

LOOP 202
South Mountain
Freeway

South Mountain Freeway FEIS/ROD Reevaluation #8

in Maricopa County, Arizona



Federal Highway Administration



Arizona Department of Transportation

October 11, 2018

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

ADOT Project Number: 202L MA 054 H8827 01C

Record of Decision

October 11, 2018

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 19 locations 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.



Robert Samour, PE
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Date



Karla S. Petty
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Federal Highway Administration



Date

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List of Acronyms and Abbreviations

ADOT	Arizona Department of Transportation
ADEQ	Arizona Department of Environmental Quality
AGFD	Arizona Game and Fish Department
ASLD	Arizona State Land Department
BE	Biological Evaluation
BIA	Bureau of Indian Affairs
C202P	Connect 202 Partners
CAT	Citizens Advisory Team
CFR	Code of Federal Regulations
Community	Gila River Indian Community
COP	City of Phoenix
CREC	Controlled Recognized Environmental Condition
CWA	Clean Water Act
DEIS	Draft Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FPPA	Farmland Protection Policy Act
HREC	Historic Recognized Environmental Conditions
I-10	Interstate 10
IBA	Important Bird Area
IP	Individual Permit
IPaC	Information, Planning, and Conservation
ISA	Initial Site Assessment
N/A	Not Applicable
NEPA	National Environmental Policy Act
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
Phase I	Phase I Environmental Site Assessment
Phase II	Phase II Environmental Site Assessment

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PJD	Preliminary Jurisdictional Determination
REC	Recognized Environmental Concerns
ROD	Record of Decision
ROW	Right-of-Way
SHPO	State Historic Preservation Office
SMF	South Mountain Freeway
SMPP	South Mountain Park/Preserve
TCE	Temporary Construction Easement
TI	Traffic Interchange
TP	Technical Provisions
Uniform Act	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WAPA	Western Area Power Administration
WUS	Waters of the U.S.

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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 19 additional locations where new temporary construction easements (TCEs) and/or right-of-way (ROW) will either be acquired or where work will extend into existing public ROW that was not previously assessed since the approval of the ROD on March 5, 2015. All 19 locations are outside of the footprint analyzed in the FEIS/ROD and subsequent re-evaluations (see Figure 1). Areas that are being acquired as new ROW will typically be fee title and will become State-owned lands, permanently incorporated into the State Highway System, while 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 TCEs, the underlying ownership will remain unchanged. Instances of areas being used for construction under a State Board Resolution (i.e. county, town and city roadways) have been granted approval for use and will function similar to TCEs; however, the municipality is not financially compensated.

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 ROW and TCEs, assesses the environmental consequences of these 19 locations, 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 SMF. 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 (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.

1.2 Approved Environmental Documentation

To date, several environmental studies have been conducted for the SMF project. The completed environmental documents approved by ADOT and FHWA include:

- 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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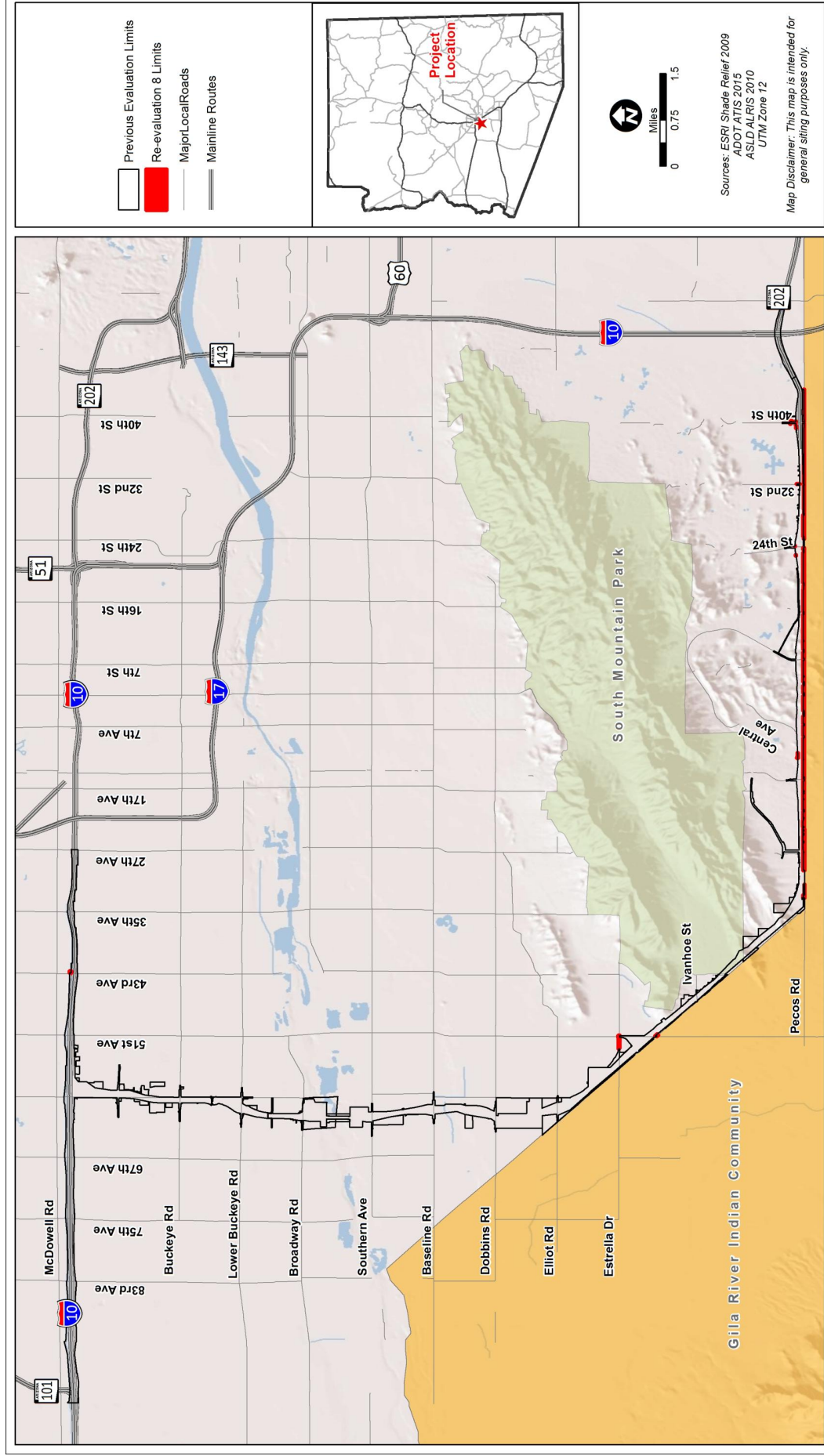


Figure 1: Overview Figure

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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 Reevaluation #4 signed April 4, 2017, is for changing partial-parcel acquisitions to entire-parcel acquisitions between Vineyard Road and Lower Buckeye Road.
- South Mountain Freeway FEIS/ROD Reevaluation #5 signed June 5, 2017 addressed the need for the acquisition of 50 easements and new ROW locations for various minor construction modifications.
- South Mountain Freeway FEIS/ROD Reevaluation #6 signed June 19, 2017 addressed additional areas required for construction of the Salt River bridges.
- South Mountain Freeway FEIS/ROD Reevaluation #7 signed June 22, 2018 addressed an additional 73 easement and new ROW locations for minor construction adjustments.

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 2,488 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.

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- 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.
- 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 (WAPA) 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.

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- 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 (Community) to hold a community forum on November 15, 2014, at the Boys & Girls Club, Gila River – Komatke. The 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 SMF video flyover simulation, and an "open-microphone" comment period. Other than invited guests, the meeting was open to only 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.

Since the ROD was approved on March 5, 2015, ADOT, FHWA, the Connect 202 Partners (C202P), or other stakeholders have continued this extensive public and agency involvement program, with the following key elements:

- 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

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the planned pedestrian bridge located between Broadway and Lower Buckeye Roads. Thirteen people attended the presentation and participated in a question and answer session.

- 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, continued outreach has included the following:
 - 6542 stakeholders have been engaged through attending a public meeting or contacting the Project team.
 - 118 events were held, including presentation, elected official briefings, community events and community organization meetings.
 - 1380 inquiries from members of the public have been received.
 - 548 public parties were contacted by the Project team to complete questionnaires and surveys.
 - 66 construction alerts have been issued for specific activities.
 - 4 notices have been issued in both English and Spanish to provide a 6-month look ahead for construction. A 5th notice is anticipated to be released in late January 2019.
 - ADOT has issued media releases on average once per week since September 2016 to keep the public apprised of project updates.
 - Creation of a video on the project's use of rebar manufactured from scrap metal, saving 24,000 tons of mined ore, 13,000 tons of coal, and 1,000 tons of limestone.
- The USACE Los Angeles District held a public hearing on May 9, 2017 at the Boys and Girls Club of the East Valley, Gila River Branch-Komatke regarding the Corps consideration of the SMF Project's permit application under Section 404 of the Clean Water Act. Members from the Community were in attendance as were local business and community members. Public comment was recorded in the form of transcribed verbal statement, written statement, email, and phone transcription.

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- An open house was held by C202P on September 26, 2017 for the Rio Del Rey neighborhood and schools to provide updates on the Elwood Street pedestrian bridge. Meeting notifications were prepared in English and Spanish and distributed via flyers, emails and City of Phoenix Neighborhood Services coordination. Approximately 200 people were in attendance included elected officials.
- An event was held on October 26, 2017 with C202P for the Laveen Area Homeowners Association, surrounding community, businesses and school representatives to discuss closures at Southern Ave.
- C202P attended the annual Foothills Club West HOA meeting on March 01, 2018. Approximately 85 people were in attendance. C202P representatives gave the audience a briefing on construction progress and opened the floor to questions and comments.
- Proposed traffic Interchanges (TI) at 32nd Street and Ivanhoe Street have been added to the SMF project and will be cleared under a separate re-evaluation. ADOT held open houses on May 22, 2018 at Desert Vista High School (16440 S. 32nd Street) and on May 30, 2018 at the Laveen Elementary School District Office (5001 W. Dobbins Road) to discuss the 32nd Street TI and Ivanhoe TI, respectively. The open houses were also used as a forum to update community members on neighboring construction activities as well as allow for public input.

2.0 Description of Project Change

Review of the SMF project after the issuance of the FEIS/ROD has been a continuous ongoing process. Identification of various work outside of previously approved ROW has resulted in reevaluations of the FEIS on an as needed basis. In the case of Reevaluation 8, 19 new locations were identified (see Appendix A – ID Locations Maps) which will require the acquisition of approximately 5.244 acres of new ROW and 52.12 acres of new TCE. The remaining work will be confined to existing publicly owned ROW already approved by State Board Resolution; however, for the purpose of the environmental analysis these lands are being treated similar to that of TCEs. The list of the 19 new locations are summarized in table 1 and are primarily for the purposes of utility relocations, utility tie-ins, work associated with drainage, landscape irrigation, sidewalk, curb and gutter, and general equipment access.

Table 1 : Description of New Project Locations and Purpose

ID	Description	Acres	ROW Action	ADOT Parcel #	Property Owner(s)
A1	South side of Pecos Road between 40th Street and 48th Street for utility relocations and tie-ins, drainage work, and general equipment access	0.6285	Use of existing ROW	N/A	ADOT
A2	North side of Pecos Road east of 40th Street for landscape irrigation	0.0135	New TCE	7-11410	Private
A3	North and south sides of Cottonwood Lane east of 40th Street for sidewalk and gutter work	0.0878	Use of existing ROW	N/A	COP

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ID	Description	Acres	ROW Action	ADOT Parcel #	Property Owner(s)
A4	East side of Park-and-Ride lot west of 40th Street for landscape irrigation	0.0024	New TCE	7-11915	COP
A5	South side of Park-and-Ride lot west of 40th Street for landscape irrigation	0.0970	New TCE	7-11915	COP
A6a*	South side of Pecos Road between 32nd Street and 40th Street for utility relocations and tie-ins, drainage work, and general equipment access	0.3530	New ROW	7-11561	Private
A6b*	South side of Pecos Road between 32nd Street and 40th Street for utility relocations and tie-ins, drainage work, and general equipment access	0.7256	New ROW	7-11561	Private
A7	North side of Pecos Road east of 32nd Street for landscape irrigation	0.0854	New TCE	N/A	Private
A8	South side of Pecos Road between 24th Street and 32nd Street for utility relocations and tie-ins, drainage work, and general equipment access	4.1570	New ROW and TCE	7-11561 7-11469	Private
A9	North side of Pecos Road east of 24th Street for drainage work	0.0087	New ROW	7-11505	Private
A10	South side of Pecos Road between 24th Street and Desert Foothills Parkway for utility relocations and tie-ins, drainage work, and general equipment access	15.8767	New TCE	7-11504	Private
A11	North side of Pecos Road west of 24th Street for utility tie-in	0.0196	New TCE	N/A	Private
A12	South side of Pecos Road between Desert Foothills Parkway and 17th Avenue for utility relocations and tie-ins, drainage work, and general equipment access	16.6769	New TCE	7-11504	Private
A13	South side of Liberty Lane east of 17th Avenue for cut/fill access for drainage work	0.2471	New TCE	N/A	Private
A14	South side of Pecos Road between 17th Avenue and a point approximately 0.3 mi west of Chandler Boulevard for utility relocations and tie-ins, drainage work, and general equipment access	15.4371	New TCE	7-11504, 7-11421, 7-11784	Private and ASLD
A15	0.50–0.75 miles west of Chandler Boulevard for new easement for utility relocations and tie-ins, drainage work, and general equipment access	0.7193	New TCE	7-11445	Private

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ID	Description	Acres	ROW Action	ADOT Parcel #	Property Owner(s)
C1	Northeast and southwest sides of Dusty Lane east of 51st Avenue for guardrail installation	0.4065	Use of existing ROW	N/A	Maricopa County
C2	Intersection of 51st Avenue and Estrella Drive for irrigation line	2.1795	Use of existing ROW	7-11576, 7-11547	ADOT and COP
D1	Northeast corner of 43rd Avenue and I-10 for utility tie-in	0.4592	Use of existing ROW	N/A	ADOT and COP

* - Parcel A6a and A6b were originally combined as one (A6); however as design progressed they were separated and assigned a different numbering convention in order to avoid reordering and confusion in completed analysis.

Note: ADOT – Arizona Department of Transportation; ASLD – Arizona State Land Department; COP – City of Phoenix; ROW – Right-of-way; TCE – Temporary construction easements

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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 additional details for project changes 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	
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	
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	
Energy		X		X	
Temporary Construction Impacts	X			X	See discussion below
Material Sources and Waste Material		X		X	
Secondary and Cumulative Impacts		X		X	
Section 4(f)/6(f)	X			X	See discussion below

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3.1 Land Use

An additional 58.18 acres of land not originally identified in the FEIS/ROD and subsequent reevaluations will be used to construct elements related either directly or indirectly to the SMF project. All areas of previously unidentified ROW or TCE analyzed in this document are adjacent to the proposed freeway ROW, as outlined in the FEIS/ROD and/or previous FEIS reevaluations. Specific land uses were identified on a parcel by parcel basis through the use of aerial imagery (ESRI *World Imagery*, 2016), windshield surveys, the Maricopa County Assessor's Office database (Parcel Viewer 3.3, 2017), and Maricopa Association of Governments database (Land Use Explorer, 2016). Based on the data collected, parcels were placed into one of the following categories: passive/restrictive open space, agriculture, transportation, single-family residential, multi-family residential, and vacant land (see Table 3). Of the 58.18 acres of total land, 0.19 acre is currently used for transportation related purposes and will remain as such after project completion. Lands categorized as agriculture comprise of approximately 2.59 acres; however project activities are not anticipated to encroach in active growing areas and these areas will only be used for construction easement purposes. Passive/restricted open space contributes to the bulk of current land use, totaling 55.26 acres. However, of the 55.26 acres only 5.14 acres will be ROW takes which will be permanently integrated into the SMF project. The remaining 50.12 acres are needed for TCEs that will be primarily used for general equipment access, utility relocations and work associated with drainage and will have continued possession under the current land owner. The sum of the remaining categories (vacant land, single family residential, and multi-family residential) total 0.14 acre, with 0.10 acre for new ROW.

ROW takes from residential properties are mainly from parcel A9 and is within the Foothills Mountain Ranch subdivision. Though categorized as single-family residential, the ROW being acquired is in association with the subdivision's landscaped common area and is separated from residences by Cottonwood Lane. None of the community's residential structures will be impacted as a result of any ROW takes and no displacements will occur.

Table 3: Land Use in Acre(s)		
Land Use	ROW	TCE
Transportation	---	0.19
Agriculture	---	2.59
Passive/Restricted Open Space	5.14	50.12
Vacant Land	---	0.02
Single-family Residential	0.10	---
Multi-family Residential	---	0.02
Total	5.24	52.94

* - results were rounded up to the nearest decimal place.

Changes in ROW and TCE requirements are small increases that represent minor refinement based on final design, totaling a 0.002% overall increase of land to be permanently incorporated into the project. 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.

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3.2 Water Resources

Some of the new ROW or TCEs will affect stormwater conveyance facilities within existing city streets. The facilities are being designed to comply with the post-construction water quality requirements and best-management practices as described in the ADOT *Erosion and Pollution Control Manual*. With the exception of 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.

3.3 Waters of the United States

A Preliminary Jurisdictional Determination (PJD) was submitted and approved by the USACE in March of 2014 (SPL-2002-00055-KAT) and revised in October 2017 to extend the limits of identifying Waters of the US (WUS). The PJD identified 49 water crossings throughout the SMF corridor which were classified as WUS. Temporary and permanent project impacts to WUS were calculated and an Individual Permit (IP) was issued for those impacts on November 9, 2017 by the USACE pursuant to Section 404 of the Clean Water Act (CWA).

A review of the new ROW and TCEs found several locations which intersect WUS, all of which are contained to three parcels: A10, A12, and A14. Impacts as a result of work associated with A10 were accounted for in the IP and can proceed as outlined in the IP provisions. The remaining crossings were included in the revised PJD, with the exception of constructed channel C6, but their impacts were not accounted for in the IP. The new impacts will all be temporary in nature and will not result in any permanent loss. A revision to the PJD for C6 and a revision to the IP for uncalculated WUS impacts may be required prior to any ground disturbing activities occurring within WUS. Coordination with the USACE will need to occur to determine the appropriate course of action. Per the IP, permitted work areas will be flagged and areas not permitted will be roped off to prevent the contractor or third parties from entering jurisdictional areas before authorization has been received. No work within WUS outside of those previously authorized can commence until all proper permits are in place as required by the CWA and associated ROD commitments. All work will adhere to the provisions outlined in the ROD and the SMF Technical Provisions (TPs).

New Commitment

- ADOT will coordinate with the US Army Corps of Engineers to determine the appropriate course of action regarding any dredge and/or fill work occurring in Waters of the US outside of the issued Individual Permit (SPL-2002-00055-KAT) for the South Mountain Freeway project.

3.4 Biological Resources

A Biological Evaluation (BE) was completed in July 2014 and identified two species protected by the federal Endangered Species Act (ESA): the Yuma clapper rail (*Rallus longirostris yumanesis*) and the Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). Due to lack of suitable habitat and no documented occurrence within 2.5 miles of the project limits, the project was determined to have no effect on either species. Two ESA candidate species were also identified in the July 2014 BE, the Sonoran desert tortoise (*Gopherus morafkai*) and the Tucson shovel-nosed snake (*Chionactis occipitalis klauberi*).

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Since the issuance of the BE, the two candidate species have been removed from the candidate list due to federal review.

The US Fish and Wildlife Service (USFWS) Information, Planning, and Conservation (IPaC) system was reviewed and an “unofficial” species list was obtained on May 18, 2018 to evaluate any new and/or cumulative effects outside of those considered in the July 2014 BE and summarized in the FEIS. The results of the review revealed no new ESA-listed species or habitat within the project area since the July 2014 BE, nor any proposed or designated critical habitat within or near the project area. Due to the lack of suitable or critical habitat for ESA-listed species, the no effect determination for ESA-listed species still remains valid.

The Arizona Game and Fish Department (AGFD) Online Environmental Review Tool was accessed on May 18, 2018 (HGIS-07419) to identify any new special status species documented within 3 miles of the project area since the July 2014 BE. New proposed critical habitat for the Yellow-billed cuckoo (*Coccyzus americanus*) and the Salt and Lower Gila Rivers Ecosystem Important Bird Area (IBA) were identified. However, both the habitat and the IBA are over 2.5 miles west of the project area and will not be impacted.

In accordance to the SMF Project TPs and mitigation measures outlined in the ROD, the parcel locations will be subject to pre-construction surveys to prevent impacts to protected species. No new mitigation measures are required to avoid impacts on biological resources as a result of these project changes.

3.5 Cultural Resources

A records review was conducted with ADOT Historic Preservation Team Portal, City of Phoenix Archaeology Office, the National Register of Historic Places (NRHP) and AZSITE’s online databases. Results of the review identified the presence of two archaeological sites, AZ T:12:117 (ASM) and AZ T:12:128(ASM), within the boundary of parcel A14. Site AZ T:12:117(ASM), a historic artifact scatter, and site AZ T:12:128(ASM), a historic corral, were deemed ineligible for listing on the NRHP. Because neither site is eligible for NRHP listing, avoidance of the sites are not warranted

Previous archaeological surveys were conducted for several of the 19 locations. However, many of those surveys were conducted over 30 years ago and no longer meet current professional standards pursuant to State Historic Preservation Office Guidance Point No. 5. Because much of the previous work is now considered outdated, new surveys were conducted to amend/confirm their findings. Review of the 19 locations showed that 6 of the parcels were completely developed and therefore determined highly unlikely to contain intact cultural surface deposits. A Class III survey was completed on May 15, 2018 of the remaining 13 parcels by AZTEC. No cultural resources or isolated occurrences were identified during the survey.

The survey results were documented in the report, *A Class III Cultural Resource Survey of 19 Parcels for the Loop 202 – South Mountain Freeway Environmental Impact Statement Reevaluation #8, Maricopa County, Arizona* (Bowler, 2018). FHWA initiated continuing Section 106 consultation on the adequacy of the Class III survey report and management recommendations on July 03, 2018 in accordance with the programmatic agreement developed among FHWA, Arizona State Historic Preservation Office (SHPO),

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and ADOT (executed July 21, 2015) with the finding that an “adverse effect” determination was still appropriate for the overall SMF project. Responses were received from Arizona State Land Department, Bureau of Indian Affairs, Bureau of Land Management, City of Chandler, City of Phoenix Archaeology Section, Roosevelt Irrigation District, SHPO, the Community, and the Hopi Tribe. A more detailed summary of the Section 106 consultation responses can be found in Appendix B.

No new mitigation measures are required for impacts to cultural resources. In the event that cultural resources are discovered during ground-disturbing activities, all work must immediately stop within 30 meters of the discovery until the ADOT Engineer is notified per ROD commitment CUL-8 and a qualified archaeologist has evaluated the findings. Work must not resume in the area until approval is received from ADOT. All work shall adhere to the commitments outlined in the ROD and TPs.

3.6 Prime and Unique Farmland

The Farmland Protection Policy Act (FPPA)(Title 7 C.F.R §658) was developed as a means to reduce the conversion of farmland to nonagricultural use by Federal programs. It is important to note that “prime and unique farmland” is not the same as “agriculture” as identified in the *Land Use* section of this document, and are not defined or measured in the same way. Farmland covered under the FPPA are those previously designated as significant by the National Resources Conservation Service (NRCS), such as those identified with soils that are prime, unique or of state and local importance, and not lands already in urban development as specified on the U.S. Census Bureau Maps. A review of the United States Census Bureau and NRCS databases found 8 of the 19 parcels met these criteria: A1, A6a, A6b, A8, A10, A14, C1, and C2.

Parcels A1, A6a, A6b A8, A10, and A14 are all primarily undeveloped lands with the exception of minor drainage and utility structures. Based on NRCS data, these areas have been designated as “Prime farmland if irrigated” and/or “Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season”. Prime farmland, as define by the FPPA, not only contains highly favorable physical and chemical characteristics for food production, but also has an “adequate and dependable water supply from precipitation or irrigation”. The Phoenix NRCS office interprets this definition to mean that an irrigation system must be in place and functioning to be considered Prime farmland. None of the previously mentioned parcels, A1, A6a, A6b A8, A10 or A14, have developed irrigation systems in place nor do they receive regular rainfall to meet this criteria. As such, these locations would not be considered Prime farmland and would not fall under FPPA purview.

Parcels C1 and C2 are both designated as “Prime Farmland if Irrigated” in non-urban areas and include portions of land that were previously used for farming or are adjacent to lands currently farmed. Parcel C1 is comprised of paved public roadway (i.e. Dusty Lane), unpaved shoulder and adjacent property that was previously used for farming. The adjacent property located east of the intersection of Dusty Lane and 51st Avenue has been completely graded and is no longer in use for agricultural purposes. Irrigation to the parcel has been discontinued and there are no future plans to reinstate the watering system. Of the 0.41 acre of land that make up parcel C1, approximately 0.12 acre overlap regions that were previously used for active farming, while the remainder is within public ROW considered “urban built-up”. Based on the given, C1 would not impact prime or unique farmland.

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Parcel C2 is within COP ROW and is used mainly as public roadway (i.e. Estrella Drive). The roadway is paved with unpaved shoulders along the north and south edge. Within the unpaved shoulders, an irrigation canal runs parallel to the roadway on the north side and dirt driveway and residential mailboxes on the south. The parcels north and south of C2 are active agricultural fields currently in use, however, C2 will not encroach into these active growing areas. Because parcel C2 currently functions as public roadway it is considered “urban built-up” and therefore exempt from FPPA.

Based on the above-mentioned considerations, the work associated with this reevaluation would have no impact on prime or unique farmland, and therefore no new mitigation measures will be required.

3.7 Hazardous Materials

A Draft Initial Site Assessment (ISA) for hazardous materials was completed in November 2012 and was updated in an addendum in June 2014 as part of the SMF FEIS/ROD. Since the June 2014 addendum, several hazardous materials investigations have taken place on a site-by-site basis, including Phase I Environmental Site Assessments (Phase I[s]) and Phase II Environmental Site Assessments (Phase II[s]). Initial ROW acquisition for the SMF project identified larger sized parcels in which full comprehensive Phase I analysis was completed for all ROW acquisition. As design progressed, much of the subsequent identified ROW needs were generally much smaller in size and were for minor work adjustments associated with larger parcels in which a Phase I had been previously conducted and approved. In circumstances where new ROW to be acquired is considered minimal and is in association with parcels in which a Phase I has already been completed, and revealed no environmental concerns, a site reconnaissance and review of updated environmental databases at the Arizona Department of Environmental Quality (ADEQ) is completed.

Review of the new ROW and easements by the C202P Hazardous Materials Coordinator revealed two locations which had not been previously investigated, A8 and A9.

A8 is a 4.157 acres parcel located south of Pecos Road between 24th and 32nd streets, and is currently owned by the Lakewood Community Association and a privately held trust. While a small portion of A8 is in close proximity to a previously conducted Phase I, large swaths of the parcel are within relatively uninvestigated areas and it is unknown as to whether or not hazardous materials are present. Based on the lack of current data and the larger parcel size, a Phase I was conducted for A8 to determine the presence of any Recognized Environmental Concerns (RECs), controlled recognized environmental conditions (CRECs) or historic recognized environmental conditions (HRECs). The Phase I revealed no evidence of RECs, CRECs or HRECs in connection with the parcel. Based on the Phase I results, no Phase II is recommended. The Phase I report was submitted and approved by ADOT on July 05, 2018. No further hazardous materials investigations are required for parcel A8.

Parcel A9 is a small section (0.009 acre) of new ROW owned by the Foothills Mountain Ranch residential development and is currently used as landscaped residential common area. A9 is part of ADOT Parcel 7-11505, the majority of which has already been acquired and was included in the original FEIS limits. A Phase I was conducted for ADOT parcel 7-11505, finding no evidence of RECs nor any recommendations

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for further work. A site visit and database search completed on May 29, 2018 for parcel A9 was completed to supplement the previously conducted Phase I for the remainder of ADOT parcel 7-11505. The analysis was consistent with the Phase I findings and found no hazardous materials concerns. Therefore, no further hazardous materials investigations are required.

No impacts to hazardous materials are anticipated in relation to this reevaluation. All project activities are subject to the commitments outlined in the ROD and the TPs, however no new mitigations measures are required as a result of this work.

3.8 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 will not be materially worsened. No new mitigation measures are required for temporary construction impacts as a result of these project changes.

3.9 Section 4(f) Resources

An analysis of properties eligible for protection under Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 United States Code 303) was completed as part of this environmental review. Section 4(f) properties are any publicly owned parks and recreation areas (including trails), waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance.

A “use” as it relates to Section 4(f) properties is considered when one of three conditions occur: Permanent Incorporation, Temporary Occupancy and/or Constructive Use. Permanent incorporation typically involves the acquisition of a Section 4(f) property for the purpose of a transportation facility. Temporary Occupancy refers to short-term use of a Section 4(f) property that may result in adverse effects to the property. Lastly, Constructive Use is when the proximity of a transportation project, regardless of physical use of the Section 4(f) property, is such that the Section 4(f) property is substantially impaired.

A review of the 19 ROW and easements identified Segment Eight of the Sun Circle and Maricopa Trails, which runs aligned with location C1 (see Figure 2) and was previously identified as a Section 4(f) property in the SMF FEIS/ROD. The Sun Circle and Maricopa Trails are part of the 1,521 miles of Maricopa County Regional Trail System which links metropolitan areas, municipal trails, communities and neighborhoods with regional non-motorized multi-modal corridors. Segment Eight of the Sun Circle and Maricopa Trail runs along an SRP powerline corridor at the boundary of the City of Phoenix and the Gila River Indian Community. The trail segment is approximately 7 miles long and serves as an important connector between the South Mountain Park and Tres Rios Wetlands. The scope of work associated with location C1 is the replacement of guardrail along Dusty Lane, just adjacent to the trail segment. The guardrail serves as a minor element of a much larger freeway alignment which was already evaluated for Section 4(f) impacts in the FEIS. Segment Eight will be avoided by the guardrail installation and will not be

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Figure 2: Sun Circle and Maricopa Trail Segment Eight 4(f) Map

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permanently incorporated into the SMF project. Temporary construction activities, such as vehicular access, may be warranted but will not result in damage or impairment to the trail or its function. Pedestrian traffic to the trail would be temporarily detoured around the immediate worksite during construction, however thru-access along the trail will be maintained at all times.

Given the lack of impact the project activities will have on Segment Eight of the Sun Circle and Maricopa Trails, the project does not meet the conditions of a “use” of a Section 4(f) property. No further evaluations or new mitigation measures will be required for impacts to Section 4(f) properties as a result of this reevaluation.

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.

- The contractor shall not access the new parcels until ADOT provides permission.
- The contractor shall disclose future changes in rights-of-way and easement requirements for the project to ADOT as they are identified.
- ADOT will coordinate with the US Army Corps of Engineers to determine the appropriate course of action regarding any dredge and/or fill work occurring in Waters of the US outside of the issued Individual Permit (SPL-2002-00055-KAT) for the South Mountain Freeway project.

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 and reevaluations.
- 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 SMF, 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

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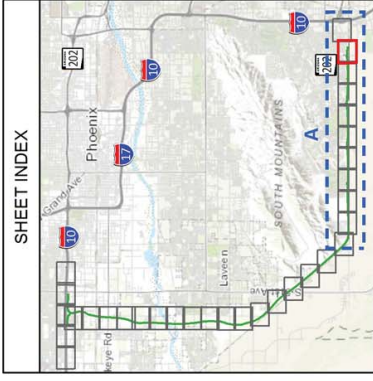
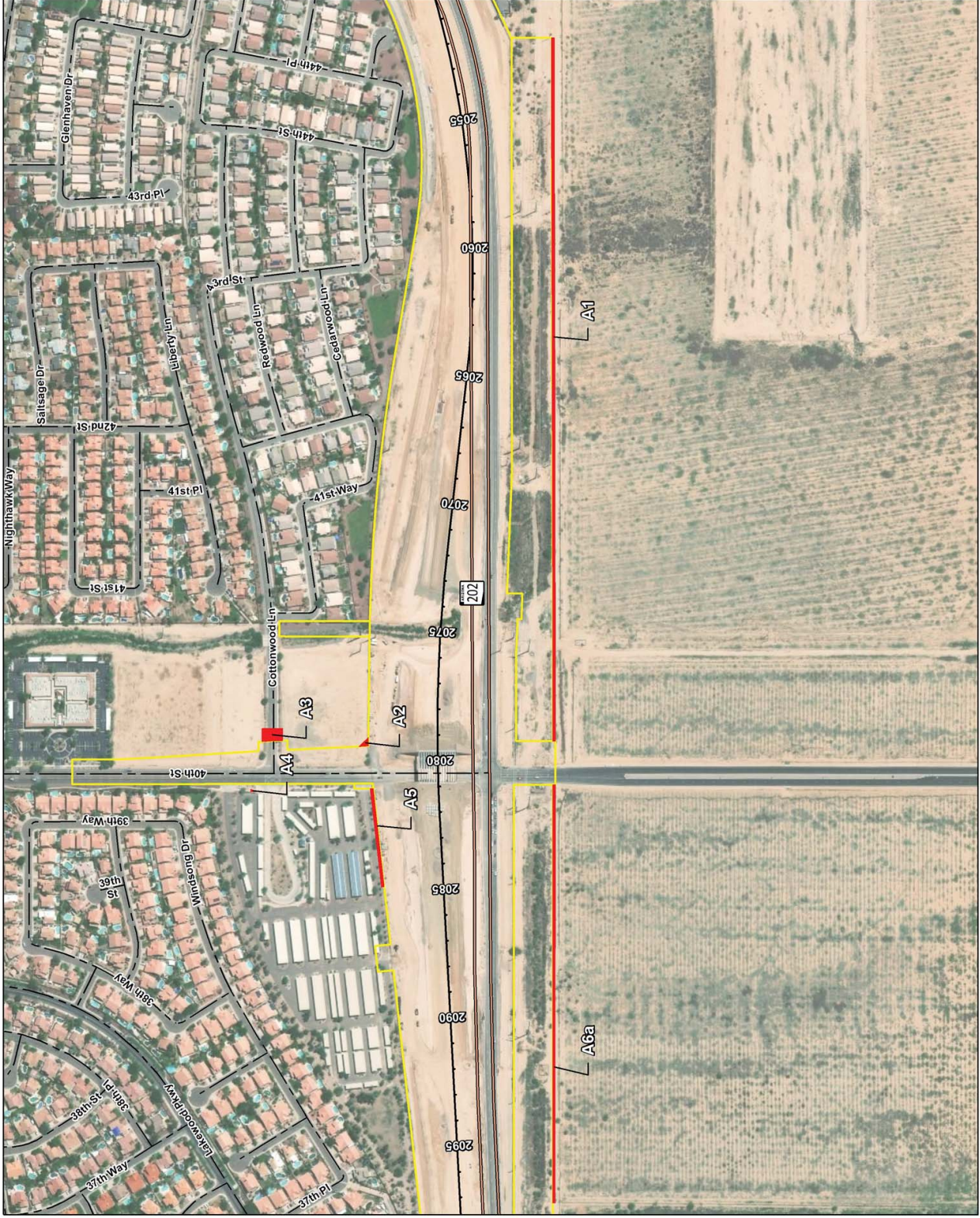
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natural environment. Therefore, the original environmental document remains valid for the proposed action.

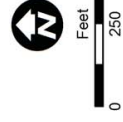
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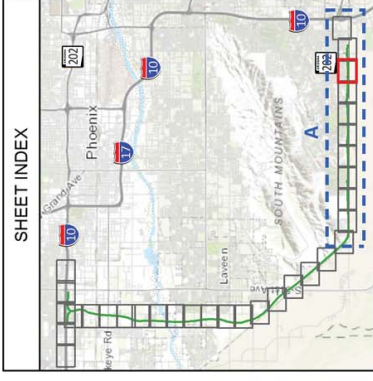
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Appendix A - ID Location Maps



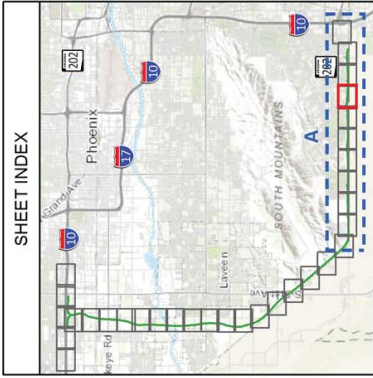
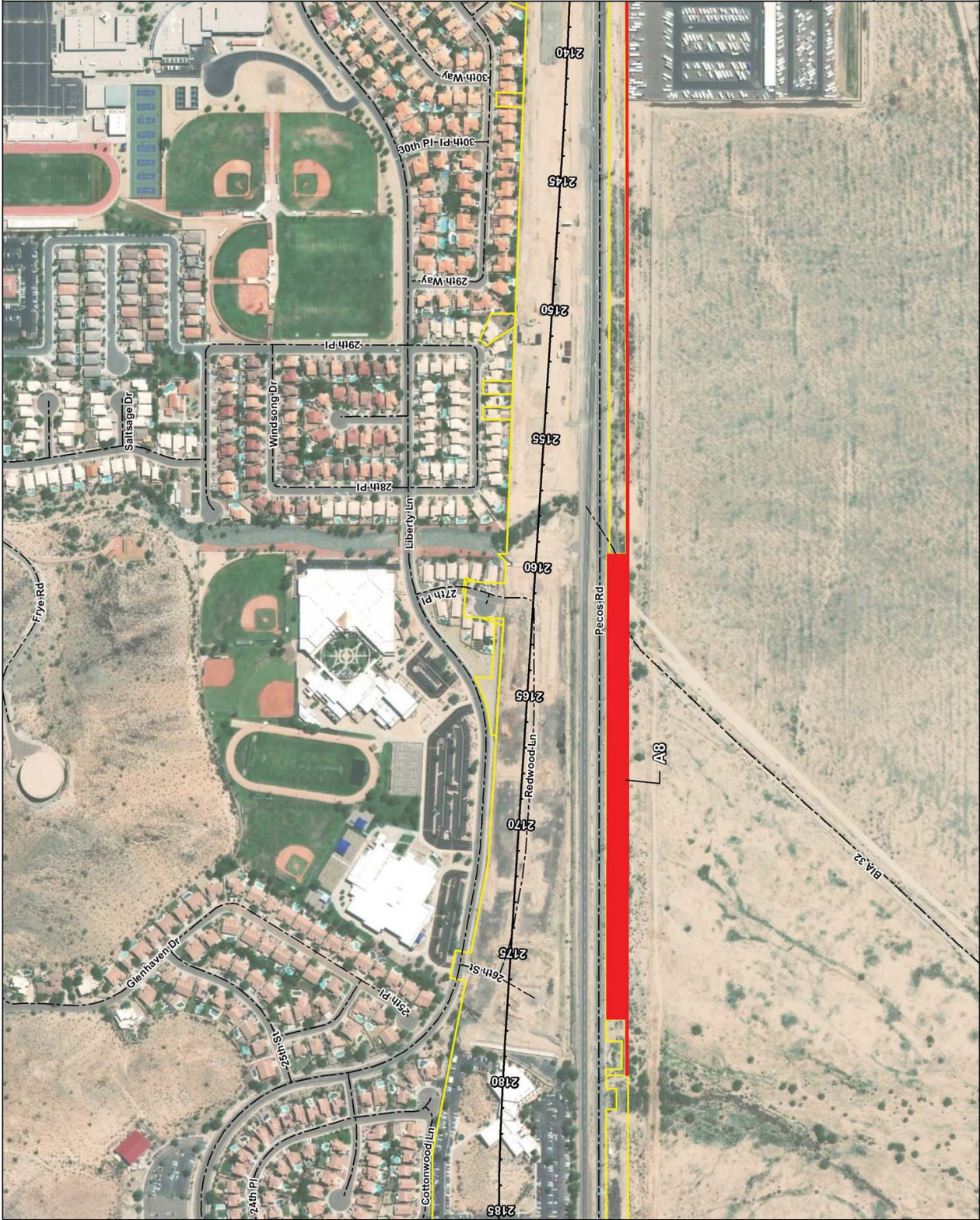
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- Centerline and Stationing
- Local Roads





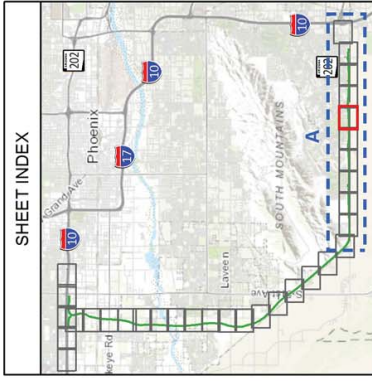
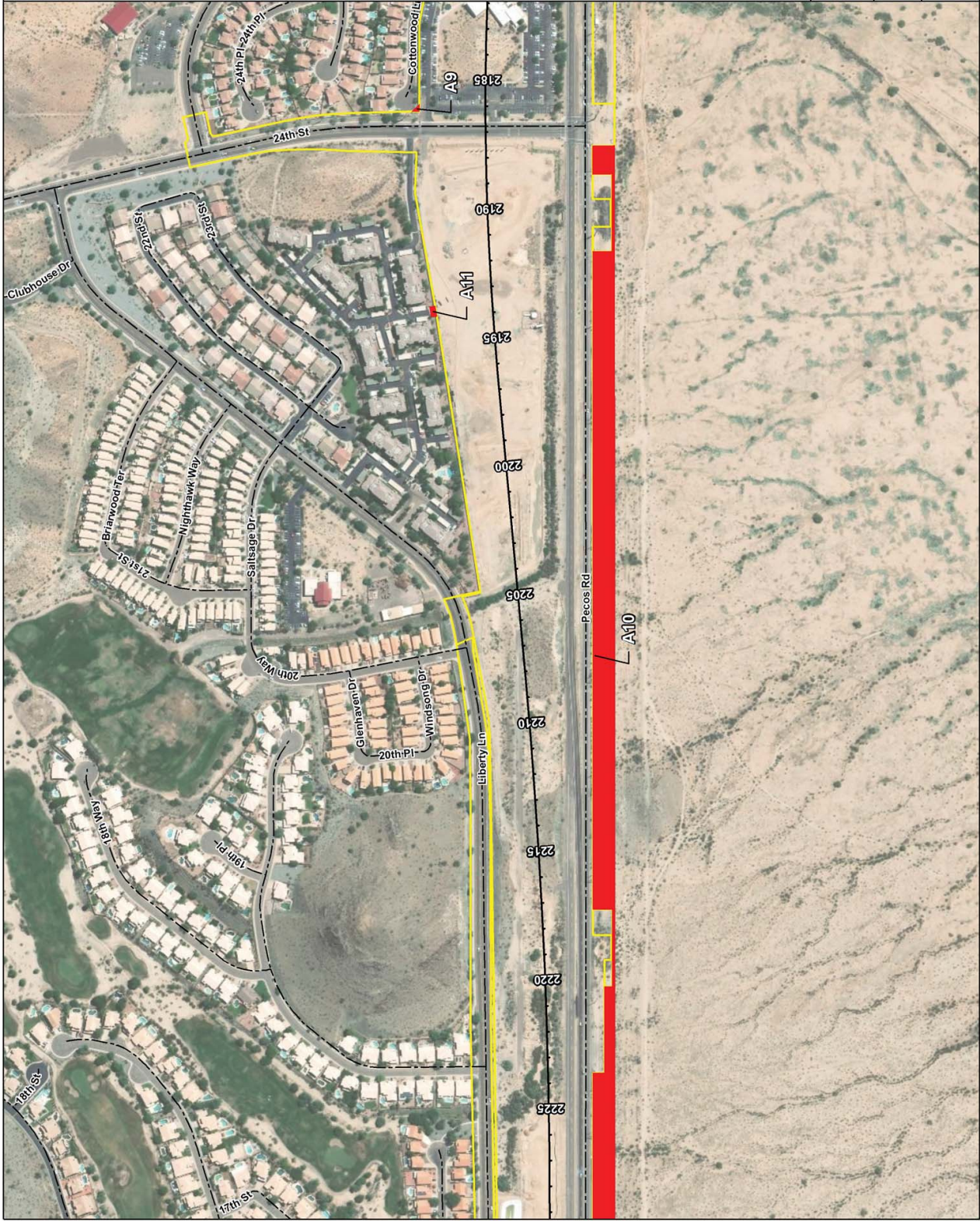
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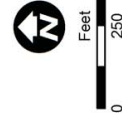


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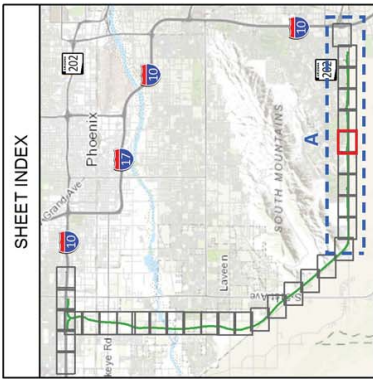
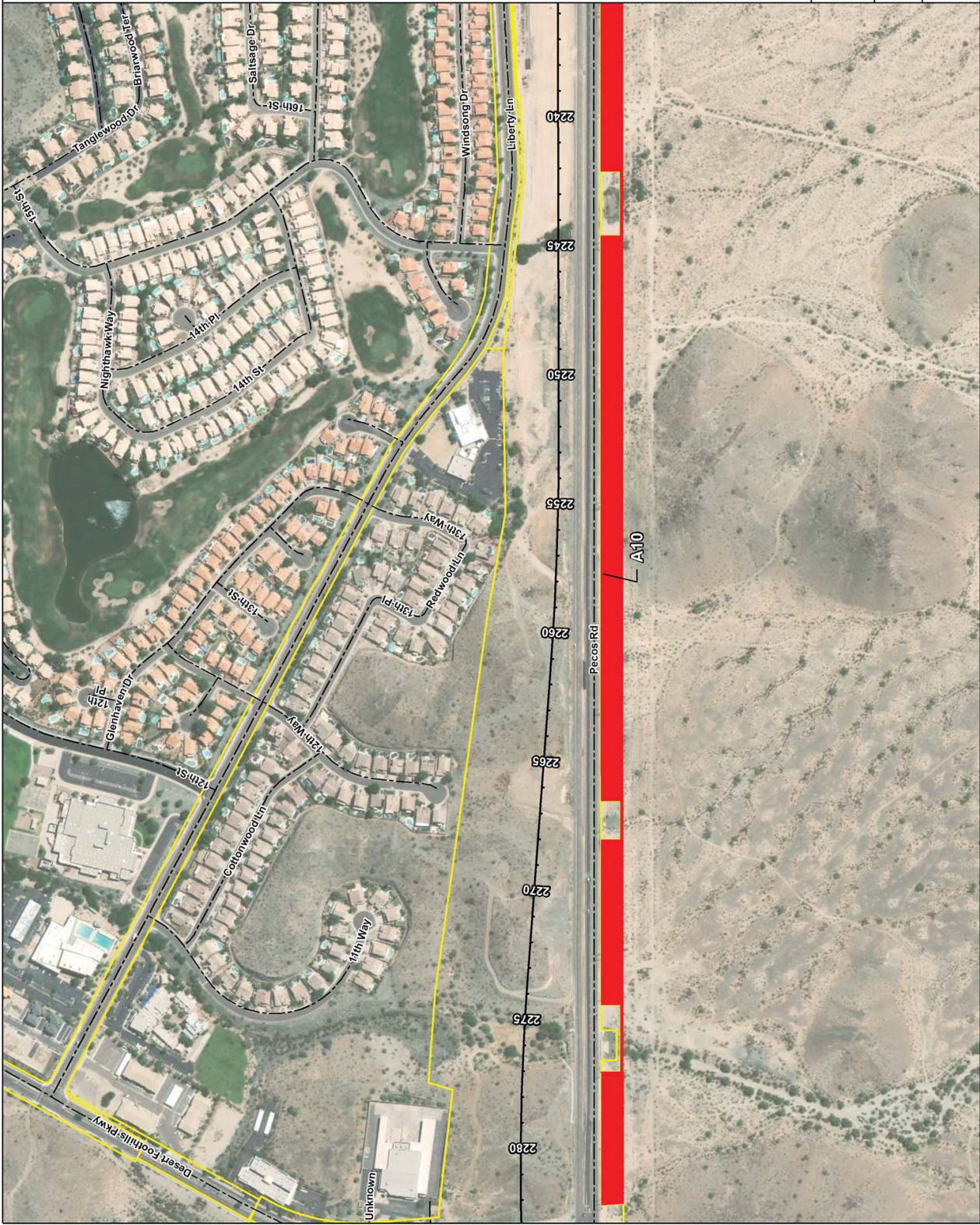


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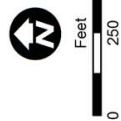


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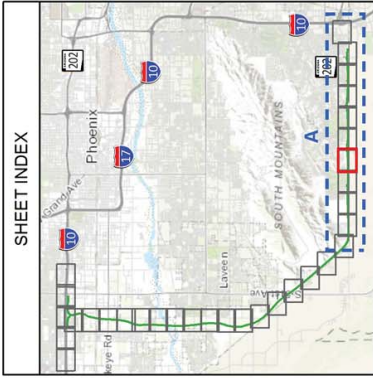


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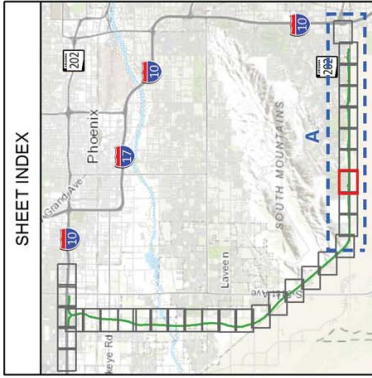
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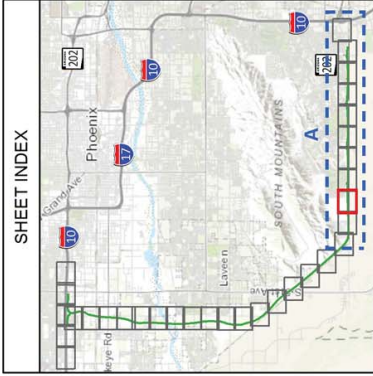
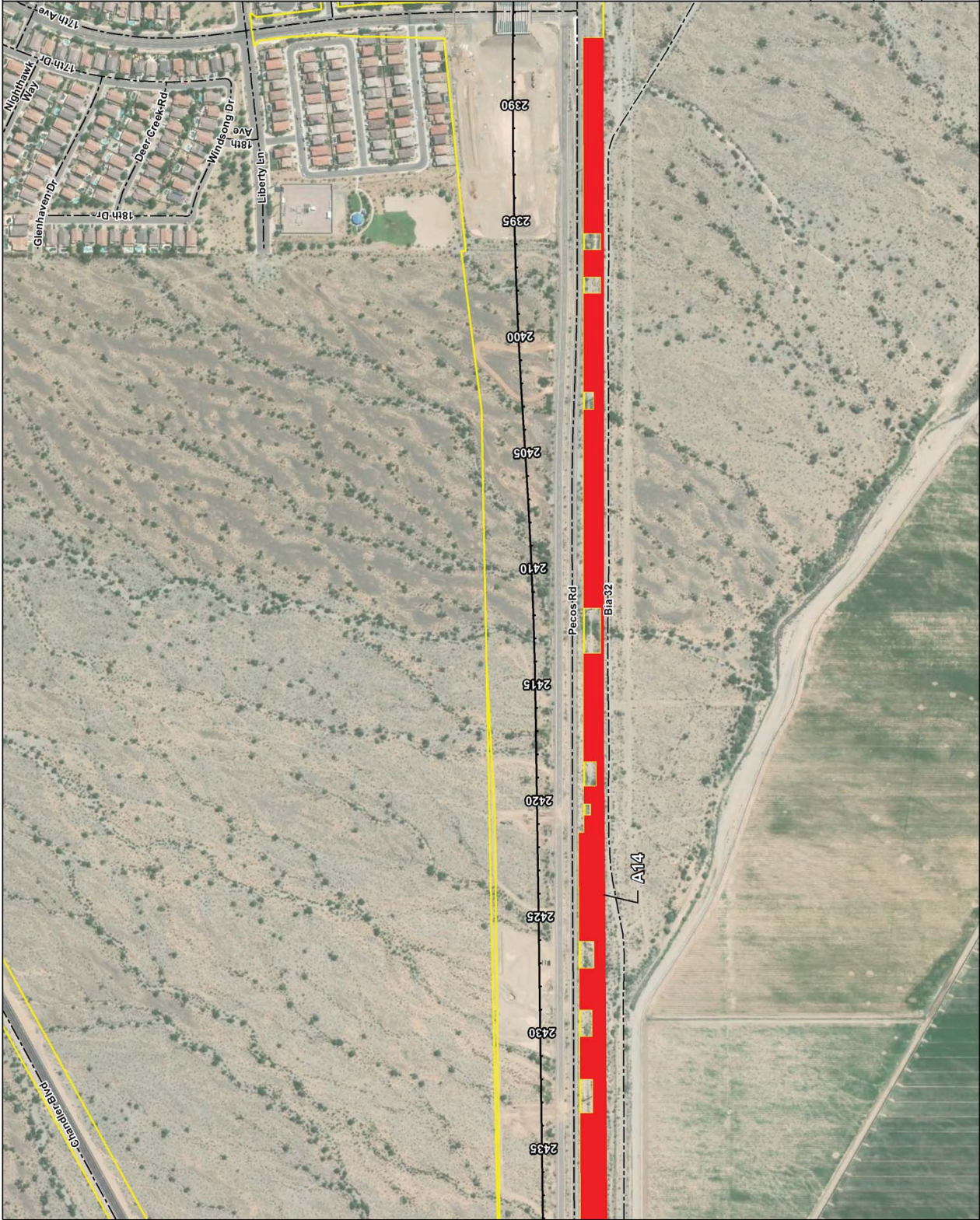




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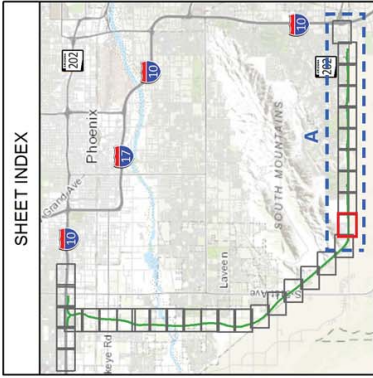
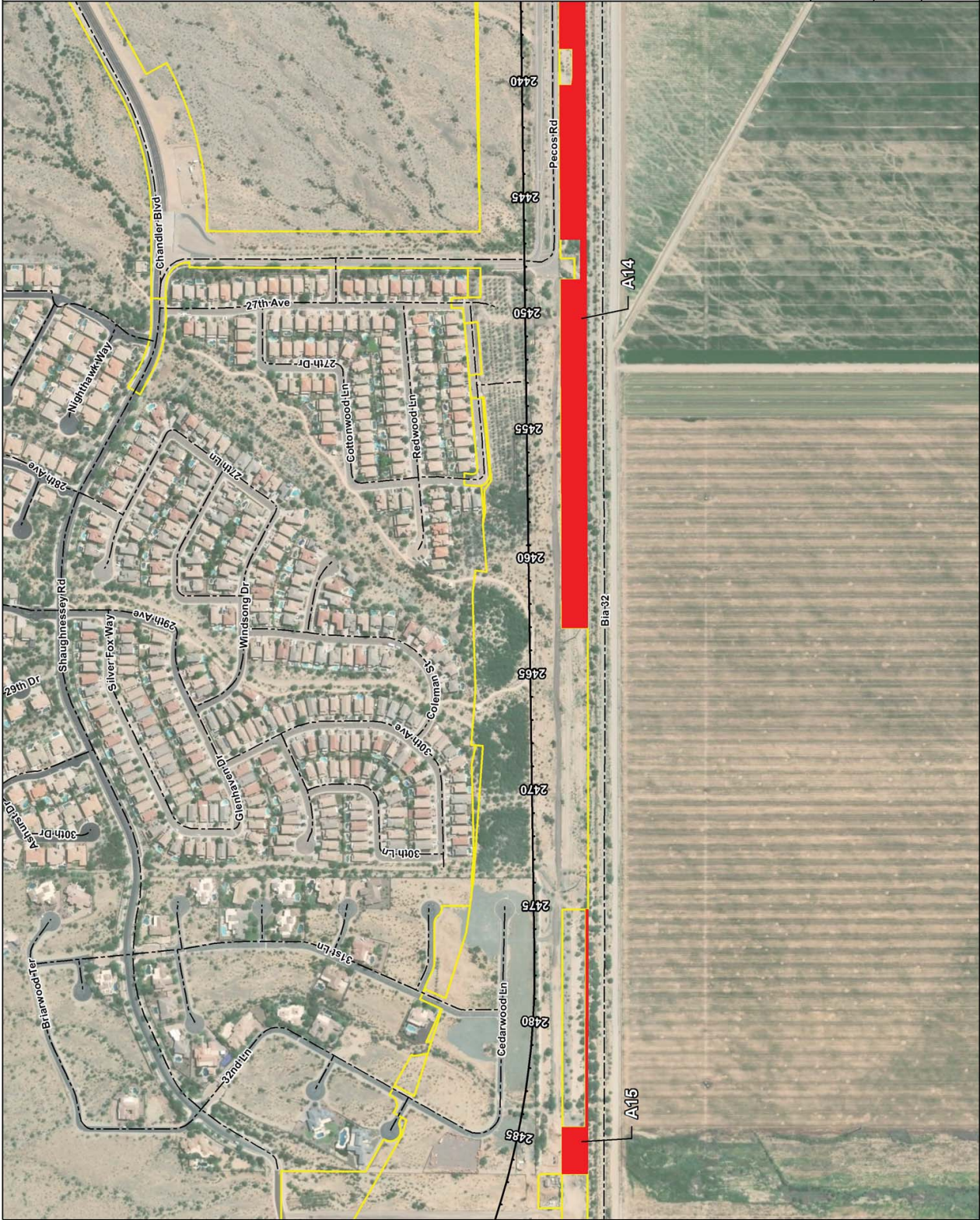


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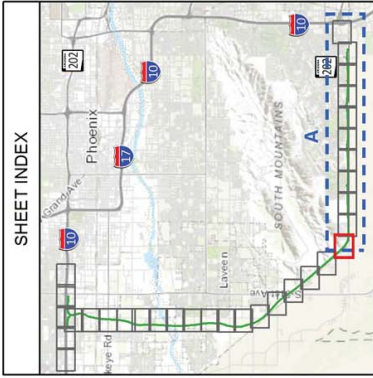
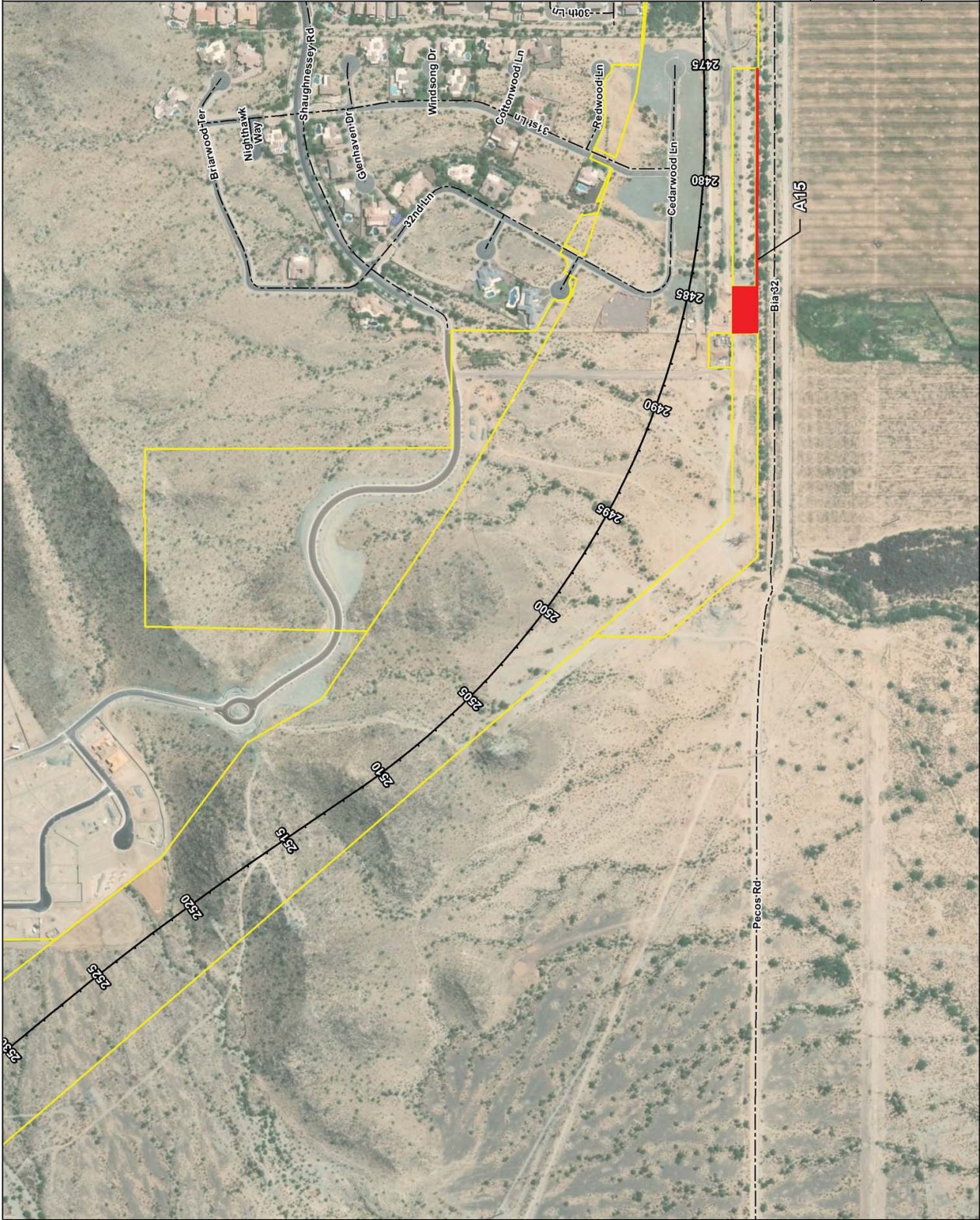
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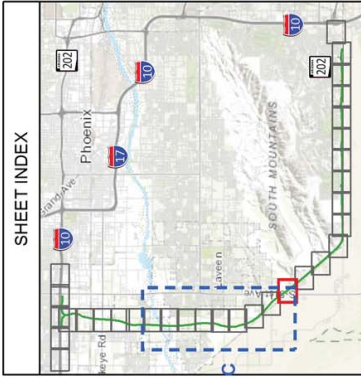
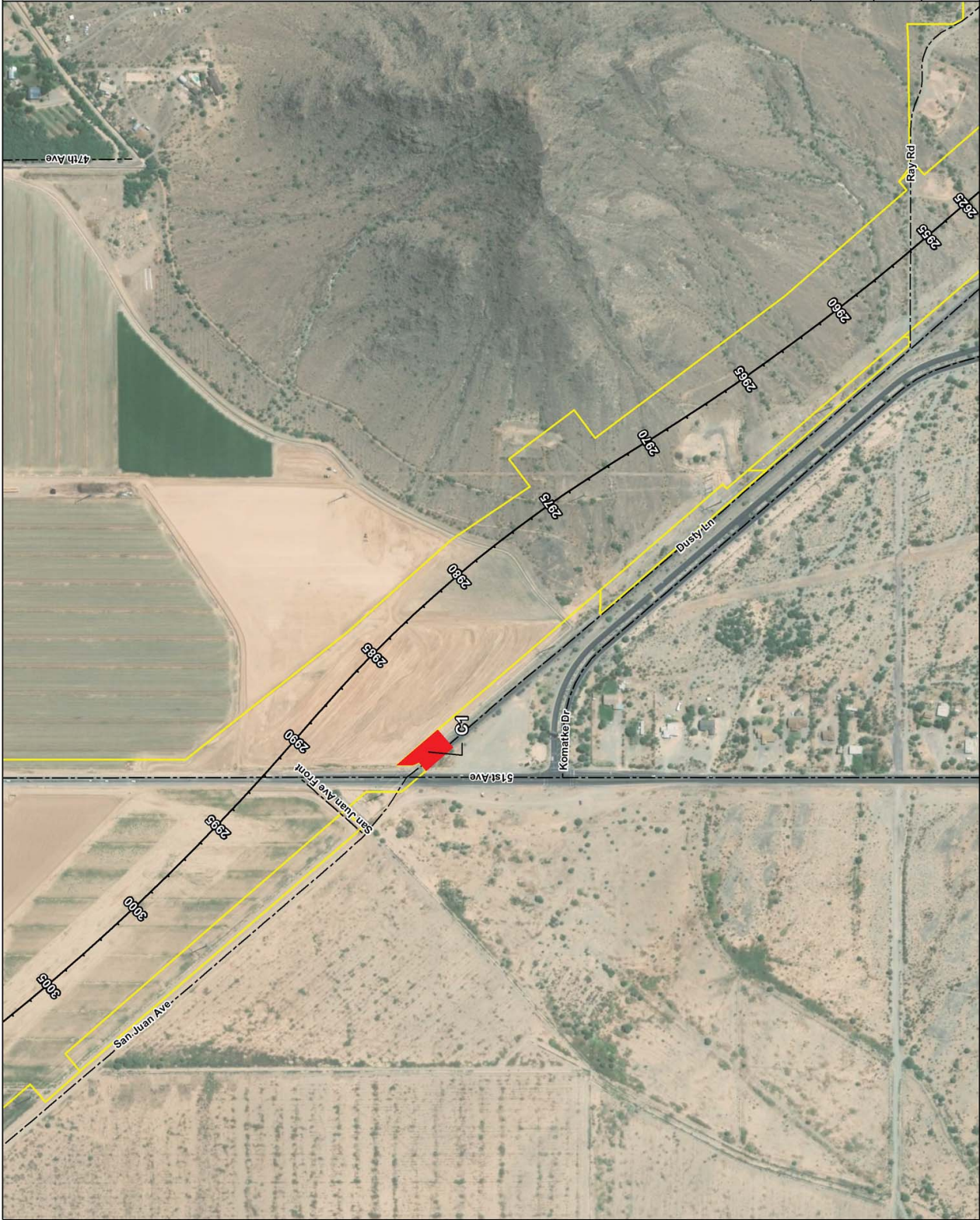


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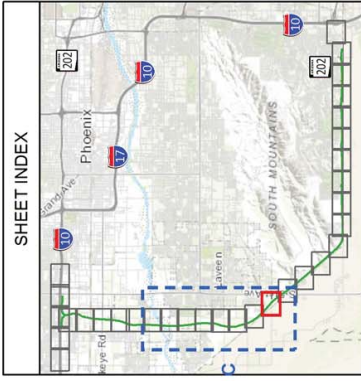
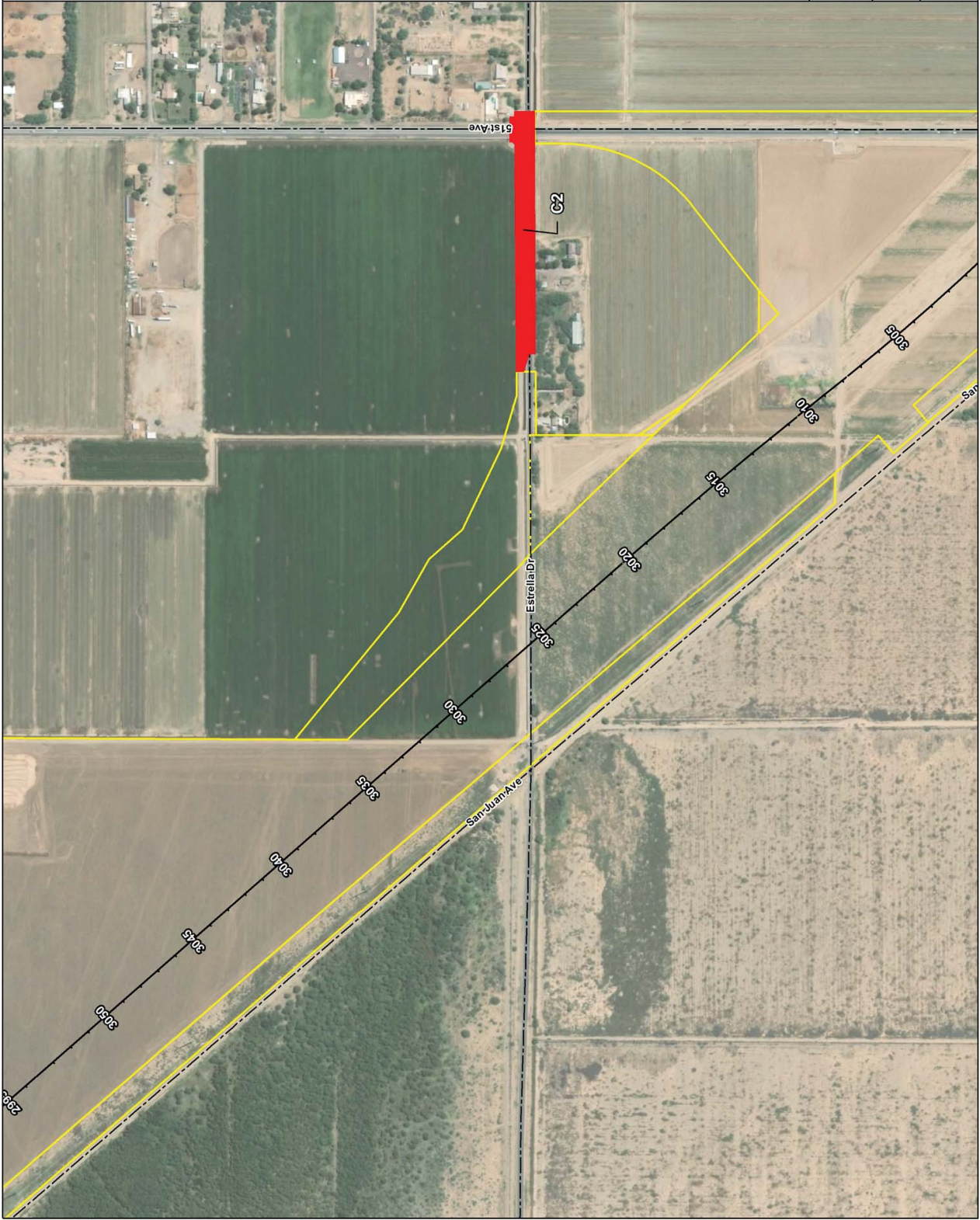


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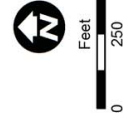


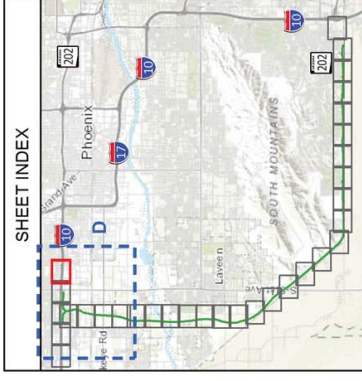
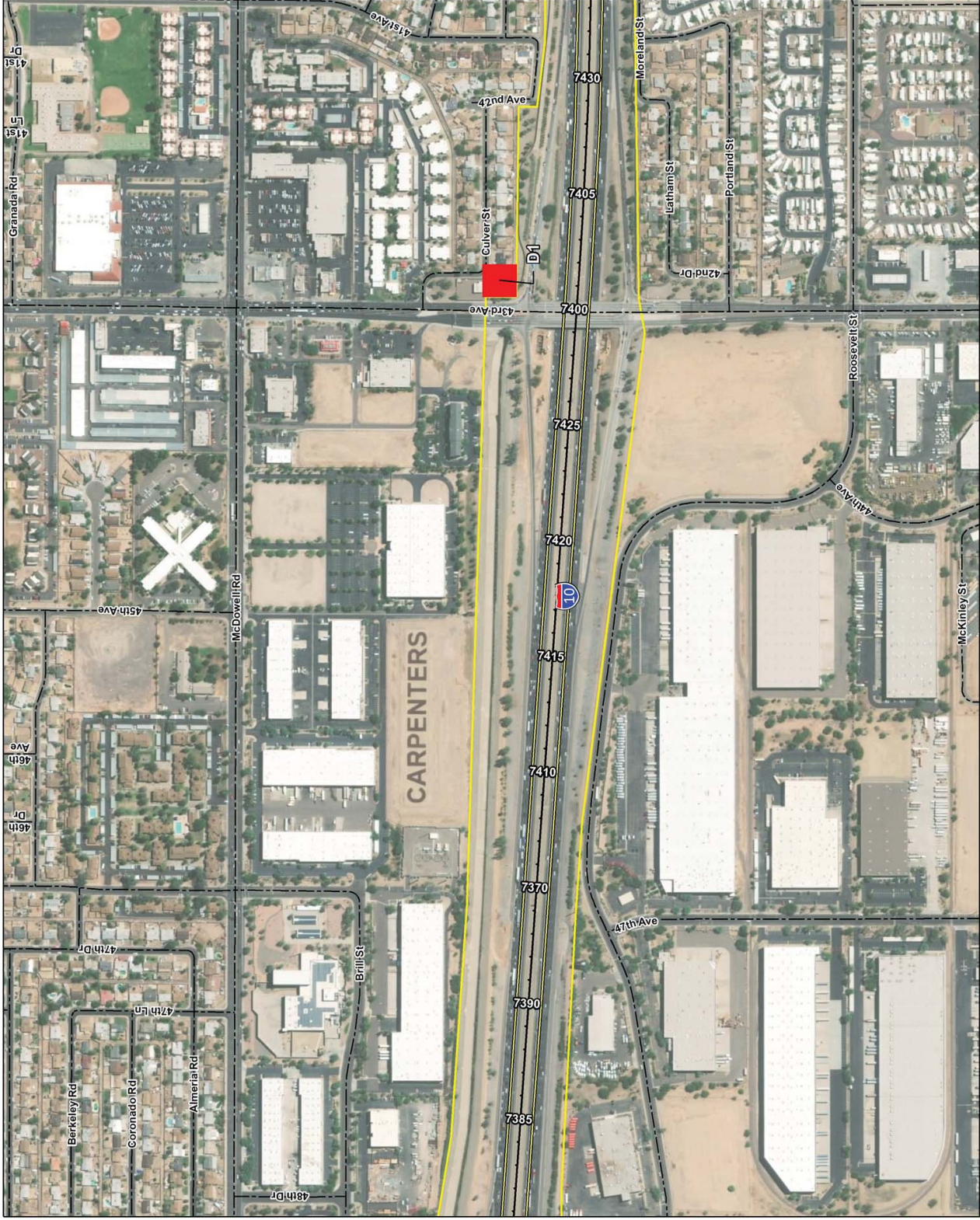
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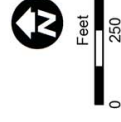


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Appendix B – Section 106 Consultation Summary

Class III Survey Report: A Class III Cultural Resource Survey of 19 Parcels for the Loop 202 - South Mountain Freeway Environmental Impact Statement Reevaluation #8, Maricopa County, Arizona.
(Bowler, 2018)

Letters	Date Sent	Purpose of Consultation	Consulting Parties	Response
Agencies	July 3, 2018	<ul style="list-style-type: none"> • Management recommendations • FHWA's finding of effect 	Arizona State Land Department	Concur; July 09, 2018
			Arizona State Museum	No Response
			Bureau of Indian Affairs	Concur; July 18, 2018
			Bureau of Land Management	Concur; July 17, 2018
			Bureau of Reclamation	No Response
			City of Avondale	No Response
			City of Chandler	Concur; July 11, 2018
			City of Glendale	No Response
			City of Phoenix Archaeology Section	Concur; July 17, 2018
			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	Concur; July 09, 2018
			Salt River Project	No Response
			State Historic Preservation Office	Concur; July 03, 2018
			Western Area Power Administration	No Response
			U.S. Army Corps of Engineers	No Response

Class III Survey Report: A Class III Cultural Resource Survey of 19 Parcels for the Loop 202 - South Mountain Freeway Environmental Impact Statement Reevaluation #8, Maricopa County, Arizona. (Bowler, 2018)

Letters	Date Sent	Purpose of Consultation	Consulting Parties	Response
Tribes	July 3, 2018	<ul style="list-style-type: none"> • Management recommendations • FHWA's finding of effect 	Ak-Chin Indian Community	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	Concur but also stress their concurrence does not demonstrate support for the Loop 202 (South Mountain) Freeway; July 19, 2018
			Havasupai Tribe	No Response
			Hopi Tribe	Concur; July 11, 2018
			Hualapai Tribe	No Response
			Kaibab Band of Paiute Indians	No Response
			Pascua Yaqui Tribe	No Response
			Pueblo of Zuni	No Response
			Salt River Pima-Maricopa Indian Community	No Response
			San Juan Southern Paiute	No Response
			Tohono O'odham Nation	No Response
			Tonto Apache Tribe	No Response
			Yavapai-Apache Nation	No Response