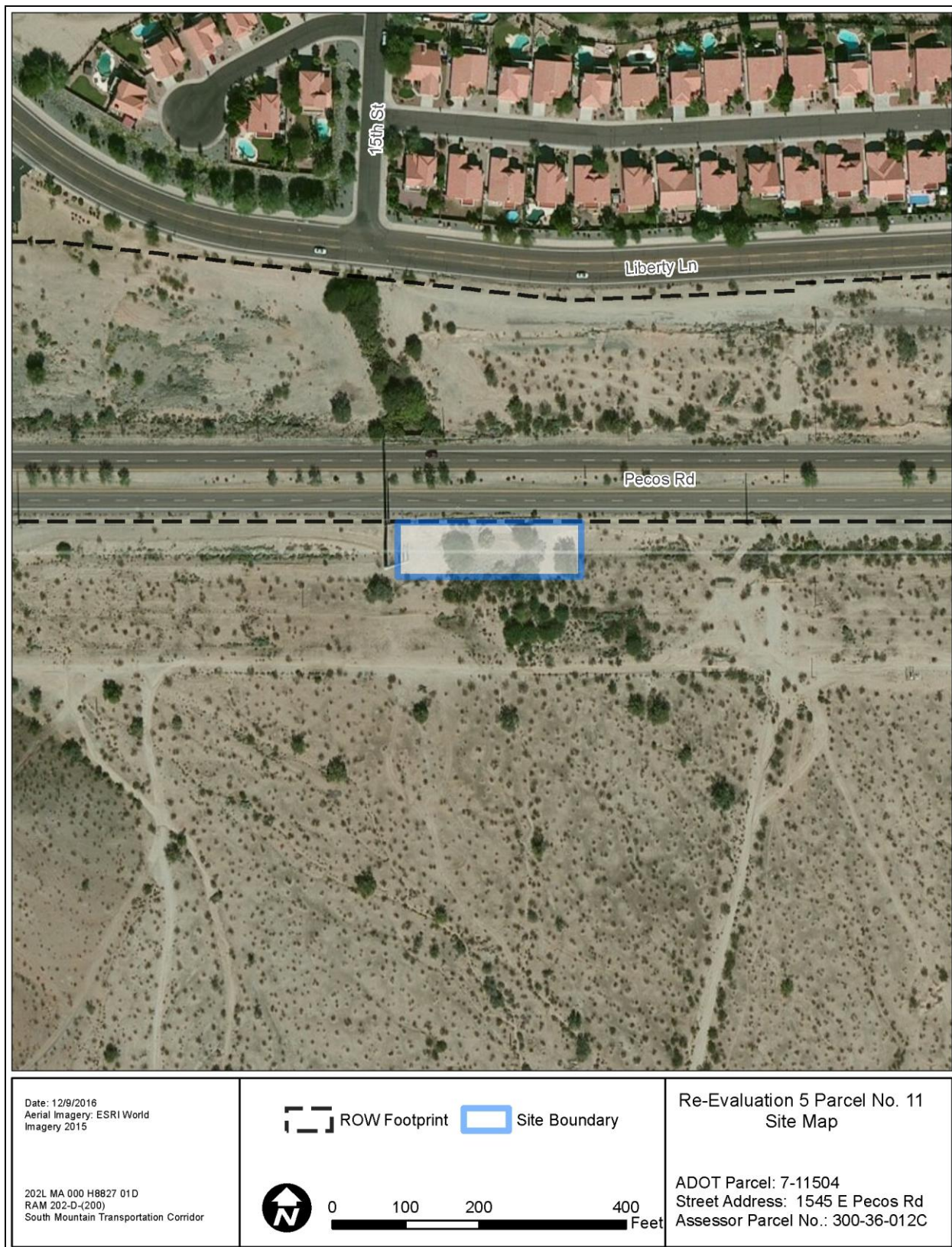
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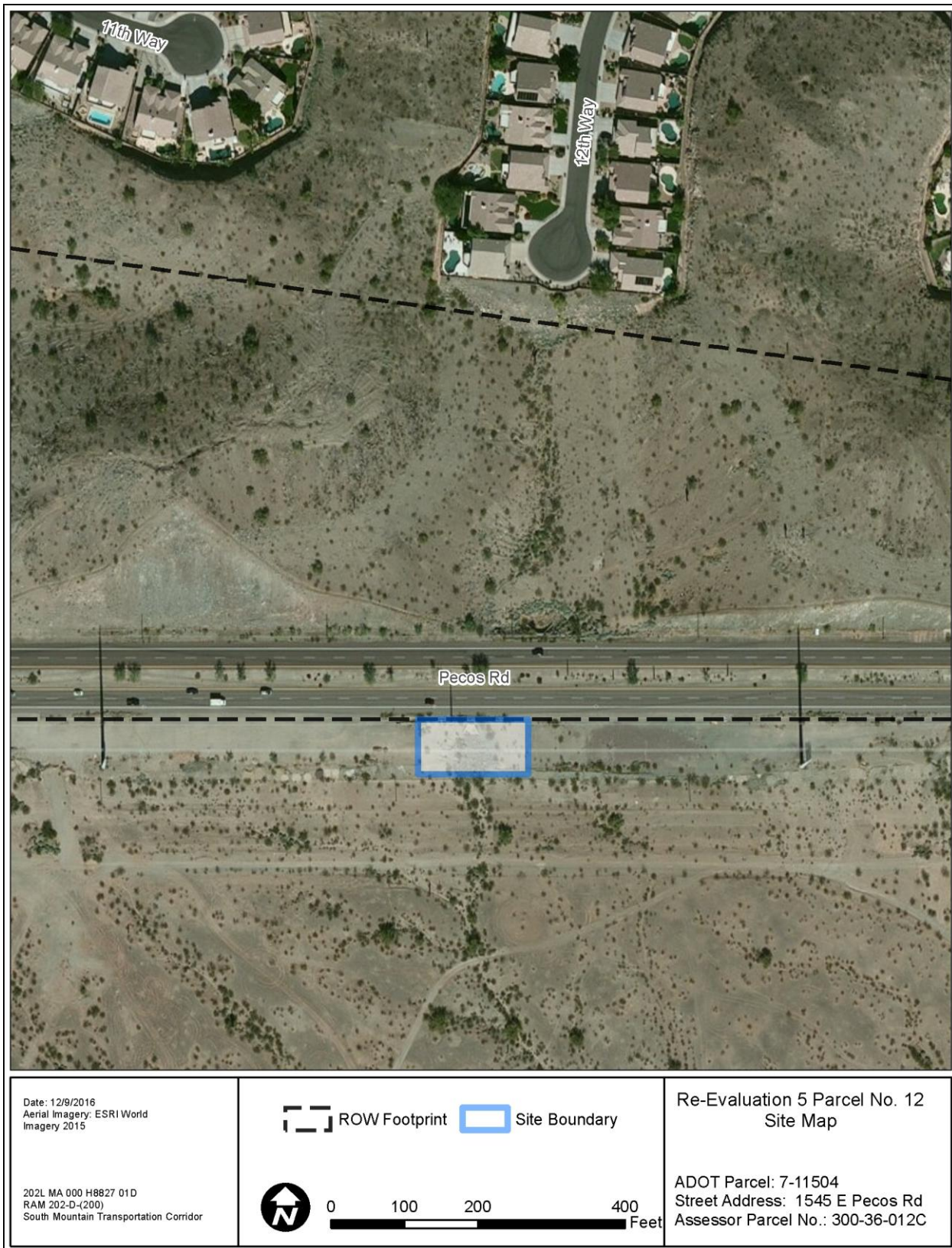
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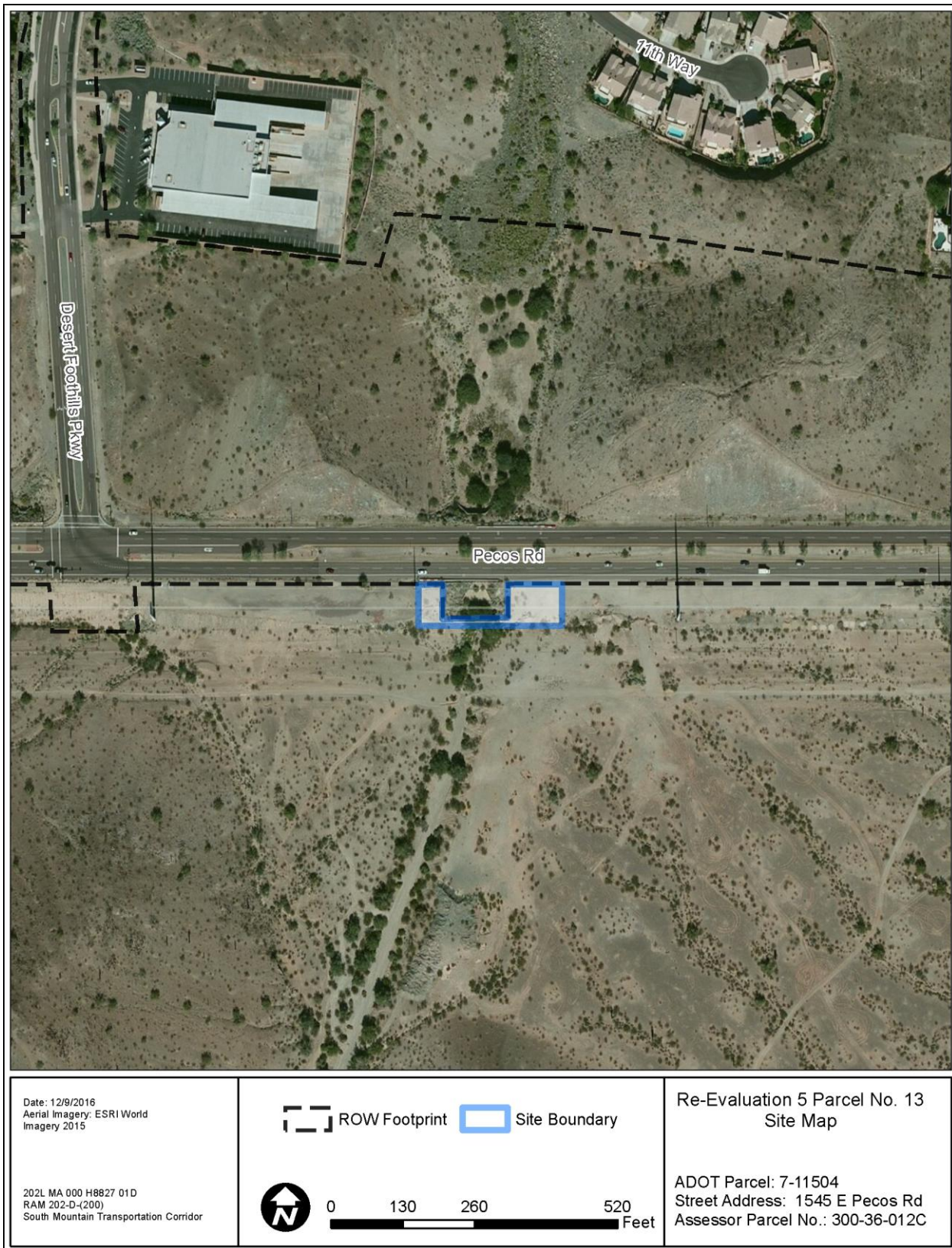
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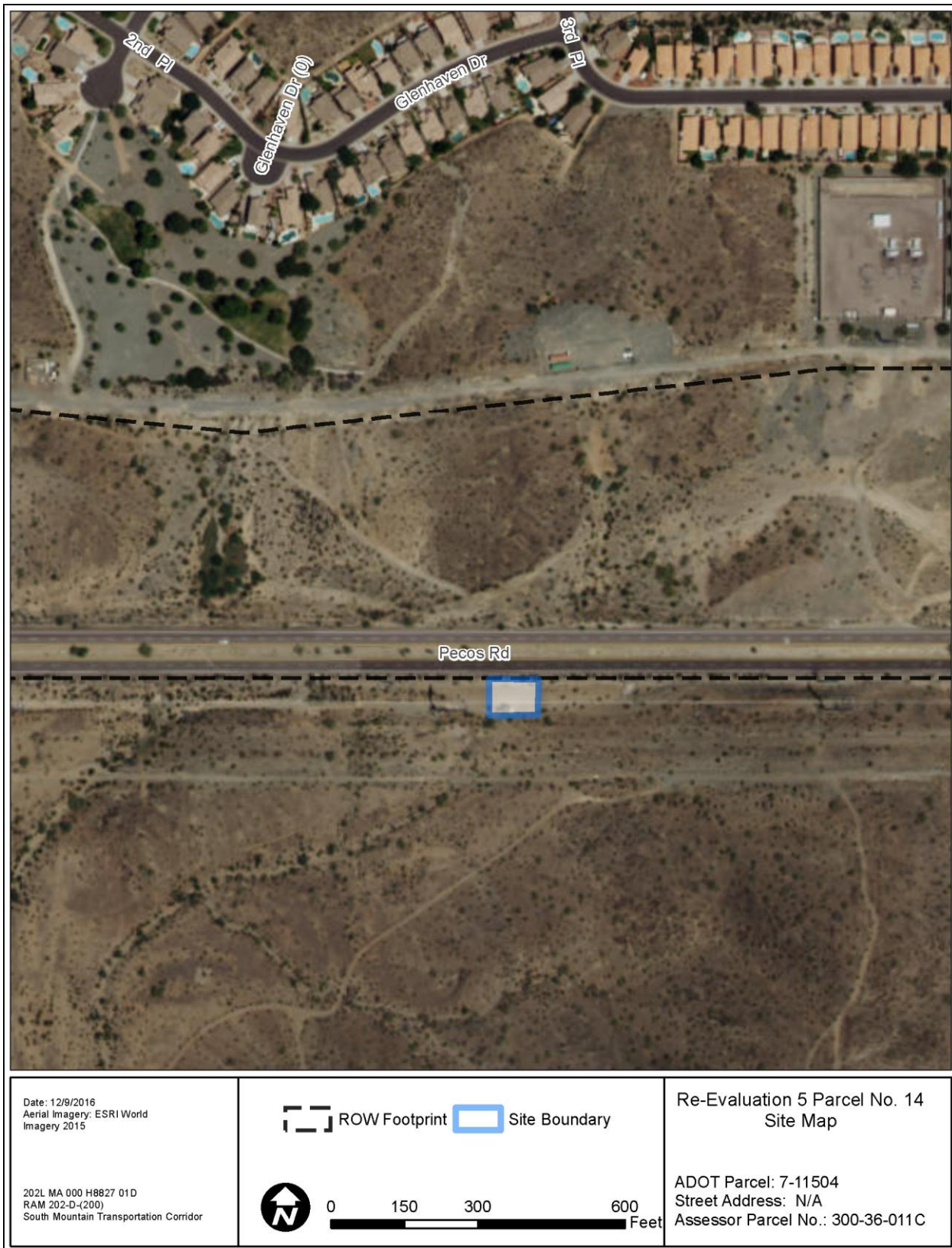
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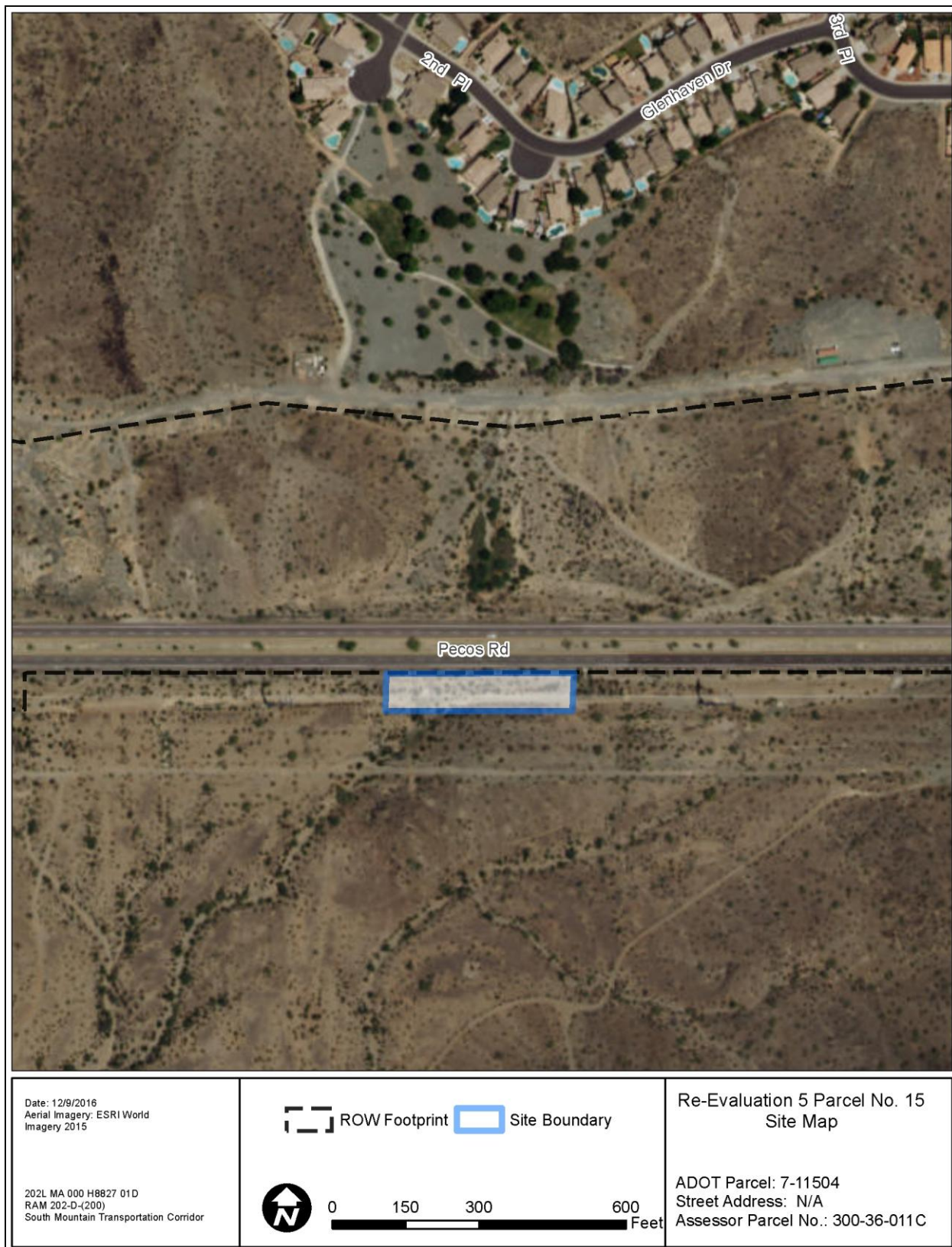
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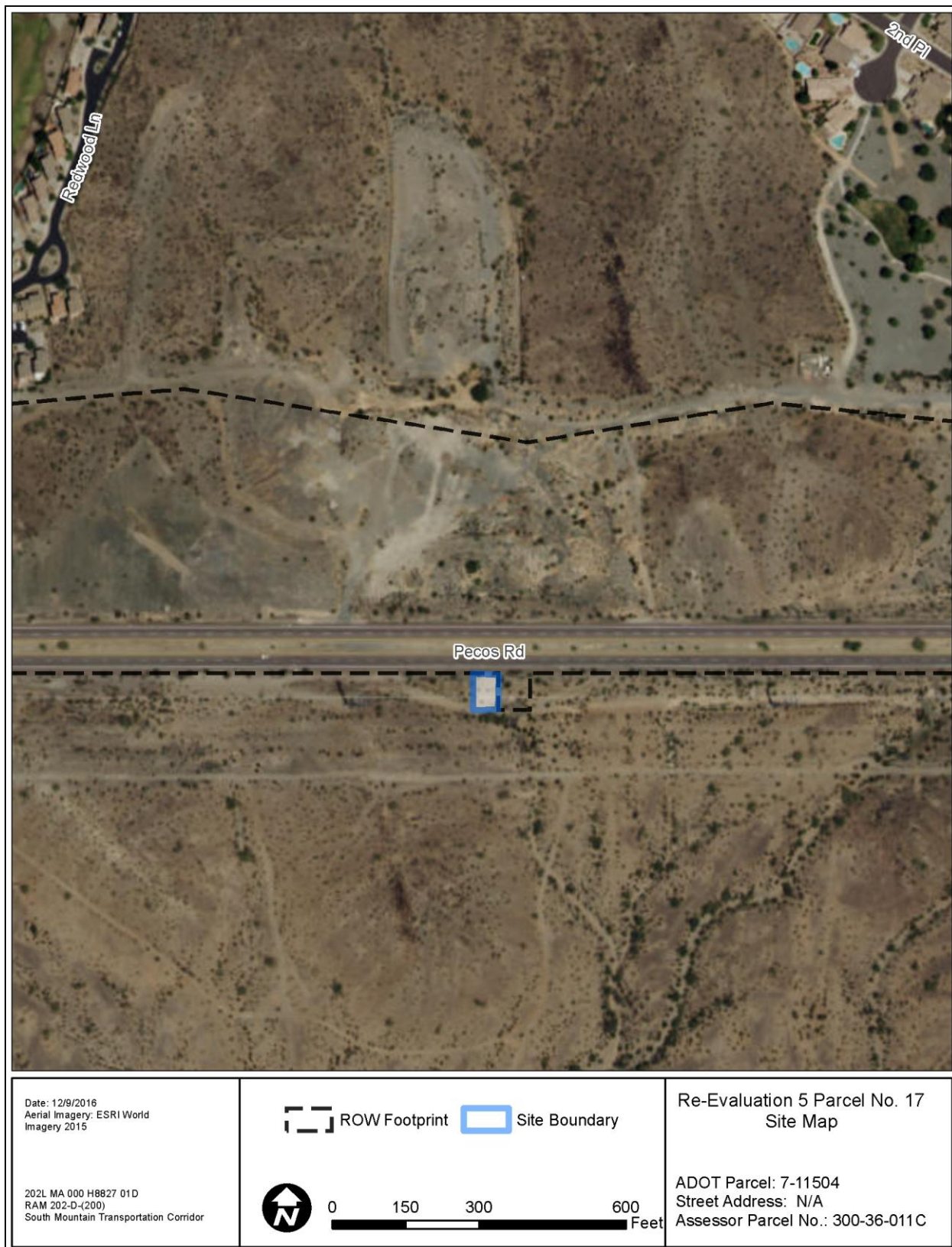
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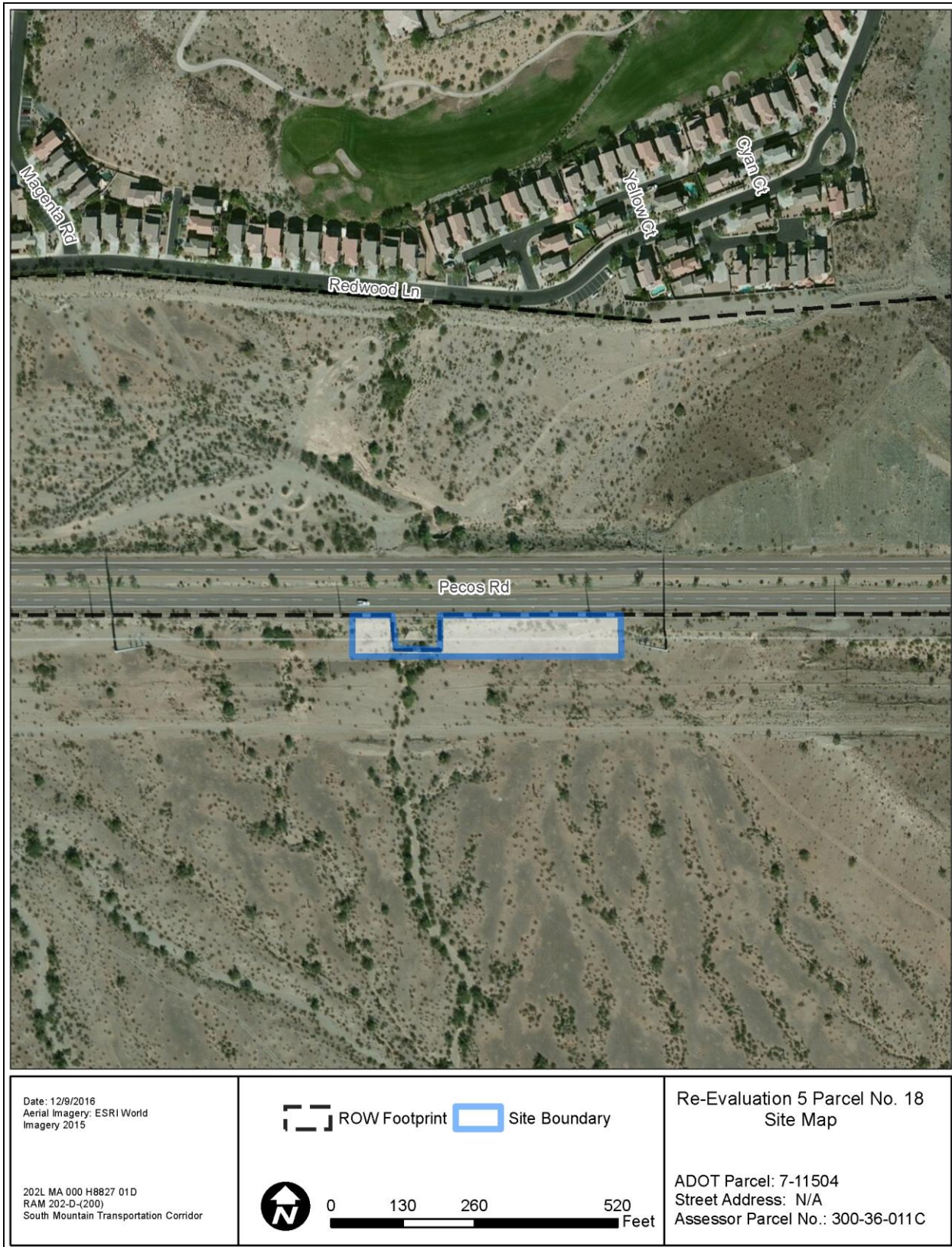
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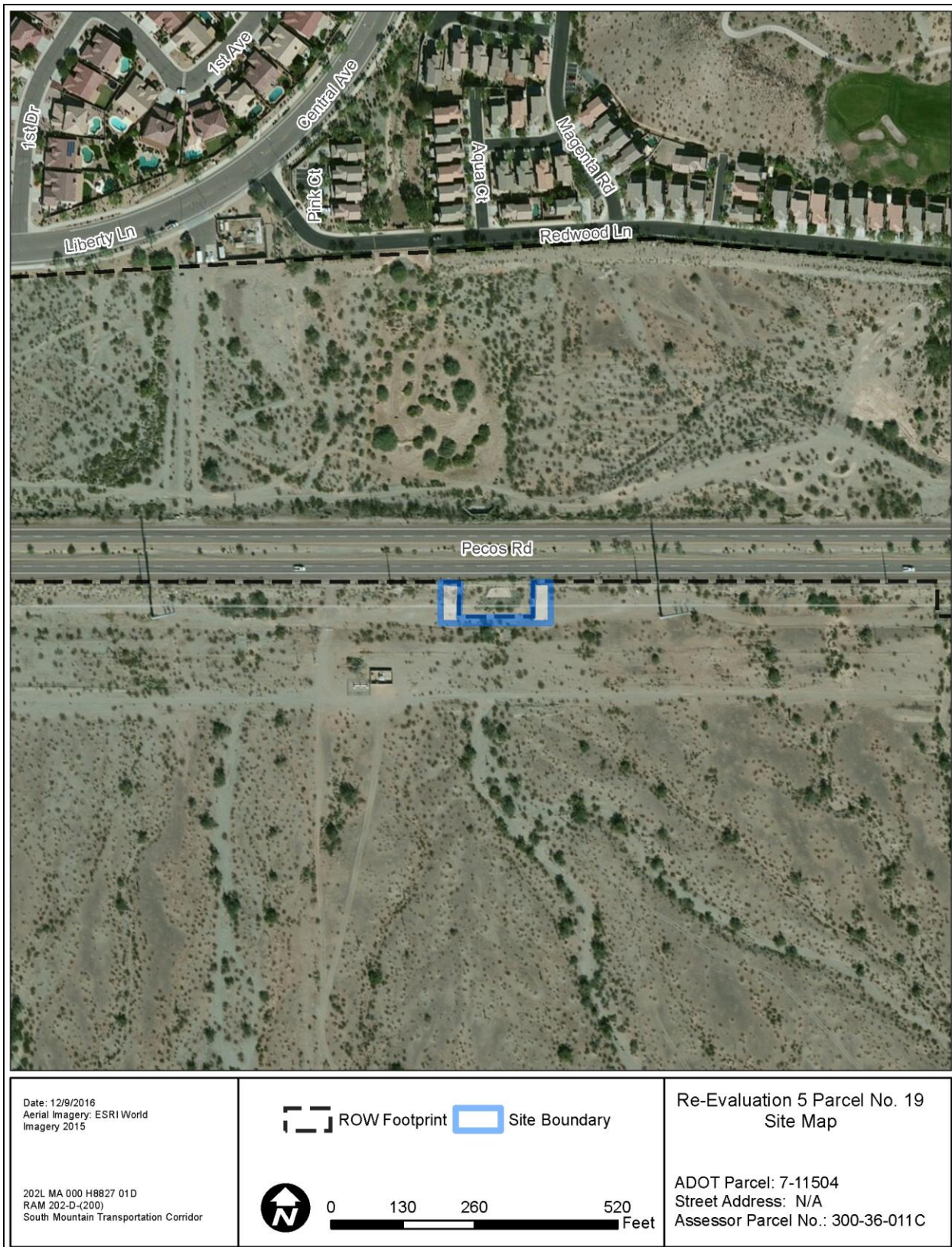
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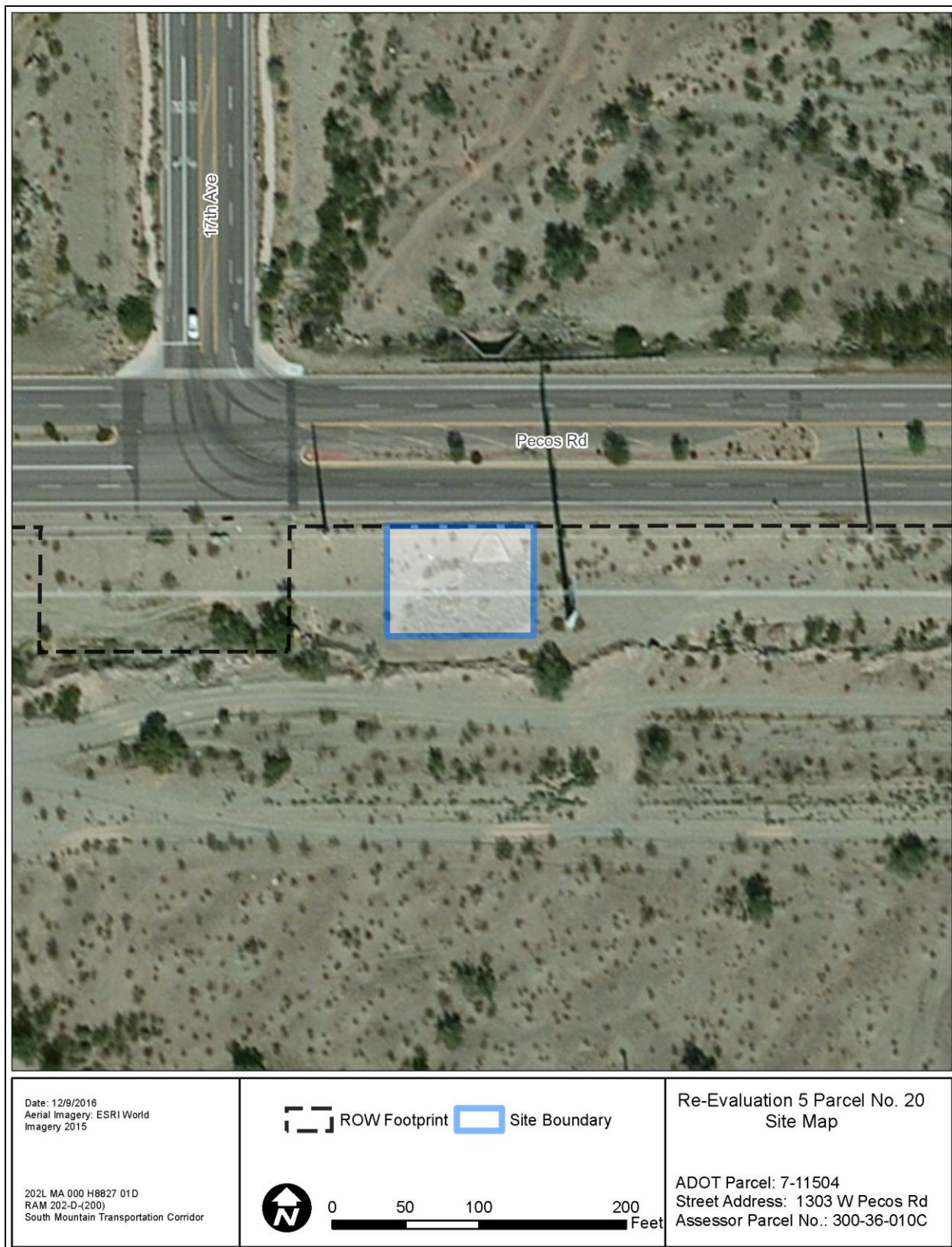
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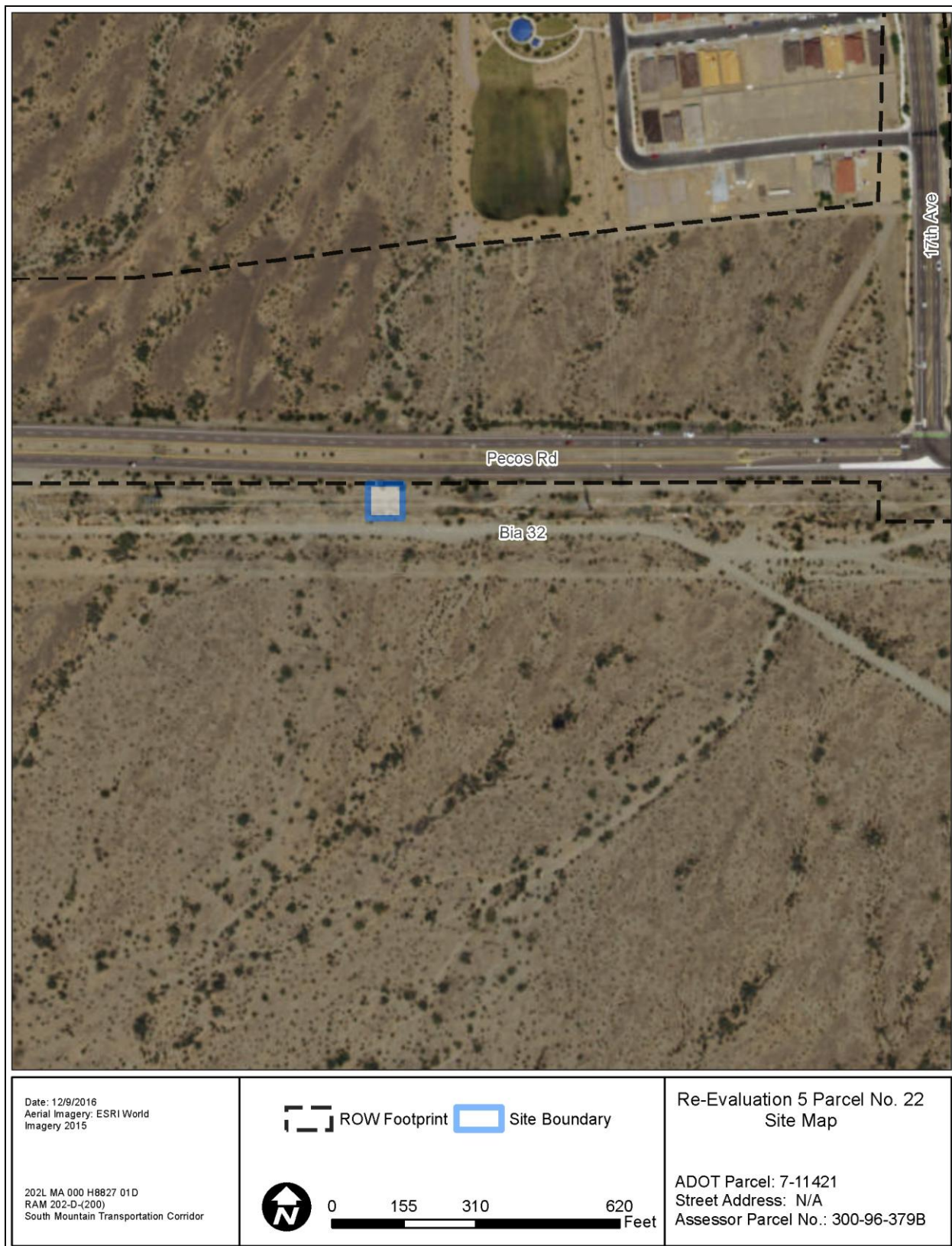
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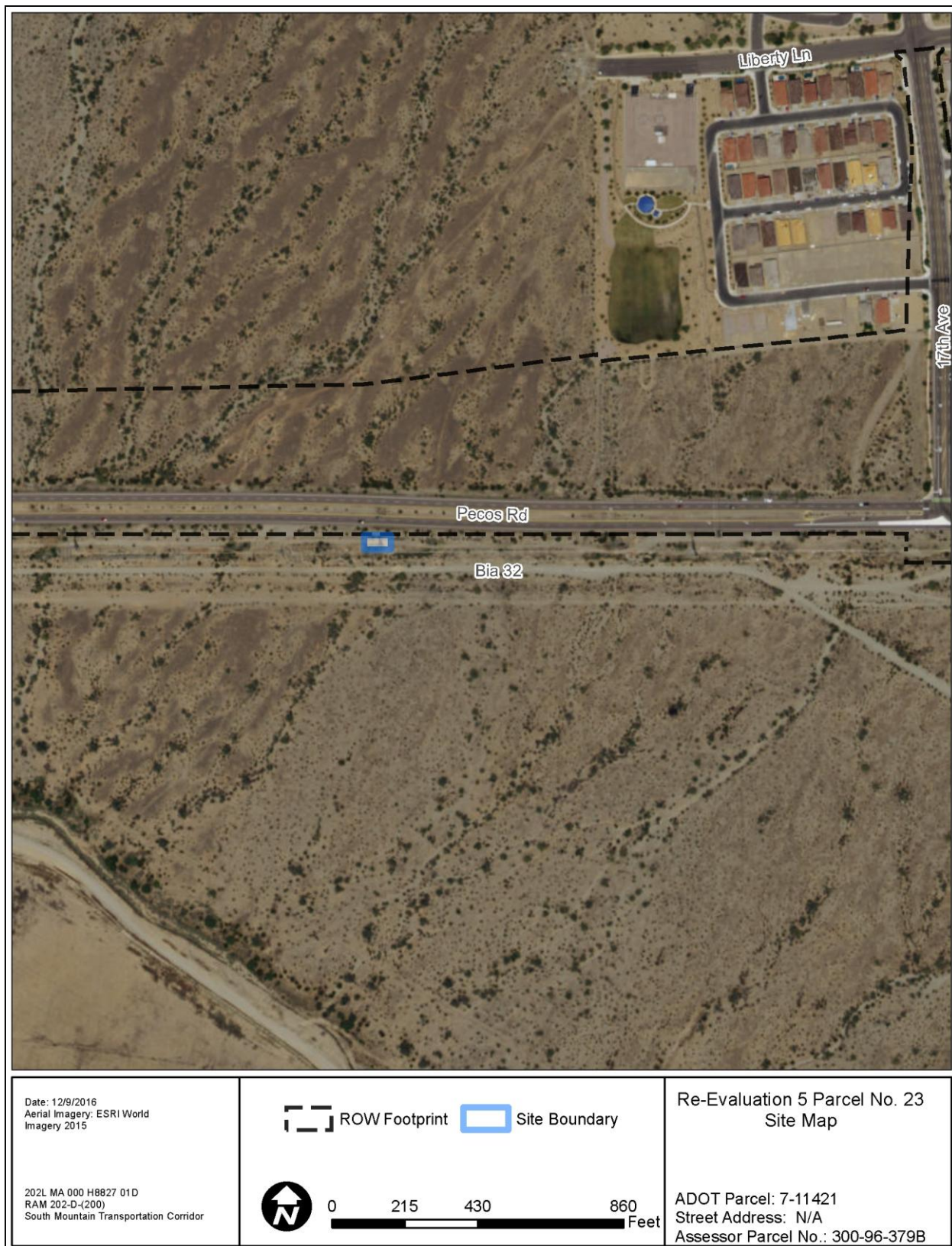
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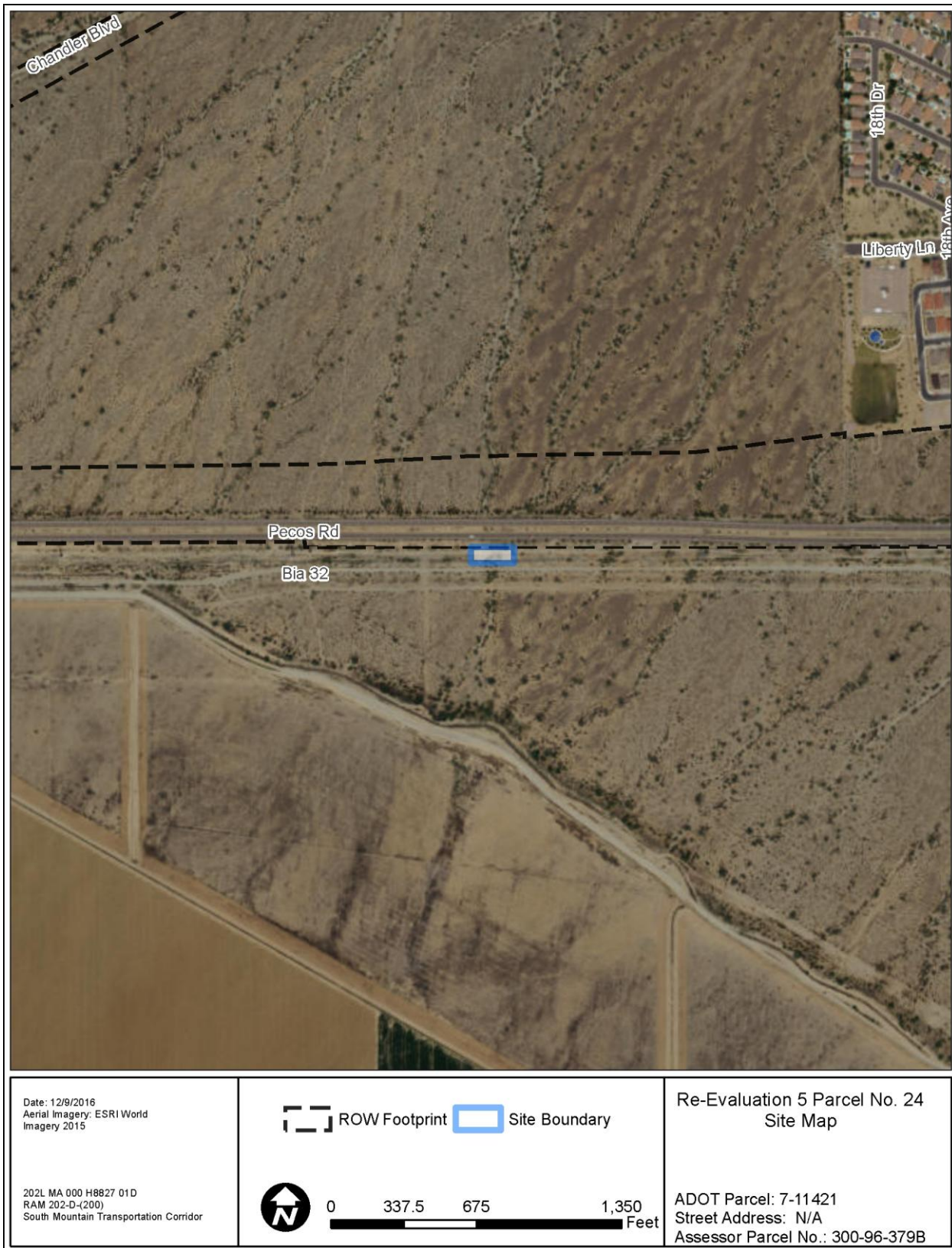
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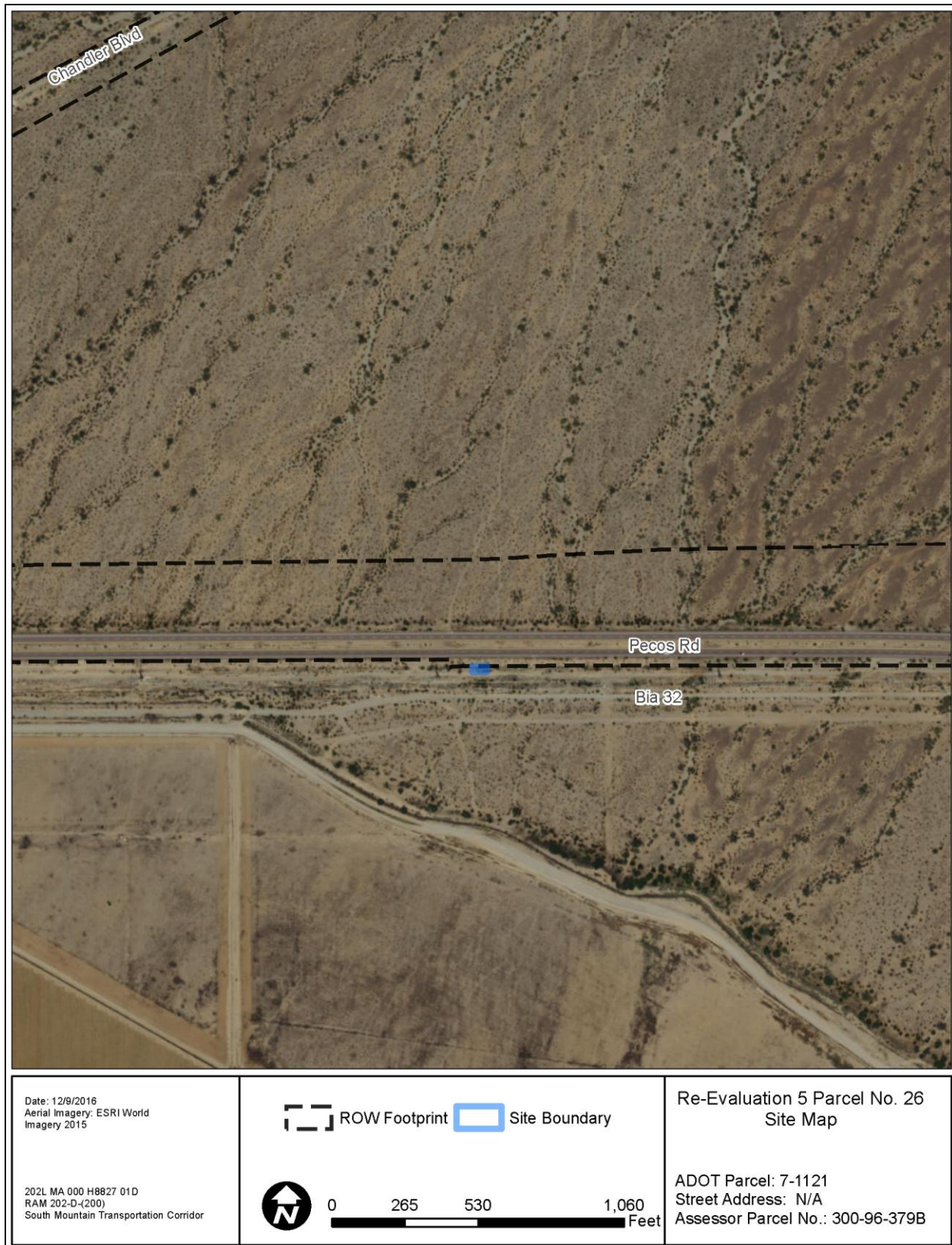
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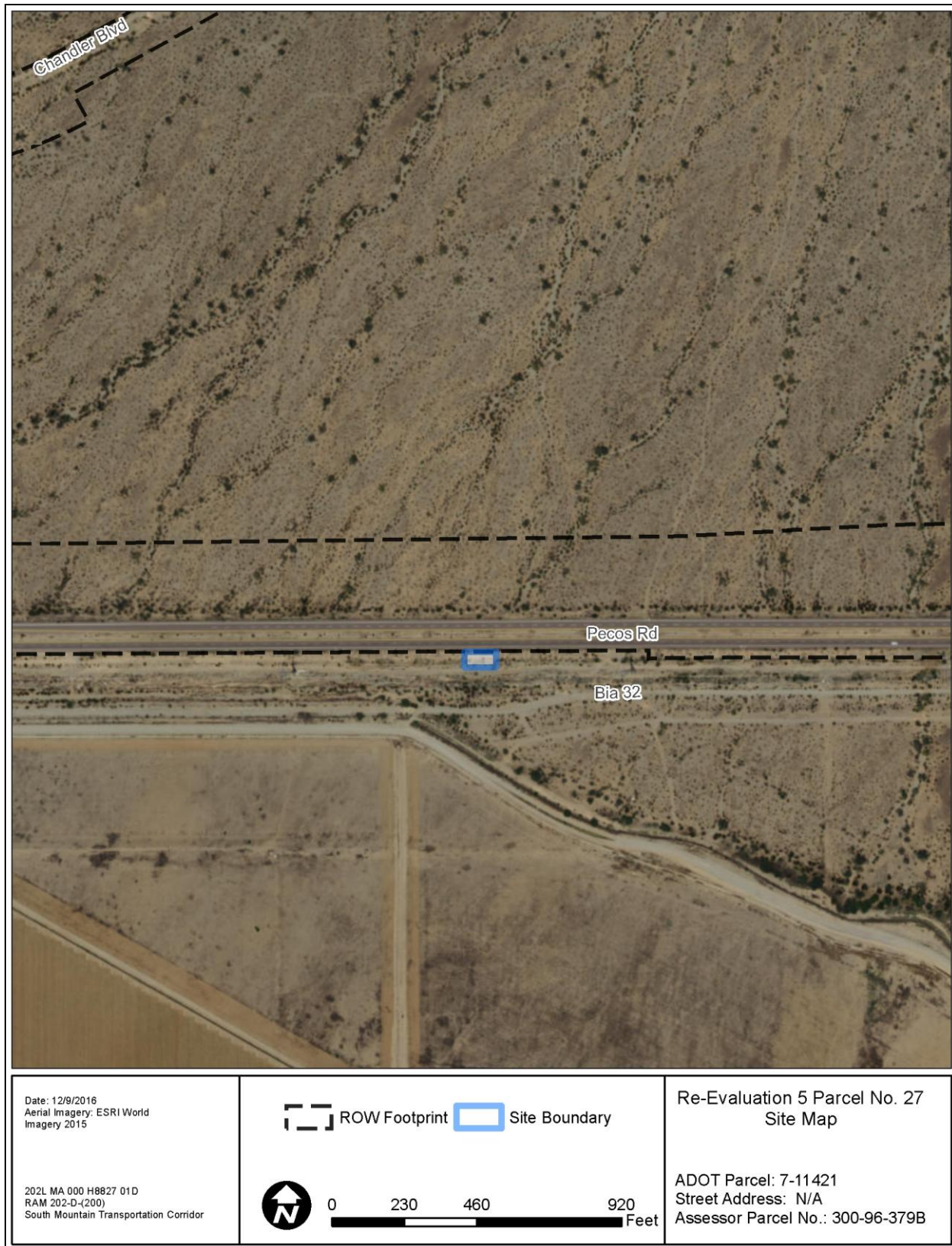
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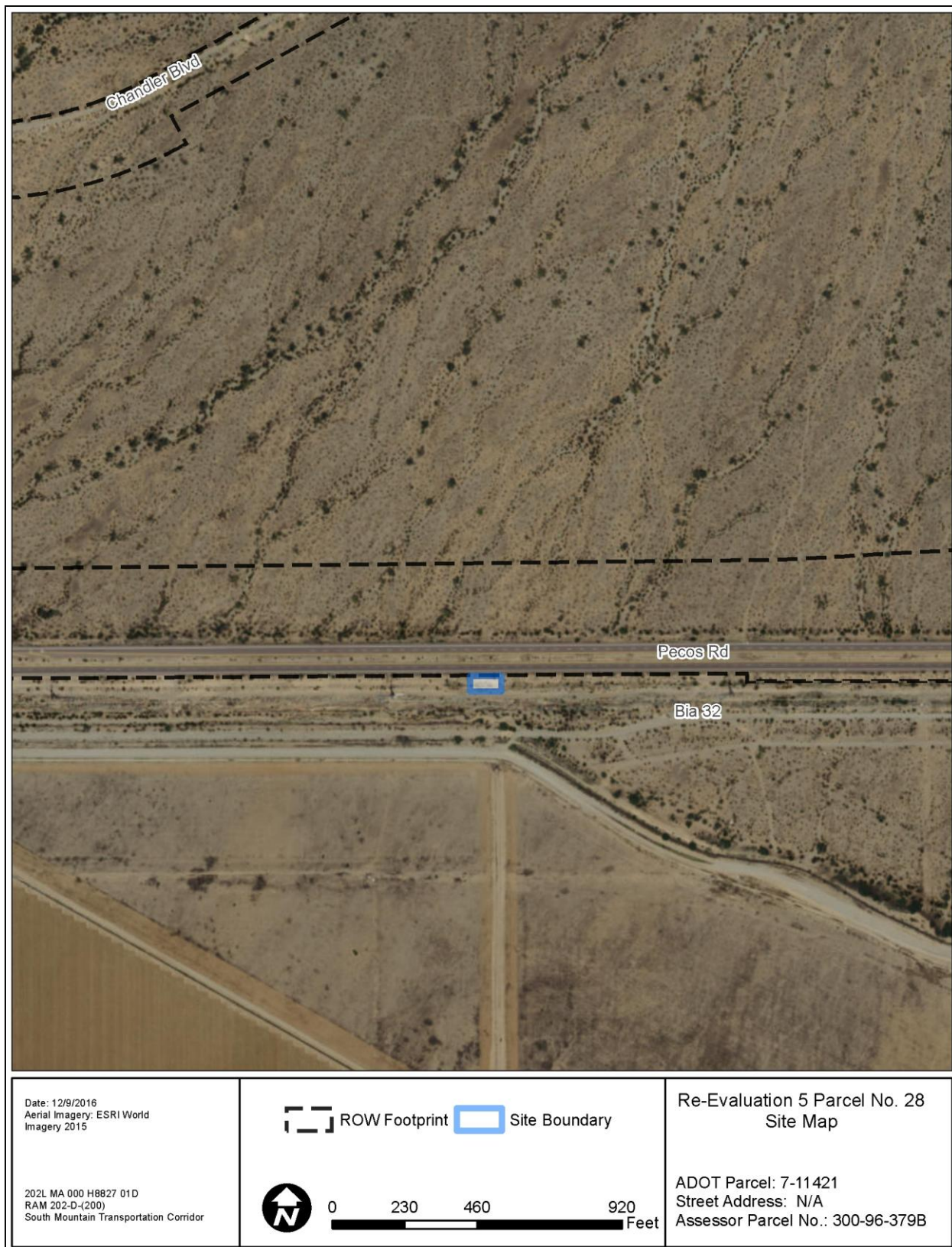
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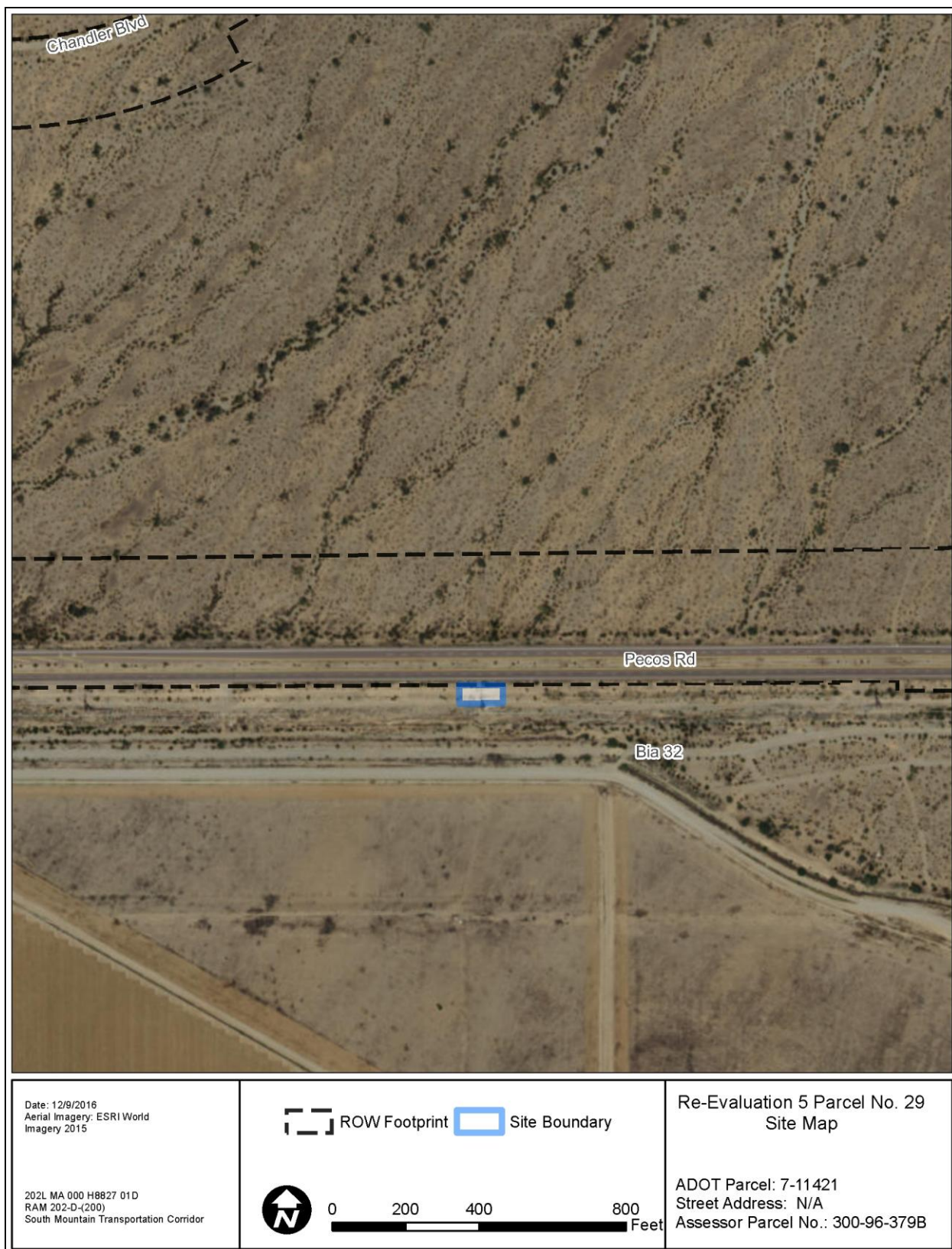
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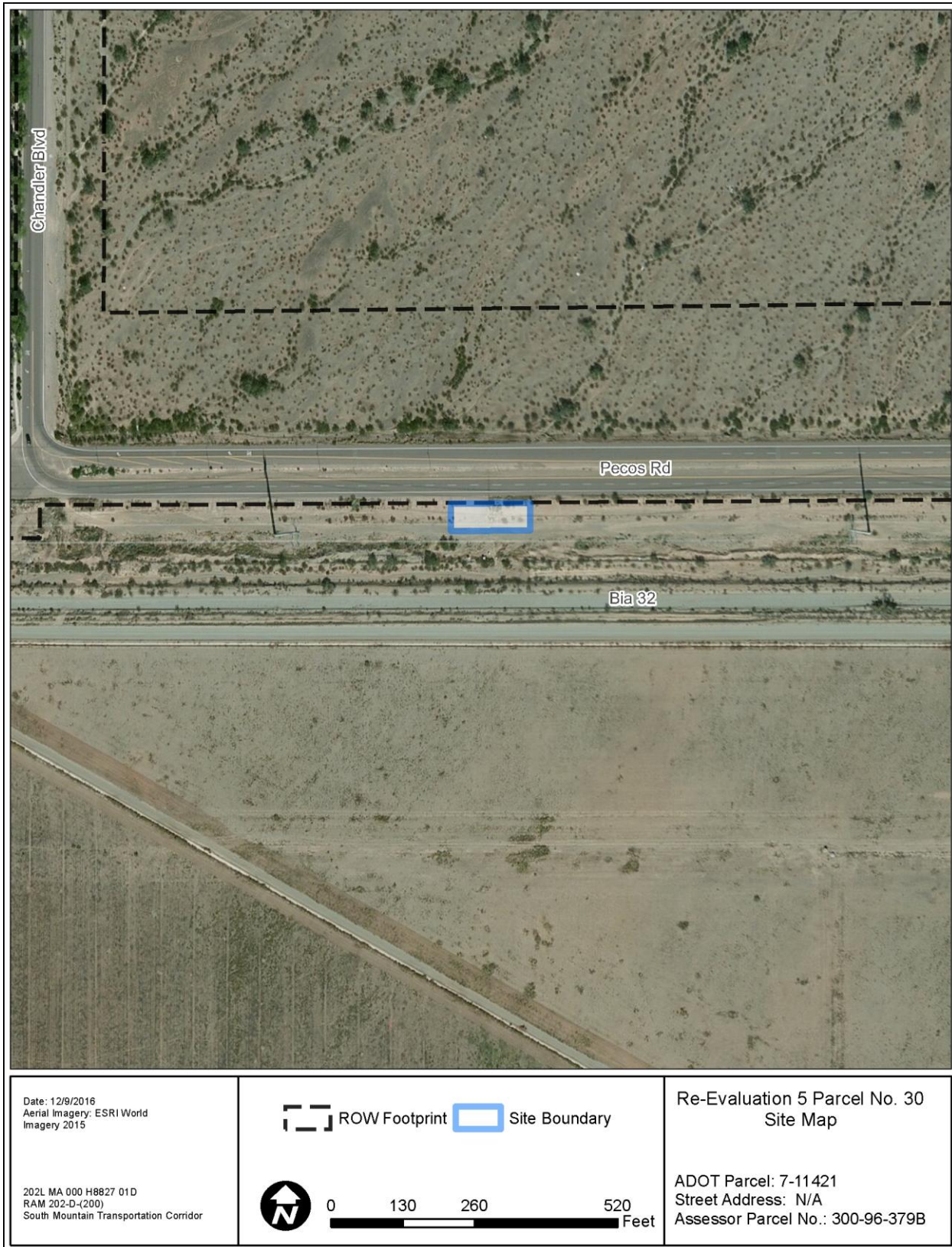
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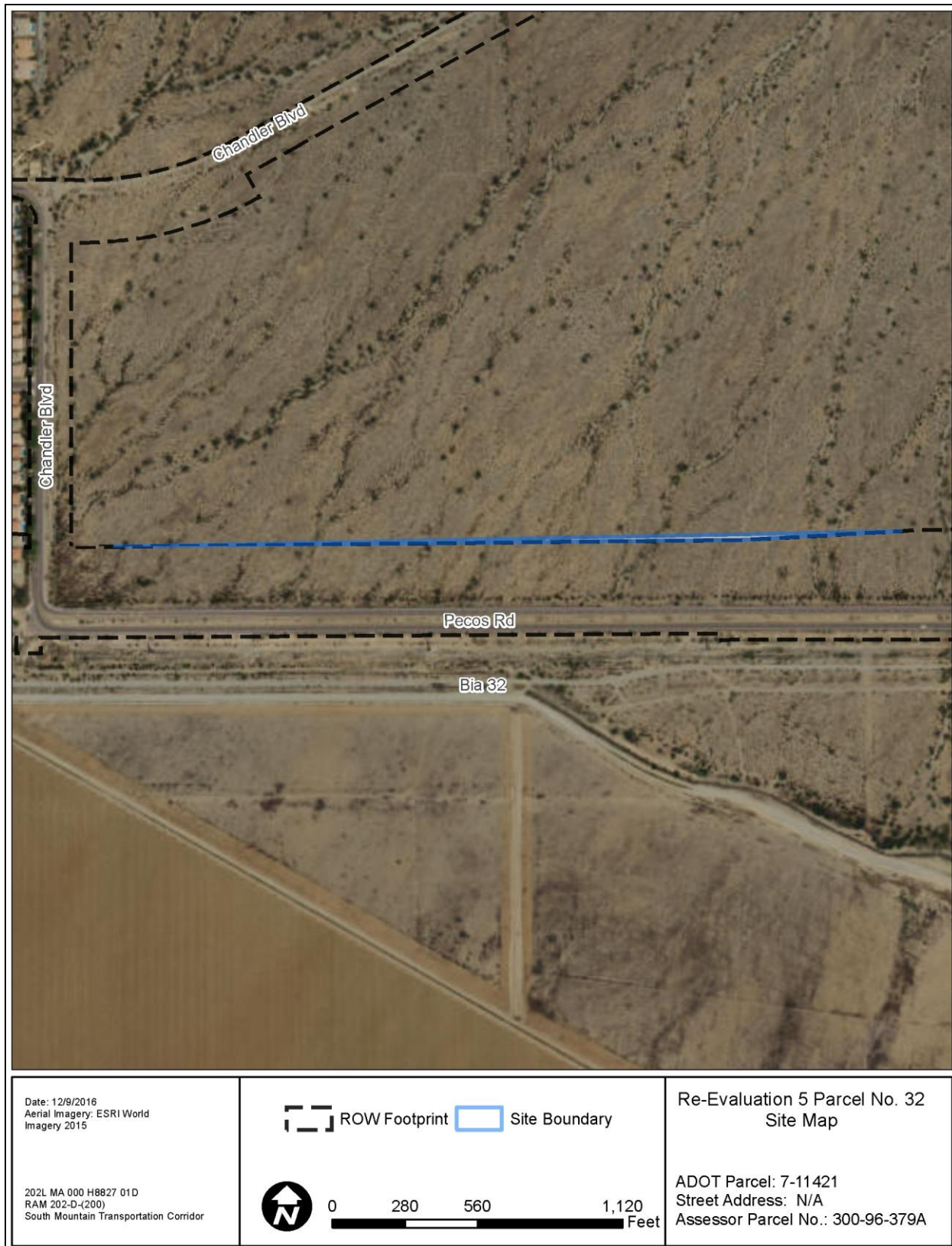
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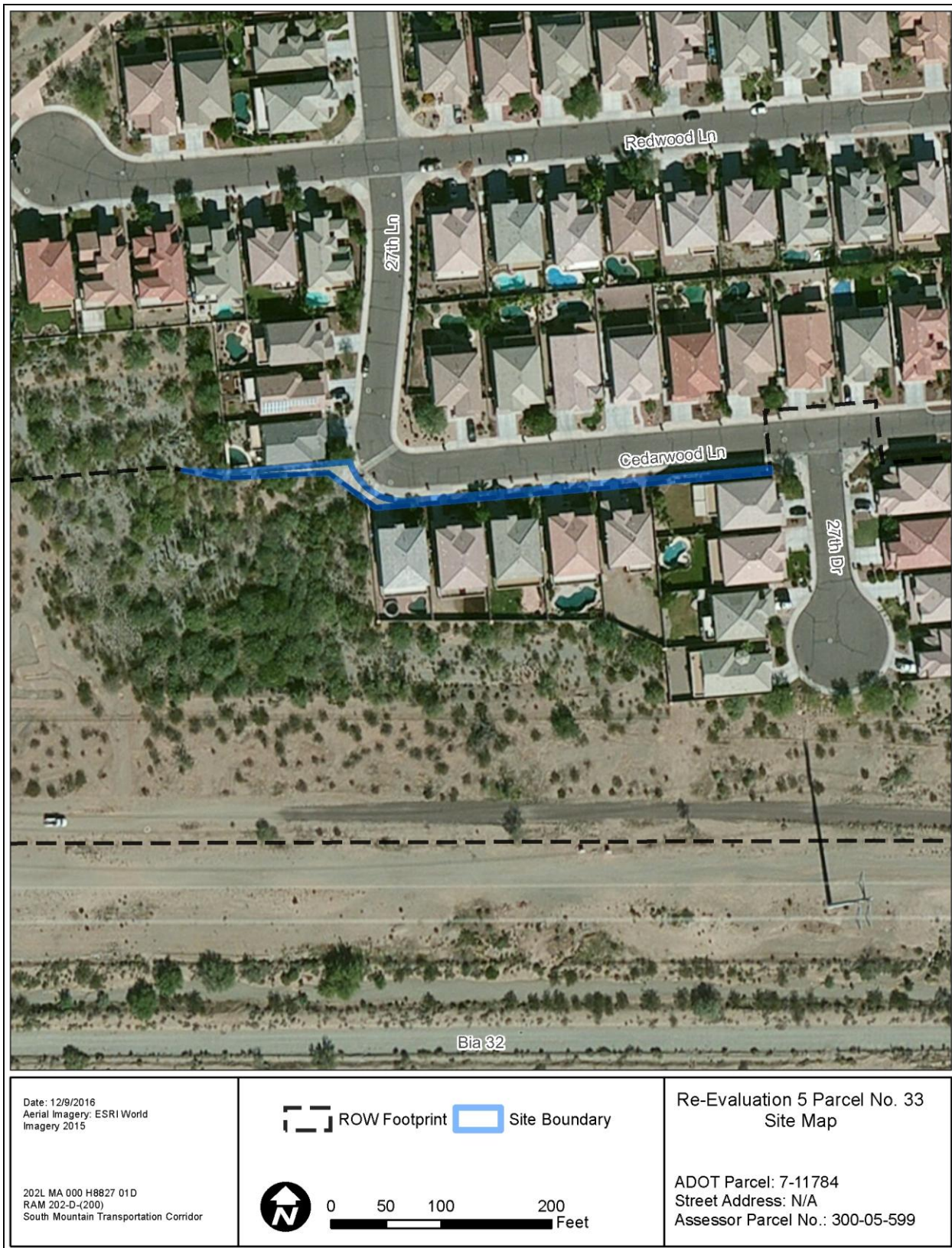
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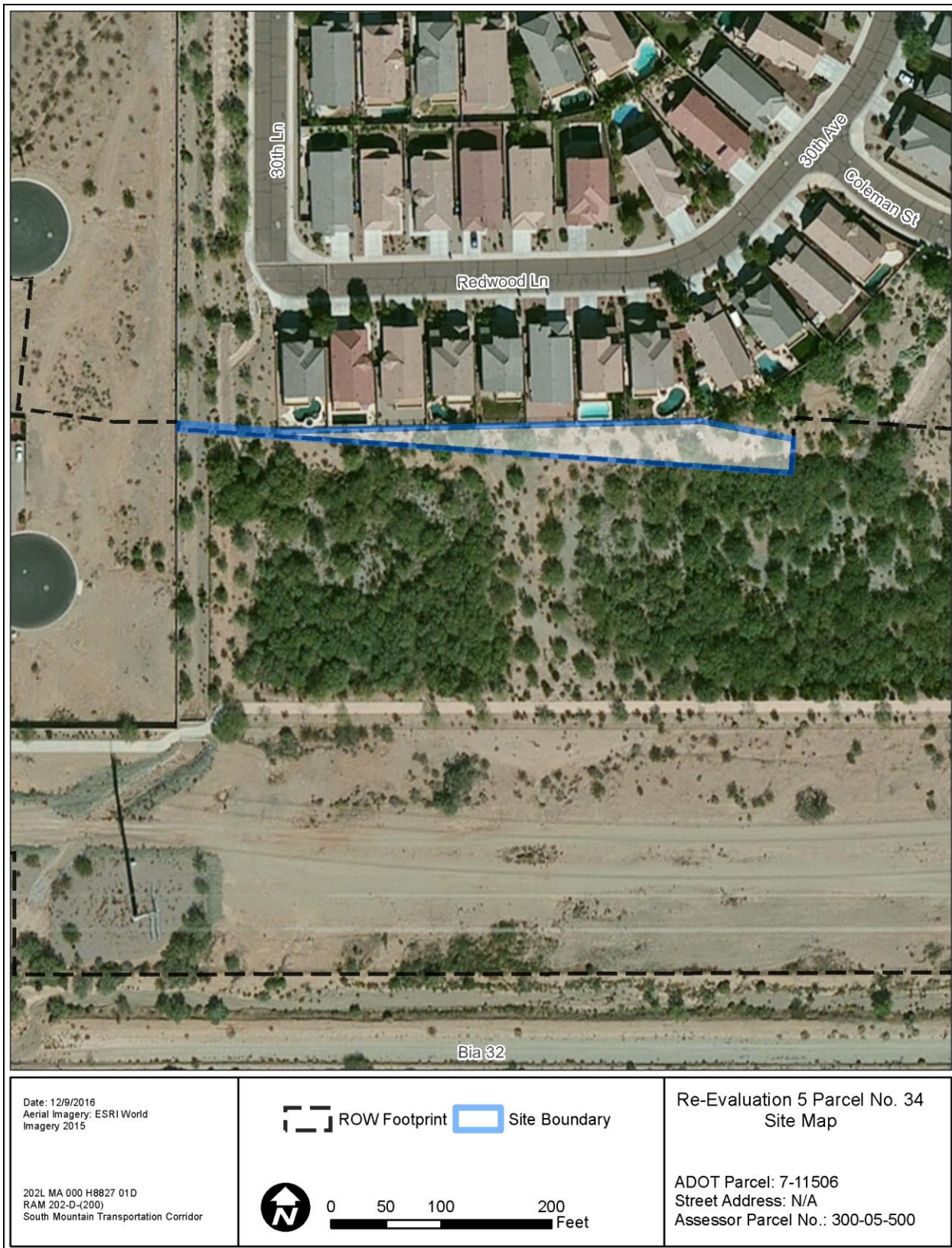
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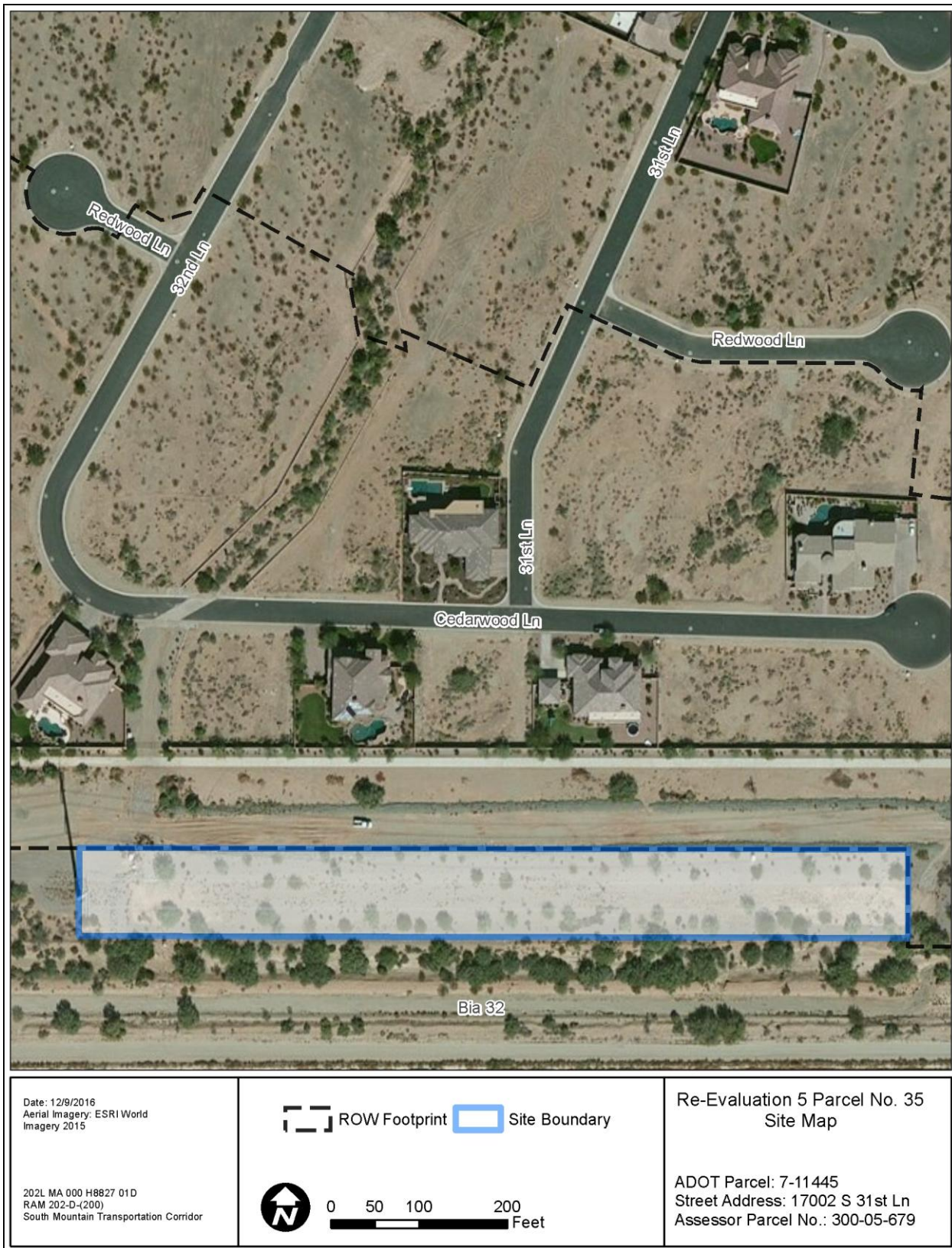
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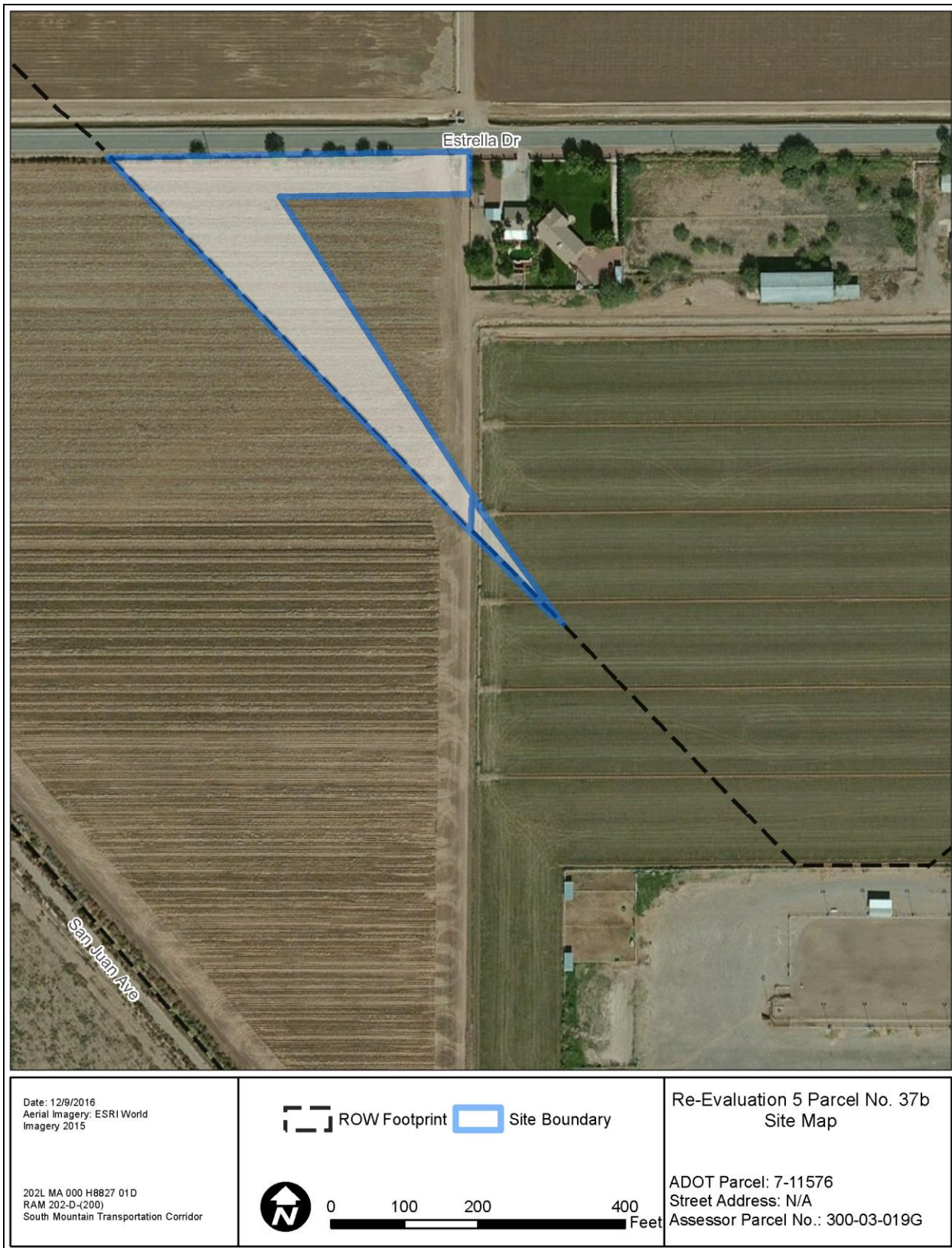
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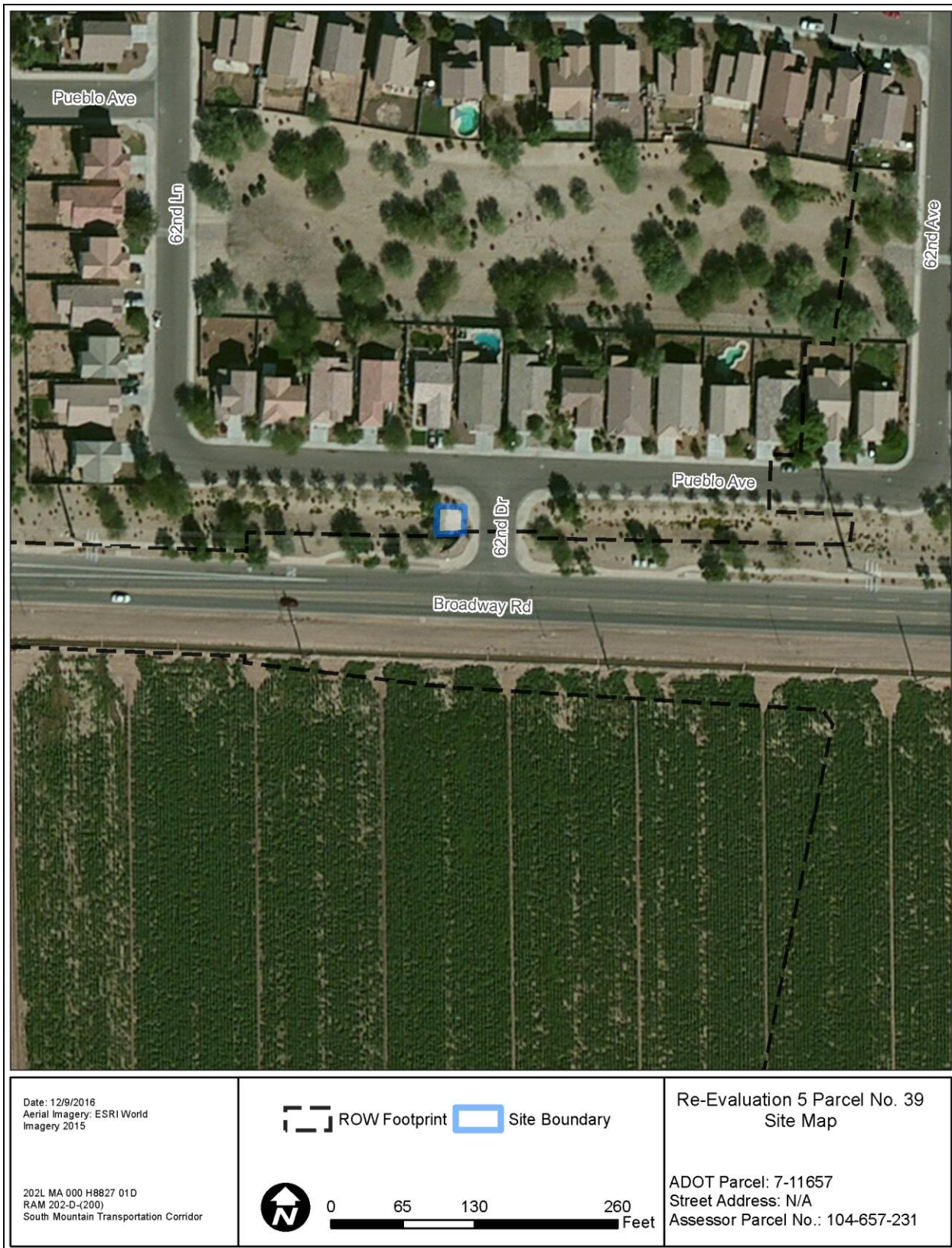
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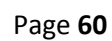


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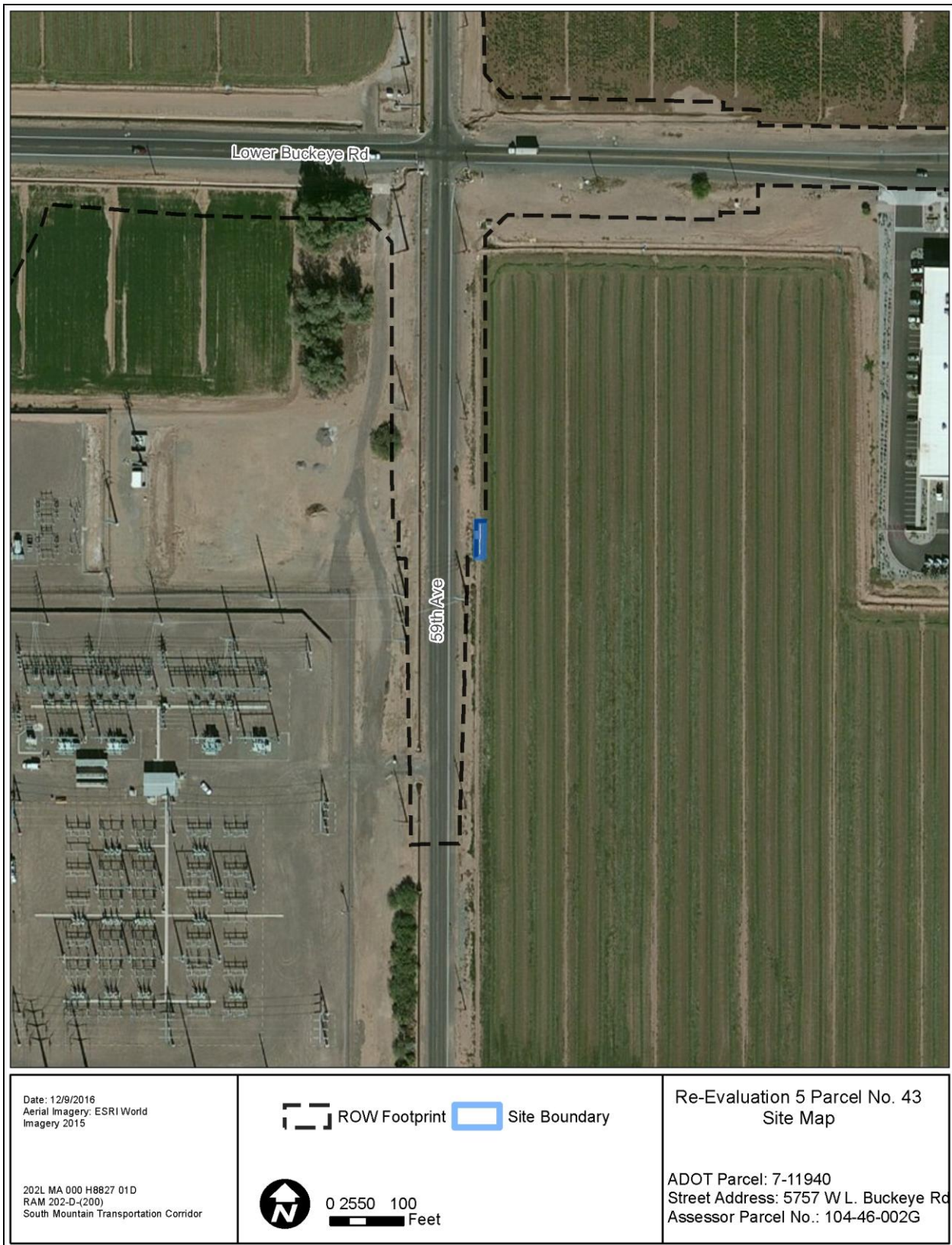
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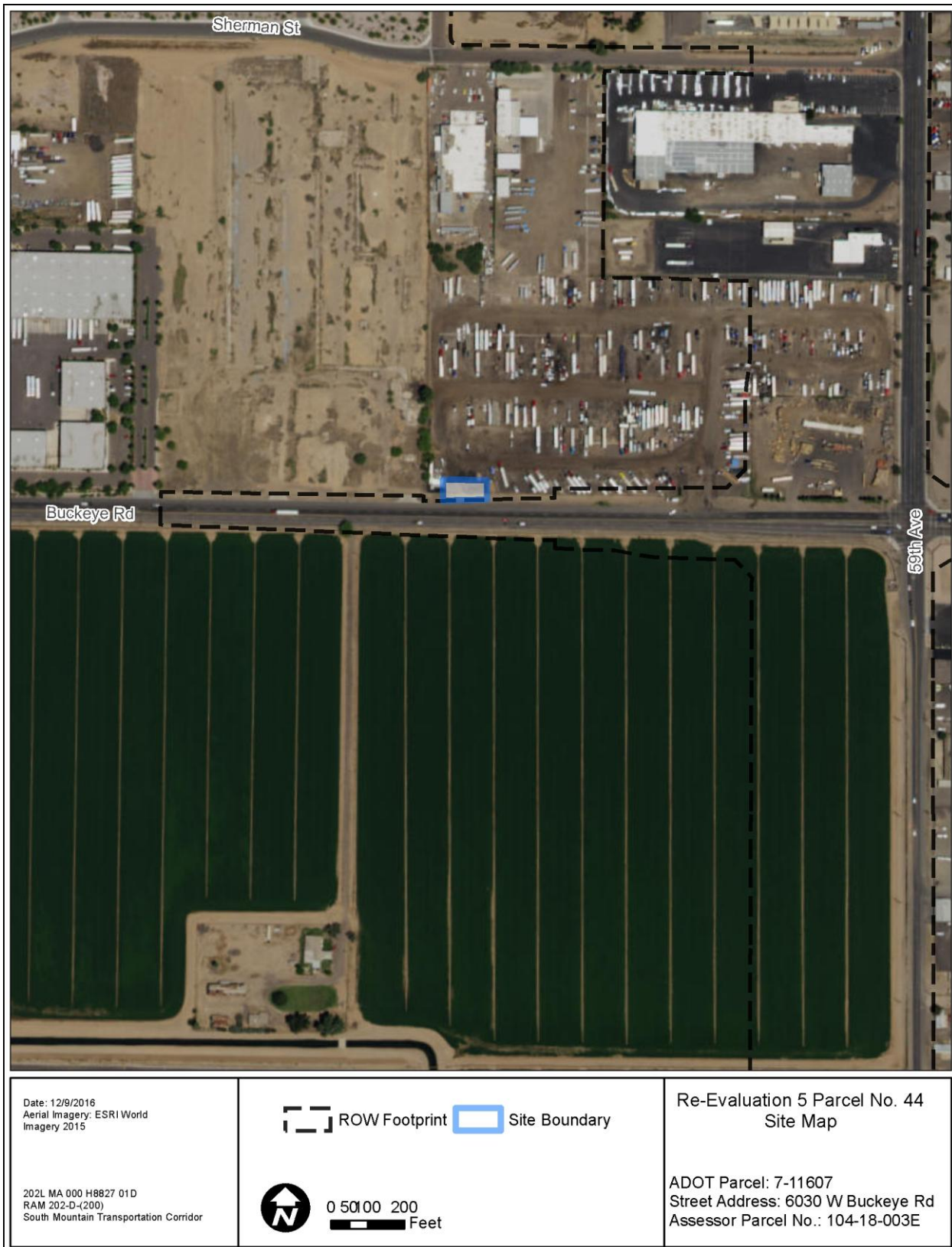
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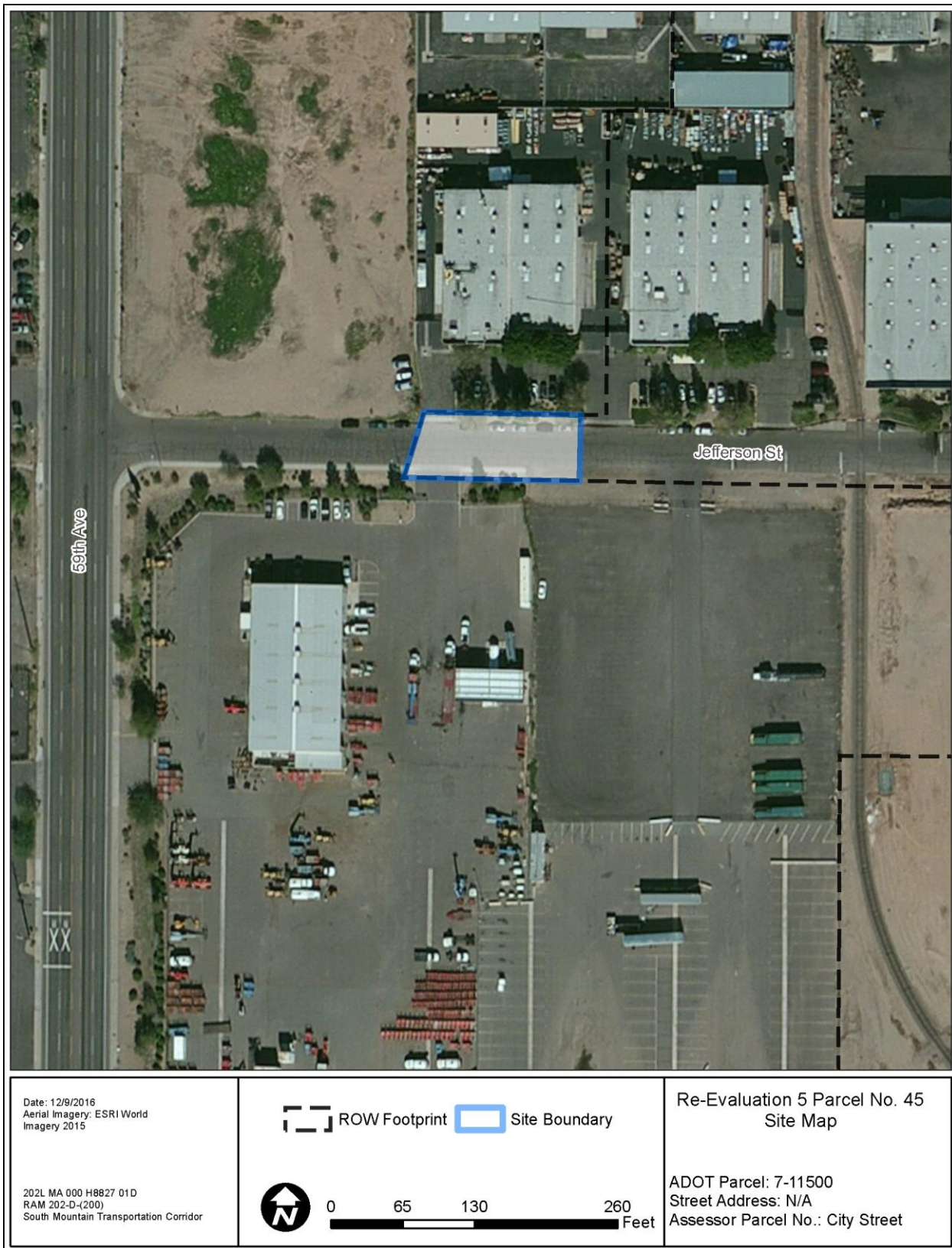
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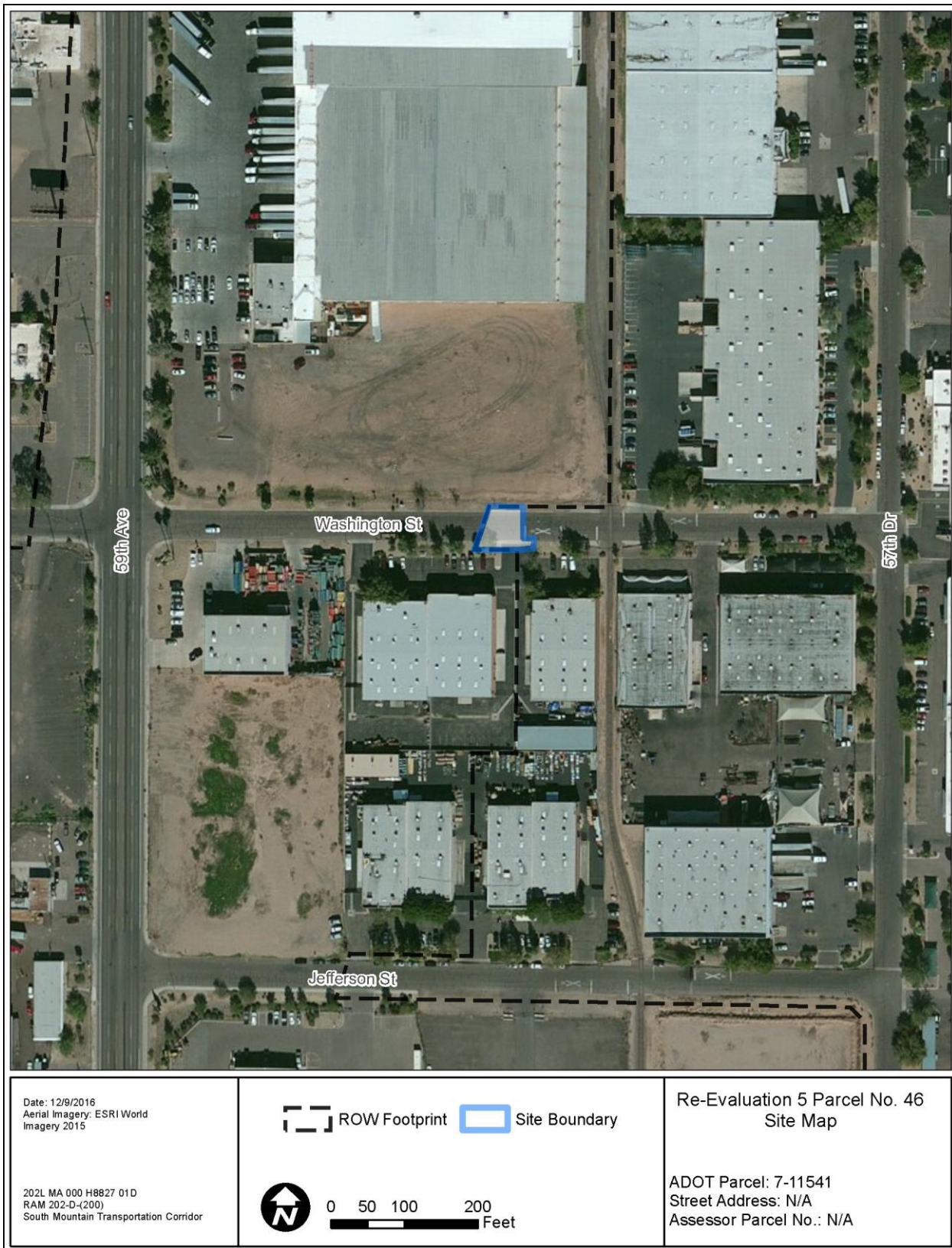
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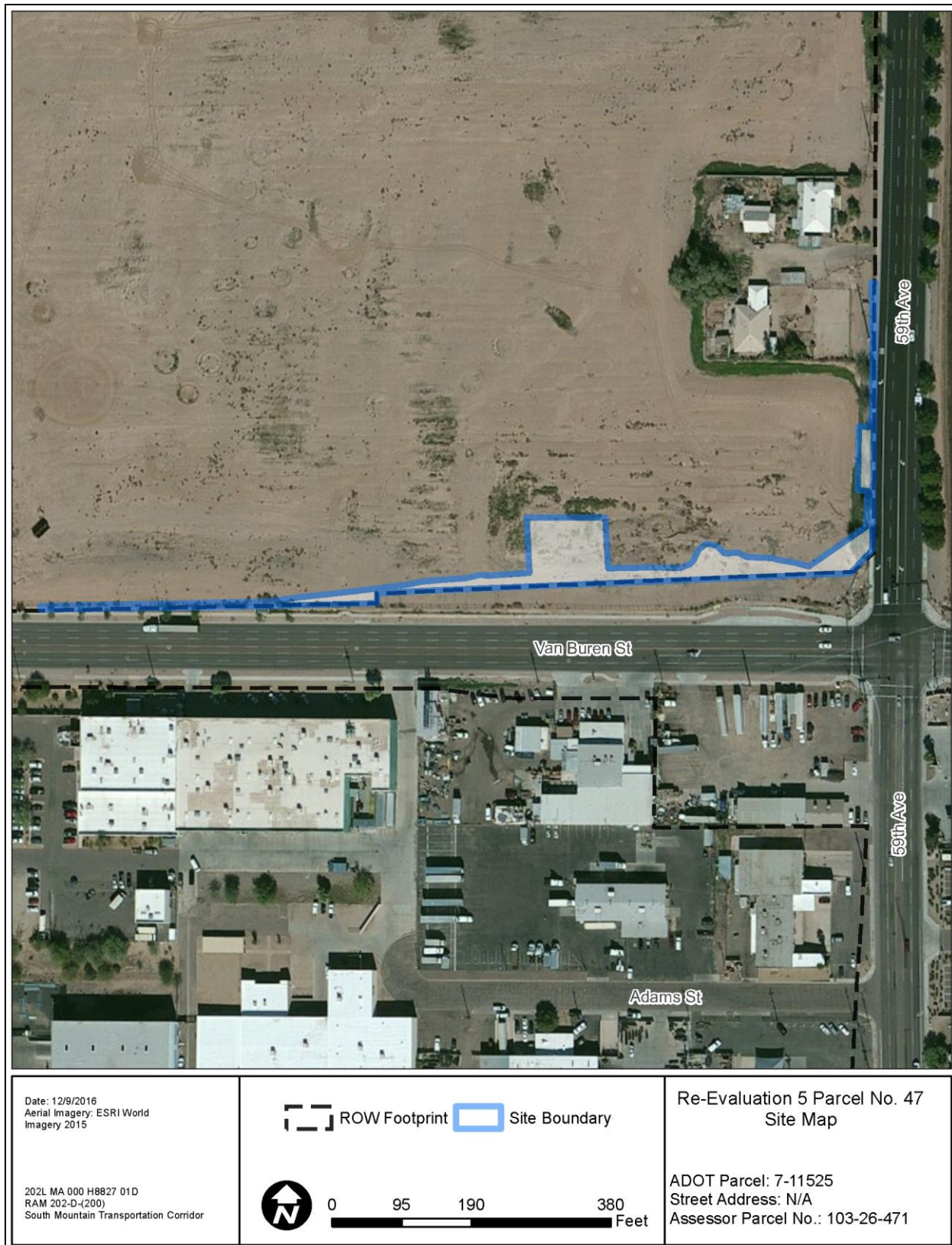
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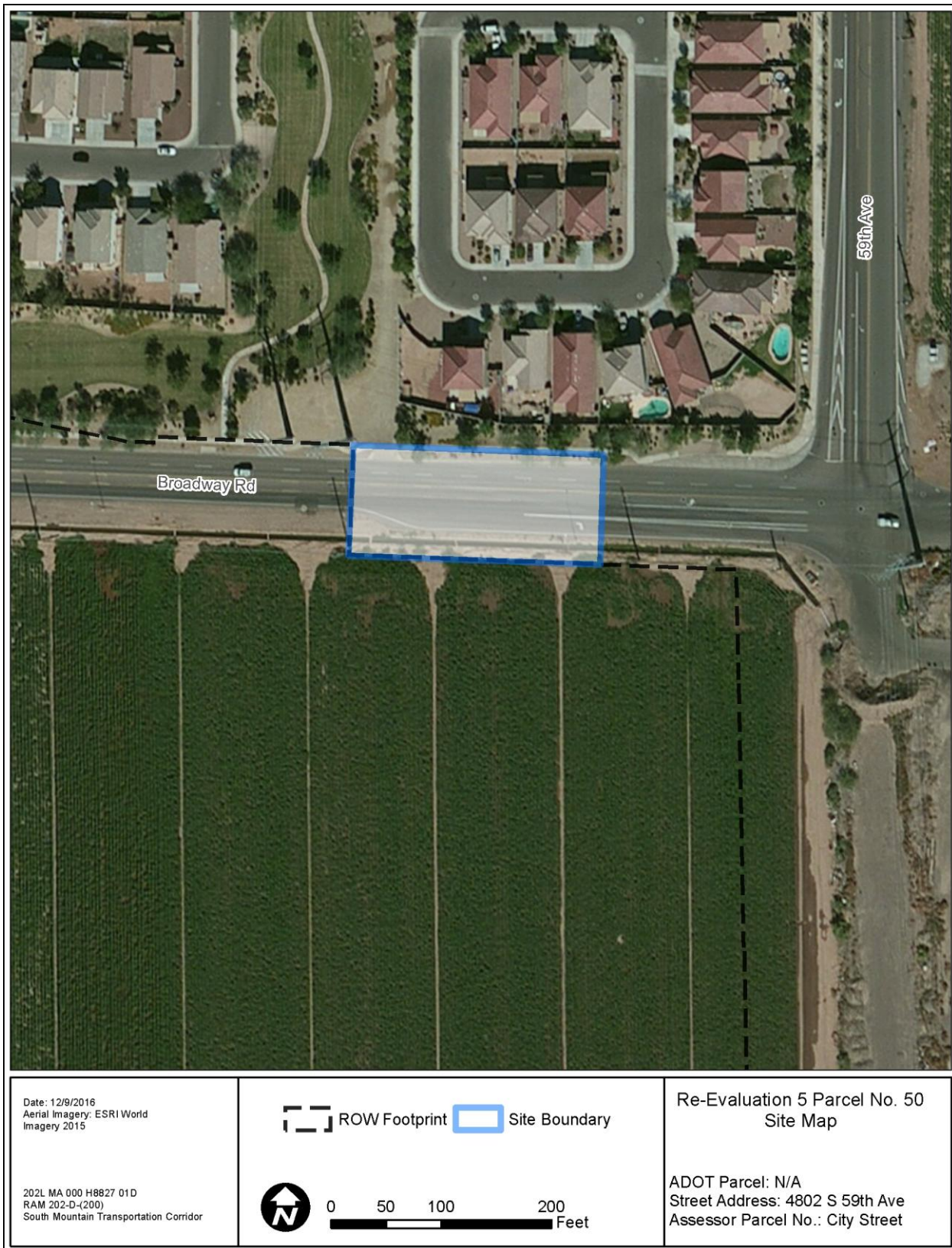
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Appendix-B Section 106 Consultation Summary

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Class III Survey Report: A Class III Cultural Resource Survey of 50 Parcels for the Loop 202–South Mountain Freeway Environmental Impact Statement Reevaluation, Maricopa County, Arizona (Bowler et al. 2017)				
Letters	Date Sent	Purpose of Consultation	Consulting Parties	Response
Agencies	February 13, 2017	<ul style="list-style-type: none"> • Adequacy of Class III report (Bowler et al. 2017) • Site management recommendation 	Arizona State Land Department	February 24, 2017, concurred
			Arizona State Museum	No response
			Bureau of Indian Affairs	March 1, 2017, concurred
			Bureau of Land Management	March 13, 2017, concurred
			Bureau of Reclamation	February 20, 2017, concurred
			City of Avondale	No response
			City of Chandler	No response
			City of Glendale	February 24, 2017, concurred
			City of Phoenix, Archaeology Section	March 1, 2017, concurred
			City of Phoenix, Historic Preservation Office	No response
			City of Tolleson	No response
			Flood Control District of Maricopa County	No response
			Maricopa County Department of Transportation	No response
			Roosevelt Irrigation District	No response
			Salt River Project	No response
			State Historic Preservation Office	February 15, 2017, concurred
			Western Area Power Administration	No response
			U.S. Army Corps of Engineers	No response

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Class III Survey Report: *A Class III Cultural Resource Survey of 50 Parcels for the Loop 202–South Mountain Freeway Environmental Impact Statement Reevaluation, Maricopa County, Arizona* (Bowler et al. 2017)

Letters	Date Sent	Purpose of Consultation	Consulting Parties	Response
Tribes	February 13, 2017	<ul style="list-style-type: none"> • Adequacy of Class III report (Bowler et al. 2017) • Site management recommendation 	Ak-Chin Indian Community	February 28, 2017, deferred to Gila River Indian Community
			Chemehuevi Tribe	No response
			Colorado River Indian Tribes	No response
			Fort McDowell Yavapai Nation	No response
			Fort Mojave Indian Tribe	No response
			Fort Yuma-Quechan Tribe	No response
			Gila River Indian Community	No response
			Havasupai Tribe	No response
			Hopi Tribe	February 21, 2017
			Hualapai Tribe	No response
			Kaibab Band of Paiute Indians	No response
			Navajo Nation	March 17, 2017. Noted that they had no concerns regarding the project via e-mail
			Pascua Yaqui Tribe	No response
			Pueblo of Zuni	No response
			Salt River Pima-Maricopa Indian Community	No response
			San Carlos Apache Tribe	No response
			San Juan Southern Paiute	No response
			Tohono O'odham Nation	No response
			Tonto Apache Tribe	No response
			Yavapai-Apache Nation	No response
			Yavapai-Prescott Indian Tribe	No response

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Appendix-C NRCS Exempt Letter

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5/18/17

Laura Paty
Landscape Architect, HDR
101 N. 1st Avenue, Suite 1950
Phoenix, AZ 85003

RE: #21 – South Mountain Freeway L202 to 303

File Code: 123-123

Dear: Laura Paty

The Natural Resources Conservation Service (NRCS) has general responsibility, nationwide, for implementing the Farmland Protection Policy Act (FPPA) and reviewing projects that may affect prime and unique important farmland and/or wetlands associated with agriculture.

After reviewing information you provided for Parcel 20170504, the following is noted:

- The proposed project is exempt from the requirements of the FPPA due to the lands status of already in or committed to urban development found under United States Code 4201 Subtitle C.
- No wetlands are found in the proposed project area.
- No further action is required at this time.

Should you have any questions, please contact D'andre Yancey, Arizona NRCS State Soil Scientist, at 602-280-8817 or via email at DAndre.Yancey@az.usda.gov.

Sincerely,

DANDRE YANCEY
State Soil Scientist

Enclosure(s)

Natural Resources Conservation Service
230 N. First Avenue, Suite 509, Phoenix, Arizona 85003-1733
Tel. (602) 280-8801 • Fax (602) 844-9178

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