

TRIBAL ENTITY COMMENTS AND RESPONSES

Code

Comment Document

Gregory Mendoza
Governor

Stephen Roe Lewis
Lieutenant Governor

GILA RIVER INDIAN COMMUNITY *Executive Office*

"A New Generation of Leadership Serving the People"

December 15, 2014

South Mountain Study Team
Arizona Department of Transportation
1655 West Jackson Street, MD 126F
Phoenix, Arizona 85007

Re: Comments of the Gila River Indian Community on the Final Environmental Impact Statement for the proposed South Mountain 202 Freeway Project.

Dear South Mountain Study Team:

The Gila River Indian Community (Community or GRIC) has reviewed the Final Environmental Impact Statement (FEIS) for the proposed South Mountain 202 Freeway Project (Project) and submits this letter to renew its opposition to the Project and provide comments on the FEIS.¹ The Community is a Federally-recognized Indian Nation located south of Phoenix, Arizona, with reservation lands encompassing approximately 372,000 acres and approximately 21,000 enrolled members.

I. INTRODUCTION

In a comment letter dated July 11, 2013, the Community submitted comprehensive comments regarding our concerns with the Project's Draft Environmental Impact Statement (DEIS). Upon review of the FEIS, the Community was disappointed to see that the Arizona Department of Transportation (ADOT) failed to carry forward an alternative in the eastern section other than E1. We are also disappointed that ADOT did not undertake the additional surveys, studies, and evaluations that the Community identified in its DEIS comments as necessary for the Project; a true analysis of the impacts of the Project on the Community's Reservation and members remains lacking. Finally, the FEIS continuously references the Community's refusal to permit an on-Reservation alternative and prior concurrence on historic property impacts and mitigation as a justification for selection of E1. The unavailability of an on-Reservation route does not excuse ADOT's failure to study in detail a South Mountain avoidance alternative. Similarly, the Community's concurrence in the resolution of adverse impacts to and mitigation of impacts to cultural resources does not render such impacts acceptable to the Community.

¹ The Community previously submitted comments on the Project's Draft Environmental Impact Statement. See Letter from Gregory Mendoza to South Mountain Study Team, dated July 11, 2013. The Community incorporates its DEIS comments herein.

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1		Comments noted. Responses to specific comments are provided in the following pages.

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	<p><i>December 15, 2014</i> <i>Re: Comments of the Gila River Indian Community on the Final Environmental Impact Statement for the proposed South Mountain 202 Freeway Project.</i> <i>Page 2 of 7</i></p> <p>II. COMMENTS</p> <p>The Community's specific comments on the FEIS follow:</p> <p>a. <u>The Community Objects to the Preferred Alternative</u></p> <p>The FEIS identifies the W59/E1 Alternative as the Project's Preferred Alternative. The Community does not support the Preferred Alternative – specifically the E1 portion – for the following reasons:</p> <ul style="list-style-type: none"> It is the Community's firm position that ADOT should select the No-Action Alternative to avoid irreversible impacts to Community cultural resources and Traditional Cultural Properties (TCPs) and to protect the health, safety, welfare, and the environment of the Community and its members. E1 is directly adjacent to the Community's Reservation boundary, and therefore will have the greatest environmental and cultural resource impacts on the Community and its members, of all of the build alternatives considered for the Project. E1 will have an unacceptable impact on South Mountain, one of the Community's most significant and important TCPs that figures prominently in oral traditions of the Community. In addition to the impacts to South Mountain generally, Alternative E1 would also affect sites that contribute to the South Mountain's historic and cultural significance, including sites AZ T:12:197 (ASM) and AZ T:12:198 (ASM), both of which continue to function in the traditions of the <i>Akimel O'odham</i> and <i>Pee Posh</i> communities and serve as spiritual places. <p>b. <u>The FEIS Should Have Carried Forward a South Mountain Avoidance Alternative</u></p> <p>The Community continues to take issue with ADOT's failure to carry forward for detailed review in the FEIS an alternative in the eastern section of the Project area that would avoid South Mountain. While the Community appreciates ADOT's efforts to maintain access for Community members, this is not enough to mitigate the significant impact of bisecting South Mountain. Given the impacts of E1, ADOT should not have eliminated from detailed study a South Mountain avoidance alternative. ADOT owes it to the Community – and the National Environmental Policy Act (NEPA) demands in these circumstances – that the FEIS analyze, in detail, at least one alternative in the Project's eastern section that does not bisect South Mountain.</p> <p>c. <u>Environmental Justice</u></p> <p>The FEIS is incorrect in stating that there are no environmental justice impacts with respect to cultural resources. The FEIS notes that TCPs such as South Mountain will experience "substantial" impacts (p. 4-38). The FEIS also recognizes that there will be adverse impacts on resources of cultural and religious significance to the Community. These impacts fall disproportionately on the Community; the fact that the Community's Tribal Historic Preservation Officer concurred in ADOT's proposed mitigation does not negate the fact that the impacts will disproportionately fall on the Community. Thus, the FEIS statement (on page 4-41) that there would be no disproportionate impact on any environmental justice community is incorrect.</p>

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2	Alternatives, No-Action Alternative	The No-Action Alternative was included in the Draft and Final Environmental Impact Statements for detailed study to compare impacts of the action alternatives with the consequences of doing nothing (impacts can result from choosing to do nothing). As stated on page 3-40 of the Final Environmental Impact Statement, the No-Action Alternative will not satisfy the purpose and need of the proposed action because it will result in further difficulty in gaining access to adjacent land uses, increased difficulty in gaining access to Interstate and regional freeway systems from the local arterial street network, increased levels of congestion-related impacts, continued degradation in performance of regional freeway-dependent transit services, increased trip times, and higher user costs.
3	Environmental and Cultural Impacts	The impacts of the E1 Alternative are disclosed in the Final Environmental Impact Statement. Mitigation measures to minimize the impact of the freeway are presented throughout Chapter 4 of the Final Environmental Impact Statement and in the Record of Decision in Table 3, beginning on page 38.
4	Section 4(f) and Section 6(f), Traditional Cultural Properties	<p>Cultural and religious places of importance, such as the South Mountains, are acknowledged in the Final Environmental Impact Statement in several locations, notably on pages 4-141 and 5-26.</p> <p>The physical impact on land designated as part of the South Mountains has been minimized through design, and much has already been done to minimize that effect. Access to the mountain will be maintained and multiple other mitigation measures will be implemented due in part to suggestions made by the Gila River Indian Community itself. For example, the Arizona Department of Transportation and Federal Highway Administration will fund a traditional cultural property evaluation of the South Mountains Traditional Cultural Property to be prepared by the Gila River Indian Community. The proposed mitigation for the South Mountains Traditional Cultural Property is discussed in the Final Environmental Impact Statement on page 4-159, and measures to minimize harm to the South Mountains Traditional Cultural Property are discussed on page 5-27. These commitments are confirmed in the Record of Decision in Table 3, beginning on page 38. Consultation with the Gila River Indian Community has been ongoing and will continue until all commitments in the Record of Decision are completed.</p>
5	Cultural Resources	<p>Cultural and religious places of importance, such as the South Mountains, are acknowledged in the Final Environmental Impact Statement in several locations, notably on pages 4-141 and 5-26.</p> <p>Consultation regarding the sites identified in the comment has occurred with Gila River Indian Community government officials, the Tribal Historic Preservation Officer, the Cultural Resource Management Program, many different tribal authorities, and the State Historic Preservation Office. The consultation has resulted in concurrence from the Gila River Indian Community Tribal Historic Preservation Office and the State Historic Preservation Office on National Register of Historic Places eligibility recommendations (including traditional cultural properties), project effects, and proposed mitigation and measures to minimize harm. This consultation has been ongoing and will continue until all commitments in the Record of Decision are completed.</p>

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	<div><p>December 15, 2014 Re: Comments of the Gila River Indian Community on the Final Environmental Impact Statement for the proposed South Mountain 202 Freeway Project. Page 2 of 7</p><p>II. COMMENTS</p><p>The Community's specific comments on the FEIS follow:</p><p>a. <u>The Community Objects to the Preferred Alternative</u></p><p>The FEIS identifies the W59/E1 Alternative as the Project's Preferred Alternative. The Community does not support the Preferred Alternative – specifically the E1 portion – for the following reasons:</p><ul style="list-style-type: none">• It is the Community's firm position that ADOT should select the No-Action Alternative to avoid irreversible impacts to Community cultural resources and Traditional Cultural Properties (TCPs) and to protect the health, safety, welfare, and the environment of the Community and its members.• E1 is directly adjacent to the Community's Reservation boundary, and therefore will have the greatest environmental and cultural resource impacts on the Community and its members, of all of the build alternatives considered for the Project.• E1 will have an unacceptable impact on South Mountain, one of the Community's most significant and important TCPs that figures prominently in oral traditions of the Community.• In addition to the impacts to South Mountain generally, Alternative E1 would also affect sites that contribute to the South Mountain's historic and cultural significance, including sites AZ T:12:197 (ASM) and AZ T:12:198 (ASM), both of which continue to function in the traditions of the <i>Akimel O'odham</i> and <i>Pee Posh</i> communities and serve as spiritual places.<p>b. <u>The FEIS Should Have Carried Forward a South Mountain Avoidance Alternative</u></p><p>The Community continues to take issue with ADOT's failure to carry forward for detailed review in the FEIS an alternative in the eastern section of the Project area that would avoid South Mountain. While the Community appreciates ADOT's efforts to maintain access for Community members, this is not enough to mitigate the significant impact of bisecting South Mountain. Given the impacts of E1, ADOT should not have eliminated from detailed study a South Mountain avoidance alternative. ADOT owes it to the Community – and the National Environmental Policy Act (NEPA) demands in these circumstances – that the FEIS analyze, in detail, at least one alternative in the Project's eastern section that does not bisect South Mountain.</p><p>c. <u>Environmental Justice</u></p><p>The FEIS is incorrect in stating that there are no environmental justice impacts with respect to cultural resources. The FEIS notes that TCPs such as South Mountain will experience "substantial" impacts (p. 4-38). The FEIS also recognizes that there will be adverse impacts on resources of cultural and religious significance to the Community. These impacts fall disproportionately on the Community; the fact that the Community's Tribal Historic Preservation Officer concurred in ADOT's proposed mitigation does not negate the fact that the impacts will disproportionately fall on the Community. Thus, the FEIS statement (on page 4-41) that there would be no disproportionate impact on any environmental justice community is incorrect.</p></div>

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6	Alternatives	Several alternatives were subject to the alternatives development and screening process, not just the E1 Alternative and alternatives located on the Gila River Indian Community (Figure 3-6 on page 3-10 of the Final Environmental Impact Statement illustrates such alternatives). An analysis of avoidance alternatives was completed in accordance with Section 4(f) of the Department of Transportation Act of 1966. The Federal Highway Administration's analysis for the Selected Alternative found that there is no prudent and feasible alternative to using the South Mountains and that the project includes all possible planning to minimize harm to the resource resulting from the use. The U.S. Department of the Interior reviewed the Final Environmental Impact Statement and agreed with the conclusions (see letter on page A5 of this Appendix A).
7	Environmental Justice	<p>With regard to impacts on places of spiritual importance to certain population segments, such as the South Mountains Traditional Cultural Property, that raise potential environmental justice concerns with respect to Native American Tribes, in particular, the Gila River Indian Community, extensive consultation, avoidance alternatives analyses, and mitigation measures are discussed throughout the Final Environmental Impact Statement. These commitments are confirmed in Table 3, beginning on page 38, of the Record of Decision. While impacts on the South Mountains Traditional Cultural Property will be substantial and unique in context, they will not prohibit ongoing access and the cultural and religious practices by Native American Tribes.</p> <p>Even if one were to reach a contrary conclusion and determine that disproportionately high and adverse effects will occur as a result of the freeway, there is substantial justification for the freeway. It is needed to serve projected growth in population and accompanying transportation demand and to correct existing and projected transportation system deficiencies (see Chapter 1, <i>Purpose and Need</i>, of the Final Environmental Impact Statement). There is no feasible and prudent alternative to the use of the South Mountains, as discussed in Chapter 5, <i>Section 4(f) Evaluation</i>, of the Final Environmental Impact Statement.</p> <p>All populations will benefit from the freeway's implementation through improved regional mobility and reduced local arterial street traffic.</p>

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	<p>December 15, 2014 Re: Comments of the Gila River Indian Community on the Final Environmental Impact Statement for the proposed South Mountain 202 Freeway Project. Page 3 of 7</p> <p>d. <u>Environmental Impacts Remain Unaddressed</u></p> <p>8 Despite comments from the Community, the Environmental Protection Agency (EPA), and multiple others regarding the failure of ADOT to take the “hard look” at environmental impacts that is required by NEPA, the FEIS fails to remedy these deficiencies.²</p> <p>1. <u>Aquatic Resources</u></p> <p>9 While the Aquatic/Wetlands Communities section of the FEIS now references the Pee Posh wetlands by name, it fails to identify or discuss the impacts to the Pee Posh Wetlands from project construction, or identify any mitigation for such impacts. The Community expressly raised this issue in its DEIS comments. For over 40 years, the Pee Posh Wetlands has been supported by irrigation and runoff return flows released into the Laveen Area Conveyance Channel (LACC). Possible disruption of these flows during construction of the Project could cause a significant loss of native plant and animal life that requires mitigation measures to prevent loss of valuable habitat.</p> <p>10 The Community remains concerned about the ability of the Rio Salado Oeste (RSO) to benefit the Pee Posh wetlands. The FEIS indicates that the RSO restoration project will restore habitat and flow conditions within the Salt River channel, including beneath the freeway bridge, and that the future condition of the Pee Posh Wetlands is likely to improve as a result of the restoration project. The FEIS states (on 4-15) that according to the United States Army Corps of Engineers, the RSO restoration project currently lacks funding to be implemented. This shows that there will likely be a considerable amount of time before the restoration project will be constructed. In addition, once constructed, the RSO may restore conditions within the Salt River channel and beneath the freeway bridge but will not have any beneficial impact to the Pee Posh Wetlands.</p> <p>11 ADOT also seeks to improperly segment the Project into its western and eastern sections for purposes of permitting under Section 404 of the Clean Water Act. For the western portion, the FEIS indicates that Nationwide Wide Permit 14 (authorizing certain linear projects) can be used given the minimal impacts – <i>i.e.</i>, less than .5 acres – to “waters of the United States.” See 4-417. For the eastern section, the FEIS indicates that exact impacts to “waters of the United States” are unknown, but would be identified during the Project’s design phase. See 4-418. On page 4-420, however, the FEIS states that the eastern portion of the project would affect between one and two acres of “waters of the United States.” The Loop 202 project is a single integrated project where its eastern and western segments lack both independent utility and logical termini. As such, the impacts to “waters of the United States” must be considered for the entire project, and to the extent that such impacts exceed .5 acres, an individual Section 404 permit is required.</p> <p>Finally, in June 2013, the Community submitted comments to ADOT regarding drainage concerns. These concerns have not yet been adequately resolved. The Community requests that ADOT resolve these drainage issues to avoid adverse impacts to the Community lands.</p> <p>² ADOT has recently informed the Community that the Project could impact one or more Community-owned wells. The Community is currently gathering additional information regarding these wells from ADOT, and reviewing the FEIS to determine whether impacts to Community-owned wells were adequately addressed. Given the late notice on this issue, the Community reserves the right to supplement its FEIS comments once the Community completes its review and analysis of this issue.</p>

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8	National Environmental Policy Act Process	Comment noted. Responses to specific impacts are discussed in the following rows.
9	Water Resources	The Pee Posh wetlands will not be directly or indirectly affected by the freeway. The freeway will be constructed on a bridge to clear span the Laveen Area Conveyance Channel (see Figure 3-20 on page 3-42 of the Final Environmental Impact Statement). The Arizona Department of Transportation has committed to coordinate with appropriate governmental bodies such as flood control districts and the Gila River Indian Community when designing drainage features, including the crossing of the Laveen Area Conveyance Channel, for the freeway (see the section, <i>Drainage</i> , on page 3-58) of the Final Environmental Impact Statement and Table 3 in the Record of Decision, beginning on page 38.
10	Water Resources	The status and condition of the Rio Salado Oeste project is disclosed in the Final Environmental Impact Statement. The Rio Salado Oeste Conceptual Design Documentation Report (July 2010) shows the design of the river main channel aligned with the channel that supports the Pee Posh Wetlands. The increased flows and general improvement of the immediate upstream habitat are likely to increase the size and value of the Pee Posh habitat.
11	Water Resources	From project initiation, the Arizona Department of Transportation and the Federal Highway Administration have been working collaboratively with the U.S. Army Corps of Engineers regarding evaluation of waters of the United States to ensure the project complies with the Clean Water Act. According to the Clean Water Act Section 404(b)(1), the U.S. Army Corps of Engineers is required to select the least environmentally damaging practicable alternative after considering cost, existing technology, and logistics in light of the overall project purpose in cases where an individual permit is required. To ensure this process was considered, the U.S. Army Corps of Engineers has been involved in developing the purpose and need and alternatives analysis for the project in accordance with Section 404(b)(1). As the alternative analysis demonstrated, there were no practicable alternatives to avoid impacts on waters of the United States and thus the Arizona Department of Transportation has committed to minimization and mitigation of impacts. The U.S. Army Corps of Engineers is the permitting agency for the Clean Water Act. In a letter dated January 28, 2015 (see Appendix D), the agency defined the permitting strategy for the South Mountain Freeway project. The U.S. Army Corps of Engineers noted that “the eastern segment would be permitted as an individual permit if those wash impacts exceed 0.5 acre and the western segment would be permitted as a nationwide permit. Breaking the segment at the South Mountain 12-digit HUC watershed makes the most sense in that the eastern segment is mostly residential/commercial development with the most ephemeral washes. The western segment is predominantly agricultural lands with minimal jurisdictional washes. Each segment would still meet the definition of single and complete and each segment would have independent utility based on 33 CFR § 330.6(d).” The Arizona Department of Transportation will continue to coordinate with the U.S. Army Corps of Engineers as the project moves forward.

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	<div><p>December 15, 2014 Re: Comments of the Gila River Indian Community on the Final Environmental Impact Statement for the proposed South Mountain 202 Freeway Project. Page 3 of 7</p><p>d. <u>Environmental Impacts Remain Unaddressed</u></p><p>Despite comments from the Community, the Environmental Protection Agency (EPA), and multiple others regarding the failure of ADOT to take the “hard look” at environmental impacts that is required by NEPA, the FEIS fails to remedy these deficiencies.²</p><p>1. <u>Aquatic Resources</u></p><p>While the Aquatic/Wetlands Communities section of the FEIS now references the Pee Posh wetlands by name, it fails to identify or discuss the impacts to the Pee Posh Wetlands from project construction, or identify any mitigation for such impacts. The Community expressly raised this issue in its DEIS comments. For over 40 years, the Pee Posh Wetlands has been supported by irrigation and runoff return flows released into the Laveen Area Conveyance Channel (LACC). Possible disruption of these flows during construction of the Project could cause a significant loss of native plant and animal life that requires mitigation measures to prevent loss of valuable habitat.</p><p>The Community remains concerned about the ability of the Rio Salado Oeste (RSO) to benefit the Pee Posh wetlands. The FEIS indicates that the RSO restoration project will restore habitat and flow conditions within the Salt River channel, including beneath the freeway bridge, and that the future condition of the Pee Posh Wetlands is likely to improve as a result of the restoration project. The FEIS states (on 4-15) that according to the United States Army Corps of Engineers, the RSO restoration project currently lacks funding to be implemented. This shows that there will likely be a considerable amount of time before the restoration project will be constructed. In addition, once constructed, the RSO may restore conditions within the Salt River channel and beneath the freeway bridge but will not have any beneficial impact to the Pee Posh Wetlands.</p><p>ADOT also seeks to improperly segment the Project into its western and eastern sections for purposes of permitting under Section 404 of the Clean Water Act. For the western portion, the FEIS indicates that Nationwide Wide Permit 14 (authorizing certain linear projects) can be used given the minimal impacts – <i>i.e.</i>, less than .5 acres – to “waters of the United States.” See 4-417. For the eastern section, the FEIS indicates that exact impacts to “waters of the United States” are unknown, but would be identified during the Project’s design phase. See 4-418. On page 4-420, however, the FEIS states that the eastern portion of the project would affect between one and two acres of “waters of the United States.” The Loop 202 project is a single integrated project where its eastern and western segments lack both independent utility and logical termini. As such, the impacts to “waters of the United States” must be considered for the entire project, and to the extent that such impacts exceed .5 acres, an individual Section 404 permit is required.</p></div> <div><p>12 Finally, in June 2013, the Community submitted comments to ADOT regarding drainage concerns. These concerns have not yet been adequately resolved. The Community requests that ADOT resolve these drainage issues to avoid adverse impacts to the Community lands.</p></div> <div><p>13 ² ADOT has recently informed the Community that the Project could impact one or more Community-owned wells. The Community is currently gathering additional information regarding these wells from ADOT, and reviewing the FEIS to determine whether impacts to Community-owned wells were adequately addressed. Given the late notice on this issue, the Community reserves the right to supplement its FEIS comments once the Community completes its review and analysis of this issue.</p></div>

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12	Drainage Design	The referenced comments were submitted during the review process for the freeway’s design concept report. Through this review process, the project team met with representatives of the Gila River Indian Community’s Department of Transportation and Department of Land Use Planning and Zoning (the original comments and notes from the comment resolution meeting are provided in Appendix D). During the meeting, drainage concerns of the Gila River Indian Community were discussed and the design elements of the freeway were explained so that the concerns were resolved. In addition, the Arizona Department of Transportation committed to coordinate with appropriate governmental bodies such as flood control districts and the Gila River Indian Community when designing drainage features, including the crossing of the Laveen Area Conveyance Channel, for the freeway (see the section, <i>Drainage</i> , on page 3-58 of the Final Environmental Impact Statement and Table 3 in the Record of Decision, beginning on page 38).
13	Water Resources	The Gila River Indian Community facilities were included in the Final Environmental Impact Statement. Active groundwater wells, such as those identified by the Arizona Department of Transportation Right-of-Way Group, are depicted in Figure 4-33 on page 4-104 in the Final Environmental Impact Statement. These facilities, as well as others within the Study Area, were considered in the impacts analysis for the alternatives studied in detail. Mitigation measures and details related to how wells will be addressed during later phases of the project are described beginning on page 4-106 (these commitments are confirmed in Table 3, beginning on page 38, of the Record of Decision).

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	<p>December 15, 2014 Re: Comments of the Gila River Indian Community on the Final Environmental Impact Statement for the proposed South Mountain 202 Freeway Project. Page 4 of 7</p> <p>2. <u>Biological Resources</u></p> <p>On July 14, 2014, the Community submitted comments on a draft version of the Project's Biological Evaluation report (The Community incorporates these comments herein.). While the FEIS mentions these comments, and indicates that an analysis of culturally-significant species is now included in the final Biological Evaluation, many of the Community's objections and concerns remain unaddressed in the final Biological Evaluation and/or the FEIS. For example:</p> <ul style="list-style-type: none"> • The Community commented that it was concerned that ADOT did not survey the portion of the Project's study area that experiences high wildlife usage and includes diverse habitat. This area, which is located south of Pecos Road on Community lands, and consists of the Broad Acres Agricultural Complex (BAAC), Queen Creek drainage, and an abandoned mine complex, remains unsurveyed. • The Community commented that it disagreed with ADOT's determination to exclude the Acuna Cactus from further analysis in the Biological Evaluation on the grounds that the United States Fish and Wildlife Service's website indicates that this species' range includes Maricopa County. It does not appear that ADOT undertook any further analysis. • The Community raised concerns that potential noise and light pollution may affect biological patterns of a variety of nocturnal animals in the vicinity of the Project, and requested that ADOT implement mitigation measures to reduce noise and light pollution to sensitive wildlife species in the vicinity of the Project. This comment went unaddressed. ADOT must consider these impacts and include the latest technologies to mitigate these sources of pollution if the project is implemented. <p>Further, additional wildlife corridors should be located along alternative E1, specifically around the BAAC which is located between the 35th Avenue and 32nd Street alignments, approximately 1.0 mile south of Pecos road. Specifics of this area are discussed in the Community's comments to the ADOT Biological Evaluation which were submitted on July 18, 2014.</p> <p>3. <u>Hazardous Materials</u></p> <p>ADOT's response to the Community's comment summarizes the U.S. Department of Transportation's regulations regarding the transport of hazardous materials on the regional freeway system and addresses Arizona's emergency response protocols. ADOT has not, however, referenced coordination with the Community's Chemical Tribal Emergency Response Commission/Local Emergency Planning Committee (LEPC). It is imperative that GRIC's LEPC be included in any planning for the proposed E1 alignment due to the potential for impacts to Community lands from a release of hazardous materials. The immediate concerns of the Community regarding the transport of hazardous materials on the proposed Loop 202 alignment have not been adequately addressed.</p> <p>4. <u>Air Quality</u></p> <p>The Community's DEIS comments raised a number of concerns regarding on-Reservation air quality impacts in the eastern portion of the project, including the failure of the DEIS to identify and address the Project's potential health impacts. As shown in Table 1 below, ADOT failed to adequately address the Community's air-quality comments.</p>

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14	Biology, Plants, and Wildlife	<p>The comments submitted by the Gila River Indian Community were incorporated into the final Biological Evaluation. The final Biological Evaluation and the Gila River Indian Community comments are available for public review on the project Web site at <azdot.gov/southmountainfreeway>.</p> <p>The Arizona Department of Transportation has committed to continued coordination with the Gila River Indian Community Department of Environmental Quality during the design phase regarding the potential for locating and designing wildlife-sensitive roadway structures.</p>
15	Biology, Plants, and Wildlife	<p>As noted in the sidebar on page 4-3 of the Final Environmental Impact Statement, impacts on the Gila River Indian Community from the proposed action as presented in the Final Environmental Impact Statement are based on data available to the general public and on field observation as appropriate. Discussions in the Final Environmental Impact Statement are limited to only those areas where impacts would occur. This condition was agreed to by the Gila River Indian Community and is a response to the level of information made available to the project team by the Gila River Indian Community (see page 2-10 of the Final Environmental Impact Statement).</p>
16	Biology, Plants, and Wildlife	<p>The Acuna cactus was excluded from further analysis because no suitable habitat is in the project area; that is, no well-drained knolls or gravel ridges in the palo verde-saguaro association of the Arizona Upland subdivision of the Sonoran Desert are found in the project area (see Table 1 on page 10 in the Biological Evaluation, available on the project Web site: <azdot.gov/southmountainfreeway>).</p>
17	Biology, Plants, and Wildlife	<p>The potential impacts on wildlife from the freeway are disclosed beginning on page 4-136 of the Final Environmental Impact Statement. During construction activities, noise disturbance would represent a short-term impact on the environment. The duration and level of construction noise would depend on the activities, such as blasting, ground clearing, utility relocations, the placement of roadbeds and foundations, and construction of structures. Noise may have a temporary impact on nesting birds adjacent to construction. Operation of the freeway would cause a long-term increase in noise levels that would vary in intensity depending on factors such as time of day and day of the week. Nighttime noise levels, excluding evening periods, would be less than daytime noise levels; therefore, species active during daytime periods may be affected more than species active at night. Some species rely on hearing to avoid predators, communicate, and find food (Noise Pollution Clearinghouse 2004). An increase in traffic noise may affect the ability of some animals to hear at a level necessary for survival when near the proposed action. In addition, hearing loss resulting from vehicle noise has been shown to occur in some desert animals (Bondello and Brattstrom 1979).</p> <p>Light from the freeway would be produced from vehicle headlights and taillights and from fixed light poles at interchanges along the freeway. Freeway lighting will be provided along the median of the freeway and at interchanges to achieve desired lighting levels for safety reasons. Any freeway lighting will be designed to reduce illumination spillover onto sensitive light receptors (such as residential and natural areas) (see page 3-58 of the Final Environmental Impact Statement and the commitments in Table 3, beginning on page 38, of the Record of Decision).</p>

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18	Biology, Plants, and Wildlife	Many drainages occur along Pecos Road between 35th Avenue and 32nd Street and will include culverts that could be used by medium and small mammals, reptiles, and amphibians. Since the Broad Acres Agricultural Complex is approximately 1 mile south of the proposed project, the effects on wildlife using the Broad Acres Agricultural Complex are likely to be minimal. The Arizona Department of Transportation has committed to continued coordination with the Gila River Indian Community Department of Environmental Quality during the design phase regarding the potential for location and design of wildlife-sensitive roadway structures.
19	Hazardous Materials	The Arizona Department of Transportation has committed to continued coordination with certified emergency responders, which will include the referenced Gila River Indian Community commission/committee (see page 4-165 of the Final Environmental Impact Statement and the list of commitments in Table 3, beginning on page 38, of the Record of Decision).
20	Air Quality	The Draft and Final Environmental Impact Statements analyzed all potential significant environmental impacts, and the Federal Highway Administration and Arizona Department of Transportation do not believe additional analysis would change the proposed action. Responses to specific comments in Table 1 are provided in the following pages.

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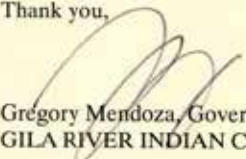
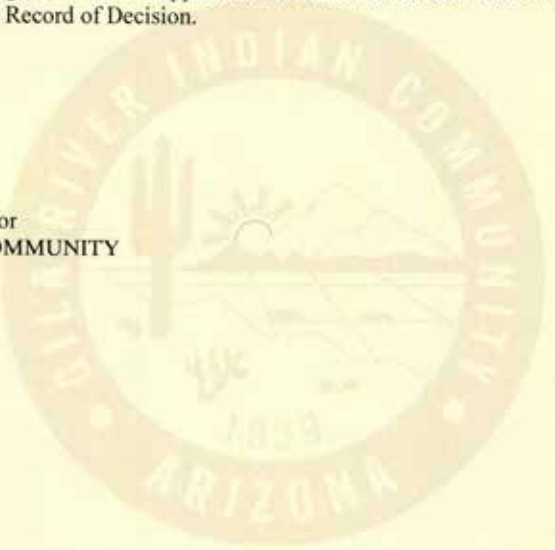
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23	Air Quality	<p>The air quality analysis for carbon monoxide and particulate matter (PM₁₀) assessed the worst-case conditions (locations immediately adjacent to the freeway, including locations on Gila River Indian Community land in the vicinity of the 40th Street interchange [see Figure 4 of the air quality technical report]).</p> <p>Emissions analysis and modeling for particulate matter (PM_{2.5}) was not conducted because the area is in attainment for particulate matter (PM_{2.5}).</p> <p>For this project, a hot-spot analysis was required for carbon monoxide and particulate matter (PM₁₀). The hot-spot analysis shows that the freeway will not cause new violations of the carbon monoxide and particulate matter (PM₁₀) National Ambient Air Quality Standards, exacerbate any existing violations of the standards, or delay attainment of the standards or any required interim milestones [40 Code of Federal Regulations Section 93.116(a)]. Transportation conformity hot-spot analyses focus on the expected worst-case location along the project corridor; if no violations of the applicable air quality standards are identified at the worst-case location, it is presumed that no violations of the air quality standards would occur anywhere along the corridor. A preconstruction analysis is not required by the U.S. Environmental Protection Agency if the "build" analysis demonstrates that the National Ambient Air Quality Standards are met. Since this project will involve construction of a new roadway, concentrations in a "no-build" scenario would be lower than those identified in the Final Environmental Impact Statement.</p>

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The FEIS does state in the summary section (page S-14) that “increased traffic volumes could produce elevated MSAT emissions near the proposed action;” however, that statement does not indicate the magnitude of the increases in MSAT emissions within the Community. In addition, based on Figure 4-27, the Western and Eastern Subareas that were modeled for MSAT emissions do not include any portion of the Community. Those two subareas already contain urban traffic patterns and are not representative of the rural traffic patterns associated with the Community. In other words, MSAT emissions may decrease when adding a freeway to an urban area due to improved traffic flow; however, adding a freeway to a rural area will certainly increase MSAT emissions due to increased VMT. This is still not evident in the FEIS since the baseline (2010) VMT used in Tables 4-36 and 4-37 is not representative of the area bordering or within the Community. 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lands.	PM10 standard.” This analysis and conclusion does not address qualitative or quantitative impacts to GRIC lands (e.g., pre- and post-construction changes to the near-road PM10 concentrations on GRIC lands). A qualitative analysis for PM2.5 on Community lands was not included in the FEIS. ADOT indicated in the response that a PM2.5 analysis was not performed because the area is in attainment for PM2.5 and a PM2.5 analysis is not required.						
24	<p>Diverting traffic from Western and Eastern Subareas to the Project will temporarily relieve traffic congestion and when combined with emission reductions from cleaner fuels, pollutant concentration reductions will be realized in the study area. If the area of the proposed freeway between I-10 on the east and I-10 on the west are considered exclusively, emissions of MSATs will actually increase from background concentrations to concentrations that have not been modeled for this DEIS. The DEIS should be revised to clarify whether all the emission reductions from the proposed clean fuel requirements accounted for in the modeling program will actually be implemented and to include a description of what the increases of MSATs will be along the border of and within GRIC.</p> <p>ADOT clarified in their response that the MSAT emission reductions over time are attributed to the incorporation of control programs into the emission factors in the MOVES model; however, this information was not incorporated into the FEIS. The FEIS does state in the summary section (page S-14) that “increased traffic volumes could produce elevated MSAT emissions near the proposed action;” however, that statement does not indicate the magnitude of the increases in MSAT emissions within the Community. In addition, based on Figure 4-27, the Western and Eastern Subareas that were modeled for MSAT emissions do not include any portion of the Community. Those two subareas already contain urban traffic patterns and are not representative of the rural traffic patterns associated with the Community. In other words, MSAT emissions may decrease when adding a freeway to an urban area due to improved traffic flow; however, adding a freeway to a rural area will certainly increase MSAT emissions due to increased VMT. This is still not evident in the FEIS since the baseline (2010) VMT used in Tables 4-36 and 4-37 is not representative of the area bordering or within the Community. The CO analysis in Table 4-32 of the FEIS indicates that CO concentrations will likely double around the freeway interchanges, but the text of the FEIS only stated that the analyses demonstrated that the proposed freeway would not contribute to any new localized violations. The FEIS does not contain a specific discussion regarding the increases to MSAT emissions within the Community.</p>						
25	<p>The DEIS does not include an Environmental Health Assessment (EHA) for HAPs or MSATs to address the potential health impacts to Community members and residents. The DEIS also fails to include an EHA for Criteria Pollutants to address the potential health impacts to Community members/residents from construction and operation of the freeway. The DEIS should be revised to include EHAs for Criteria pollutants and MSATs to determine health impacts on Community members from construction and operation of the freeway.</p> <p>ADOT indicated in their response that the FEIS meets the NEPA requirements without an EHA, because an EHA would introduce too much uncertainty due to assumptions and speculations required to conduct an EHA. Instead of an EHA, the Federal Highway Administration addresses the potential MSAT impacts through an emission assessment, which is provided in Tables 4-34 through 4-36. Emission assessments for some criteria pollutants (CO and PM10) are included in Tables 4-31 through 4-33 of the FEIS. The FEIS does not contain emission assessments for the remaining criteria pollutants (PM2.5, NOx, SOx, Lead, VOC).</p>						

Code	Issue	Response
24	Air Quality	<p>Federal Highway Administration mobile source air toxics emissions assessments in the agency’s National Environmental Policy Act documents are designed to evaluate emissions changes within a study area, including roadway segments where traffic volumes change as a result of the project. The U.S. Environmental Protection Agency’s risk estimates for mobile source air toxics pollutants are based on 70-year lifetime exposure. As explained in the Final Environmental Impact Statement and response to comments, it is more likely that a person will be within a study area for 70 years than at a fixed location near the proposed corridor for 70 years. Thus, emissions changes in a study area are a more reliable indicator of potential changes in health risk. Emissions from Interstate 10 and other roadway segments affected by the project are included because people will be exposed to changes in emissions from those roadway segments as well as those from the South Mountain Freeway.</p> <p>The mobile source air toxics analysis included the entire Study Area, which does include a large portion of the Gila River Indian Community (see Figure 4-25 on page 4-79 and Table 4-36 on page 4-81 of the Final Environmental Impact Statement). The base year for the mobile source air toxics analysis in the Final Environmental Impact Statement is 2012, not 2010, and the vehicle miles traveled and emissions in Table 4-36 on page 4-81 represent the Study Area, which includes the portion of the Gila River Indian Community that is closest to the project. The base year for the greenhouse gas emissions analysis in the Final Environmental Impact Statement is also 2012, not 2010, and the vehicle miles traveled and emissions shown in Table 4-37 on page 4-86 represent the state of Arizona, which includes the entire Gila River Indian Community.</p> <p>Table 4-32 on page 4-76 of the Final Environmental Impact Statement shows that the highest carbon monoxide emissions in both 2020 and 2035 will be no more than 20 percent higher than the 2012 existing conditions, not double as stated in the comment. In addition, the maximum carbon monoxide concentrations in Table 4-32 are only 16 percent of the 1-hour standard and 51 percent of the 8-hour standard. The worst case 2020 and 2035 concentrations are likely to be much lower than those shown in Table 4-32 because of the replacement of older vehicles with newer, cleaner vehicles each year after 2012 and because of the implementation of the new Tier 3 tailpipe emissions standards beginning in 2017.</p>
25	Health Risk Assessment	<p>Criteria pollutant emissions inventories were not prepared for this project. Emissions analysis and modeling for particulate matter (PM_{2.5}), sulfur oxides, and other pollutants were not conducted because the area is in attainment for these pollutants. The Maricopa Association of Government’s regional emissions analysis for conformity does consider these pollutants and the analysis includes the emissions from the project. The Council on Environmental Quality’s National Environmental Policy Act regulations at 40 Code of Federal Regulations § 1500.1(b) directs National Environmental Policy Act documents to “concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.” The Phoenix metropolitan area is attaining the National Ambient Air Quality Standards for particulate matter (PM_{2.5}), nitrogen dioxide, sulfur dioxide, and lead, even though the area is already home to several major existing freeways. If these freeways are not contributing to violations of the National Ambient Air Quality Standards, there is no reason to believe that the South Mountain Freeway will do so. In addition, analysis of pollutants for which an area is attainment is not required by the Clean Air Act conformity provisions.</p> <p>To address the fact that emissions will increase along the project corridor, the Final Environmental Impact Statement includes a summary of past health risk</p>

(Response 25 continues on next page)

Code	Comment Document
	<div><p>December 15, 2014 Re: Comments of the Gila River Indian Community on the Final Environmental Impact Statement for the proposed South Mountain 202 Freeway Project. Page 7 of 7</p><p>[A]s proposed, the new highway alignment will place 8 lanes of high-volume freeway traffic adjacent to the Gila River Indian Community land, where little development, residences, or sensitive receptors currently exist. The disclosure of the potential health impacts of the highway within the EIS process could assist the future of GRIC land-use planning and zoning decisions regarding the types of land uses that will be appropriate directly adjacent to the new freeway.</p><p>In responding to this comment, ADOT failed to even address EPA's comment concerning Community land-use planning.</p><p>III. CONCLUSION</p><p>For the reasons noted above and in the Community's DEIS and Biological Evaluation comments (incorporated herein), the Community urges ADOT to supplement its FEIS to address the Community's comments herein before issuing the Project's Record of Decision.</p><p>Thank you,</p><p> Gregory Mendoza, Governor GILA RIVER INDIAN COMMUNITY</p></div>
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Code	Issue	Response
25 (cont.)		studies for similar projects. The Federal Highway Administration considers this information more relevant and meaningful for communicating likely health risk than simply reporting an emissions number for the corridor. As explained in the Final Environmental Impact Statement and air quality technical report, all of these studies identified very low health risk, well below the U.S. Environmental Protection Agency's "Action Level" for addressing risk.
26	Health Risk Assessment	The underlying comment from the U.S. Environmental Protection Agency was to complete a health risk assessment for the project. While the Federal Highway Administration did not complete a project-specific health risk assessment, the Final Environmental Impact Statement does include a summary of previous health risk assessments for other projects. While the purpose of the document is not for land use planning, we believe that the analysis discussed in the Final Environmental Impact Statement can be used by jurisdictions wanting to make land use planning decisions. For example, while noise impacts are being mitigated for receptors as part of the project, a jurisdiction should be aware in its land use planning efforts that if it were to decide to put a noise-sensitive facility adjacent to the freeway, noise impacts would occur. Further, with air quality, the hot-spot analysis showed that at the 40th Street interchange (the nearest hot spot location to the Gila River Indian Community), particulate matter (PM ₁₀) emissions will increase by 3.8 micrograms per cubic meter attributable to the freeway. While this increase is small and, combined with the existing particulate matter (PM ₁₀) levels in the area, is below the National Ambient Air Quality Standard of 150 micrograms, the jurisdiction may still choose to not place receptors sensitive to dust adjacent to the freeway. Overall, nothing in the analysis indicated that land use plans by jurisdictions should be altered because of the freeway. However, information in the Final Environmental Impact Statement could be used by jurisdictions to inform their planning process, if they so choose.
27	National Environmental Policy Act Process	The Federal Highway Administration determined that a supplemental environmental impact statement is not required at this time because there were no changes to the proposed action that will result in significant environmental impacts not evaluated in the Draft and Final Environmental Impact Statements nor is there new information relevant to environmental concerns and bearings on the proposed action or its impacts that will result in significant environmental impacts not evaluated in the Draft and Final Environmental Impact Statements.

Code	Comment Document
	<div data-bbox="497 405 1358 479"> <p align="center">RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Authorizing the Submission of Comments to the Arizona Department of Transportation and the Federal Highway Administration on the South Mountain 202 Freeway Project)</p> </div> <div data-bbox="1156 504 1389 530"> <p align="right">RESOLUTION NO. 14-556</p> </div> <div data-bbox="394 546 1389 1636"> <div>1</div> <div>WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult</div> <div>2</div> <div>with the Congress of the United States and appropriate federal agencies</div> <div>3</div> <div>regarding federal activities that affect the Tohono O'odham Nation"</div> <div>4</div> <div>(Constitution of the Tohono O'odham Nation, Article VI, Section 1(j)); and</div> <div>5</div> <div>WHEREAS, the Arizona Department of Transportation and the Federal Highway</div> <div>6</div> <div>Administration have proposed the South Mountain 202 Freeway Project</div> <div>7</div> <div>("Project") in southwest Phoenix, which would run east and west along Pecos</div> <div>8</div> <div>Road and then turn north between 55th and 63rd avenues connecting Interstate</div> <div>9</div> <div>10 on each end and is approximately 22 miles in length; and</div> <div>10</div> <div>WHEREAS, the Project will be constructed through South Mountain, which is a significant</div> <div>11</div> <div>Traditional Cultural Place and Sacred Site for all of the O'odham speaking</div> <div>12</div> <div>people of Arizona; and</div> <div>13</div> <div>WHEREAS, the O'odham and their ancestors, the Archaic Period peoples and the Hohokam,</div> <div>14</div> <div>have inhabited Central and Southern Arizona, including the Project area, since</div> <div>15</div> <div>time immemorial; and</div> <div>16</div> <div>WHEREAS, the Project will cause adverse impacts to the South Mountain Traditional</div> <div>17</div> <div>Cultural Place, both by degrading the site and destroying individual cultural</div> <div>18</div> <div>resource sites; and</div> <div>19</div> <div>WHEREAS, the Tohono O'odham Nation supports the efforts of the Gila River Indian</div> <div>20</div> <div>Community to stop the construction of the Project; and</div> <div>21</div> <div>WHEREAS, the Cultural Preservation Committee and the Agricultural and Natural</div> <div>22</div> <div>Resources Committee have reviewed and recommend that the Legislative</div> <div>23</div> <div>Council approve the comments in response to the Final Environmental Impact</div> <div>24</div> <div>Statement for the South Mountain 202 Freeway Project.</div> <div>25</div> <div>NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council adopts the</div> <div>26</div> <div>Nation's comments on the Project in substantially the form attached hereto and</div> <div>27</div> <div>authorizes the Nation's Chairman to timely submit the Nation's comments to</div> <div>28</div> <div>the Arizona Department of Transportation and the Federal Highway</div> <div>29</div> <div>Administration.</div> </div>

Code	Issue	Response
1	Section 4(f) and Section 6(f), Traditional Cultural Properties	<p>Cultural and religious places of importance, such as the South Mountains, are acknowledged in the Final Environmental Impact Statement in several locations, notably on pages 4-141 and 5-26. Since the beginning of the environmental impact statement process, the Federal Highway Administration and Arizona Department of Transportation have been carrying out cultural resource studies and engaging in an ongoing, open dialogue with the Gila River Indian Community Tribal Historic Preservation Office and other Tribes regarding the identification and evaluation of traditional cultural properties. As a result of these discussions and of studies conducted by the Gila River Indian Community's Cultural Resource Management Program, the Gila River Indian Community and other Native American Tribes, including the Tohono O'odham Nation, participated in consultation to identify traditional cultural properties that are eligible for listing in the National Register of Historic Places and that could be affected by construction of the freeway. For a discussion of traditional cultural properties, see the section, <i>Cultural Resources</i>, beginning on page 4-140 of the Final Environmental Impact Statement and pages 5-26 through 5-28.</p> <p>While impacts on the South Mountains Traditional Cultural Property will be substantial and unique in context, they will not prohibit ongoing access and the cultural and religious practices by Native American Tribes. Mitigation measures and measures to minimize harm as the result of extensive consultation, avoidance alternatives analyses, and efforts in developing mitigation strategies will accommodate and preserve (to the fullest extent possible from the available alternatives) access to the South Mountains for religious purposes. Text relating to this mitigation can be found on pages 4-38, 4-42, and 4-44 of the Final Environmental Impact Statement. Additionally, the section, <i>Mitigation</i>, beginning on page 4-158, presents several measures (e.g., multifunctional crossings, contributing element avoidance) to mitigate effects on cultural resources. The section, <i>Measures to Minimize Harm</i>, beginning on page 5-27, presents several measures to reduce effects on the South Mountains Traditional Cultural Property and other cultural resources. These commitments are confirmed in the Record of Decision in Table 3, beginning on page 38. Consultation with Native American Tribes has been ongoing and will continue until all commitments in the Record of Decision are completed.</p>

Code Comment Document


RESOLUTION NO. 14-556

(Authorizing the Submission of Comments to the Arizona Department of Transportation and the Federal Highway Administration on the South Mountain 202 Freeway Project)

Page 2 of 3

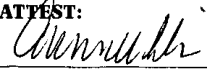
The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16th day of DECEMBER, 2014 at a meeting at which a quorum was present with a vote of 2,946.5 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Timothy Joaquin, Legislative Chairman

23 day of December, 2014


ATTEST:


Evonne Wilson, Legislative Secretary

22 day of December, 2014

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 23 day of December, 2014 at 3:24 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

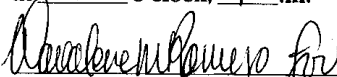

Timothy Joaquin, Legislative Chairman

☒ APPROVED

☐ DISAPPROVED

on the 23 day of December, 2014

at 4:00 o'clock, P.M.




NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Code	Issue	Response

Code	Comment Document
1	<div><div>RESOLUTION NO. 14-556 (Authorizing the Submission of Comments to the Arizona Department of Transportation and the Federal Highway Administration on the South Mountain 202 Freeway Project) Page 3 of 3</div><div>Returned to the Legislative Secretary on the <u>23</u> day of <u>December</u>, 2014, at <u>4:12</u> o'clock, <u>p</u>.m. <u>Evonne Wilson</u> Evonne Wilson, Legislative Secretary</div></div>
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Code	Issue	Response


Code **Comment Document**



**Tohono O'odham Nation Office of the
Chairman & Vice Chairwoman**

COMPASSION FAITH TRADITION RESPECT
T-I-S-DAG 'AMJED S-WOHOCUDA HIMDAG PI-K 'ELID

Ned Norris, Jr. Wavalene M. Romero
Chairman Vice Chairwoman



December 29, 2014

South Mountain Freeway Project Team
Arizona Department of Transportation
1655 West Jackson Street, MD 126F
Phoenix, Arizona 85007

Dear South Mountain Freeway Project Team:

Thank you for the opportunity to comment on the South Mountain 202 Freeway Project ("Project"). These comments are submitted on behalf of the Tohono O'odham Nation ("Nation") a federally recognized Indian tribe located in southern Arizona. The Nation and its sister tribes of Gila River Indian Community, Ak Chin Indian Community, and Salt River Pima-Maricopa Indian Community have lived in the Project area since time immemorial.


The Nation and its sister tribes are all O'odham speaking tribes and all consider South Mountain ("Muhadagi Doag") an important Traditional Cultural Place and sacred site. The Nation is writing to express its concern that the Project, if approved, would destroy significant cultural sites associated with South Mountain.

The Nation has reviewed the Final Environmental Impact Statement ("FEIS") issued in September 2014 and does not believe that it adequately analyzes the impacts to sites culturally significant to the Nation and its sister tribes. The Nation writes to support its sister tribes in their opposition to this Project, including the Gila River Indian Community. The Nation supports and incorporates by reference the comments of the Gila River Indian Community dated July 3, 2013.

It is the position of the Nation that the Arizona Department of Transportation and the Federal Highway Administration should select the No-Action Alternative to

P.O. Box 837, Sells, AZ 85634. (520)383-2028 . Fax (520)383-3379

Code	Issue	Response
2	Cultural Resources	<p>Cultural and religious places of importance, such as the South Mountains, are acknowledged in the Final Environmental Impact Statement in several locations, notably on pages 4-141 and 5-26.</p> <p>Consultation has occurred with Gila River Indian Community government officials, the Tribal Historic Preservation Officer, the Cultural Resource Management Program, many different tribal authorities, including the Tohono O’odham Nation, and the State Historic Preservation Office. The consultation has resulted in concurrence from the Gila River Indian Community Tribal Historic Preservation Office, other tribal authorities, including the Tohono O’odham Nation, and the State Historic Preservation Office on National Register of Historic Places-eligibility recommendations (including traditional cultural properties), project effects, and proposed mitigation and measures to minimize harm. This consultation has been ongoing and will continue until all commitments in the Record of Decision are completed.</p>

Code	Comment Document
3	<p>avoid irreversible adverse impacts to the South Mountain Traditional Cultural Place and the many cultural sites that are located there. Both the Draft EIS and the FEIS fail to adequately analyze various alternative routes that would avoid adverse impacts to South Mountain. On the proposed western path of Loop 202, five different alternatives were evaluated. On the proposed eastern path of Loop 202 along the boundary of the Gila River Indian Community, only one alternative was considered.</p>
4	<p>The Project will forever alter the natural and cultural landscape of the South Mountain Traditional Cultural Place. For that reason, the Tohono O’odham Nation strongly recommends that the No-Action Alternative be selected in order to avoid significant adverse impacts to the South Mountain Traditional Cultural Place. Alternatively, an alternative that does not adversely impact South Mountain’s cultural resources should be considered.</p> <p>Sincerely,</p>  <p>Dr. Ned Norris, Jr. Chairman, Tohono O’odham Nation</p>

Code	Issue	Response
3	Alternatives, No-Action Alternative	The No-Action Alternative was included in the Draft and Final Environmental Impact Statements for detailed study to compare impacts of the action alternatives with the consequences of doing nothing (impacts can result from choosing to do nothing). As stated on page 3-40 of the Final Environmental Impact Statement, the No-Action Alternative would not satisfy the purpose and need of the proposed action because it would result in further difficulty in gaining access to adjacent land uses, increased difficulty in gaining access to Interstate and regional freeway systems from the local arterial street network, increased levels of congestion-related impacts, continued degradation in performance of regional freeway-dependent transit services, increased trip times, and higher user costs.
4	Alternatives	Several alternatives were subject to the alternatives development and screening process, not just the E1 Alternative and alternatives located on the Gila River Indian Community (Figure 3-6 on page 3-10 of the Final Environmental Impact Statement illustrates such alternatives). Ultimately, the other alternatives (besides the E1 Alternative) were eliminated from further study in the screening process and the Gila River Indian Community decided not to give permission to develop alternatives on its land (see Final Environmental Impact Statement page 3-25). The E1 Alternative, when combined with the W59, W71, and W101 (and its Options) Alternatives in the Western Section, represents three distinct action alternatives from project terminus to project terminus and, therefore, represents a full range of reasonable alternatives for detailed study in the Draft and Final Environmental Impact Statements.
		The analysis of avoidance alternatives was completed in accordance with Section 4(f) of the Department of Transportation Act of 1966. The U.S. Department of the Interior reviewed the Final Environmental Impact Statement and agreed with the conclusions (see letter on page A5 of this Appendix A).