

South Mountain Freeway (Loop 202)

Interstate 10 (Papago Freeway) to Interstate 10 (Maricopa Freeway)

Record of Decision

Volume III: Appendices B, C, and D



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NEWSPAPER ADVERTISEMENTS

Appendix B-1, *Newspaper Advertisements*, contains copies of the newspaper tear sheets that advertised the publication of the Final Environmental Impact Statement and Errata.

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202

Final Environmental Impact Statement for the Loop 202 South Mountain Freeway Available

On September 26, 2014 the Arizona Department of Transportation and Federal Highway Administration published the Final Environmental Impact Statement (EIS) for the Loop 202 South Mountain Freeway Study. The Final EIS is available for a 60-day review until November 25, 2014 at azdot.gov/southmountainfreeway and at the following locations during normal business hours:

1 Phoenix Public Library – Cesar Chavez
3535 W Baseline Rd
Laveen, AZ 85339
602.262.4636

2 Phoenix Public Library – Desert Sage
7602 W Encanto Blvd
Phoenix, AZ 85035
602.262.4636

3 Phoenix Public Library – Ironwood
4333 E Chandler Blvd
Phoenix, AZ 85048
602.262.4636

4 Phoenix Public Library – Burton Barr
1221 N Central Ave
Phoenix, AZ 85004
602.262.4636

5 Chandler Sunset Library
4930 W Ray Rd
Chandler, AZ 85226
480.782.2800

6 Sam Garcia Western Avenue Library
495 E Western Ave
Avondale, AZ 85323
623.333.2565

7 Tolleson West Public Library
9555 W Van Buren St
Tolleson, AZ 85353
623.936.2746

8 Tempe Public Library
3500 S Rural Rd
Tempe, AZ 85282
480.350.5500

9 ADOT Environmental Planning Group
1611 W Jackson St
Phoenix, AZ 85007
602.712.7767 (call for appointment)

10 Gila River Indian Community District 1 Service Center
15747 N Shegoli Rd
Coolidge, AZ 85128
520.215.2110

11 Gila River Indian Community District 2 Service Center
9239 W Sacaton Flats Rd
Sacaton, AZ 85147
520.562.3358 / 520.562.1807

12 Gila River Indian Community District 3 Service Center
31 N Church St
Sacaton, AZ 85147
520.362.2700

13 Gila River Indian Community District 4 Service Center
1510 W Santan St
Sacaton, AZ 85147
520.418.3661 / 520.418.3228

14 Gila River Indian Community District 5 Service Center
3456 W Casa Blanca Rd
Bapchule, AZ 85121
520.315.3441 / 520.315.3445

15 Gila River Indian Community District 6 Service Center
5230 W St. Johns Rd
Laveen, AZ 85339
520.550.3805 / 520.550.3806 / 520.550.3557

16 Gila River Indian Community District 7 Service Center
8201 W Baseline Rd
Laveen, AZ 85339
520.430.4780

17 Ira Hayes Library
94 N Church St
Sacaton, AZ 85147
520.562.3225

18 Gila River Indian Community Communications & Public Affairs Office
525 W Gu U Ki Rd
Sacaton, Arizona 85147
520.562.9851

The EIS process, which includes both the Draft EIS and Final EIS, was conducted in accordance with the National Environmental Policy Act and has identified a preferred alternative route for this freeway corridor - running east and west along Pecos Road and then north and south between 55th and 63rd avenues, connecting with Interstate 10 on each end. It also formally documents the analysis of potential impacts associated with the proposed freeway. The Draft EIS was published in April 2013 and made available for a 90-day comment period, including a public hearing held on May 21, 2013.

Responses to public and agency comments on the Draft EIS are provided in Volume III of the Final EIS. Comments received during the 60-day Final EIS review period will be considered in the "Record of Decision," the final decision-making document prepared by the Federal Highway Administration. The Record of Decision is expected to be available for public review in early 2015.

In accordance with the ADA of 1990, auxiliary aids/services may be provided upon request by a person with a disability by contacting the ADOT Civil Rights Office by emailing projects@azdot.gov or by calling 855.712.8530. Requests should be made as early as possible to allow for appropriate accommodations.

ADOT

Personas que requieren asistencia o una adaptación razonable por habilidad limitada en inglés o discapacidad deben ponerse en contacto con projects@azdot.gov o llamada al 855.712.8530. Las solicitudes deben hacerse tan pronto como sea posible para asegurar que el estado tiene la oportunidad de abordar el alojamiento.

For more information, visit azdot.gov/southmountainfreeway, email projects@azdot.gov, phone 602.712.7006, or write to ADOT Community Relations, 1655 W Jackson St, MD126F, Phoenix, AZ 85007.

LOOP
202

Final Environmental Impact Statement for the
Loop 202 South Mountain Freeway Available

On November 28, 2014 the Arizona Department of Transportation and Federal Highway Administration published an addendum (called an "Errata") to the Final Environmental Impact Statement (EIS) for the Loop 202 South Mountain Freeway Study. The Errata is available for a 30-day review until December 27, 2014 at azdot.gov/southmountainfreeway and at the following locations during normal business hours:

- 1 Phoenix Public Library – Cesar Chavez**
3635 W Baseline Rd, Laveen, AZ 85339
602.262.4636

2 Phoenix Public Library – Desert Sage
7602 W Encanto Blvd, Phoenix, AZ 85035
602.262.4636

3 Phoenix Public Library – Ironwood
4333 E Chandler Blvd, Phoenix, AZ 85048
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480.350.5500

9 ADOT Environmental Planning Group
1611 W Jackson St, Phoenix, AZ 85007
602.712.7767 (call for appointment)

10 Gila River Indian Community District 1 Service Center
15747 N Shegoui Rd, Coolidge, AZ 85128
520.215.2110

11 Gila River Indian Community District 2 Service Center
9239 W Sacaton Flats Rd, Sacaton, AZ 85147
520.562.3450 / 520.562.3358 / 520.562.1807

12 Gila River Indian Community District 3 Service Center
31 N Church St, Sacaton, AZ 85147
520.562.2700

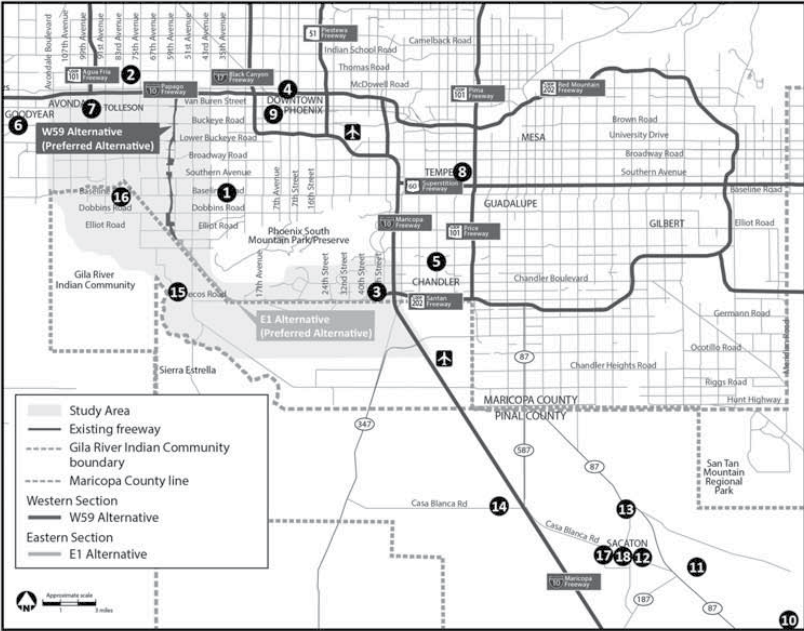
13 Gila River Indian Community District 4 Service Center
1510 W Santan St, Sacaton, AZ 85147
520.418.3661 / 520.418.3228
- 14 Gila River Indian Community District 5 Service Center**
3456 W Casa Blanca Rd, Bapchule, AZ 85121
520.315.3441 / 520.315.3445

15 Gila River Indian Community District 6 Service Center
5230 W St. Johns Rd, Laveen, AZ 85339
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The Draft EIS was published in April 2013 and made available for a 90-day comment period, including a public hearing held on May 21, 2013.

Responses to public and agency comments on the Draft EIS are provided in Volume III of the Final EIS. Ten additional comments inadvertently unrecorded in the Final EIS, along with responses to those comments, are provided in the Errata. Comments received during the Errata and Final EIS review periods will be considered in the "Record of Decision," the final decision-making document prepared by the Federal Highway Administration. The Record of Decision is expected to be available for public review in early 2015.

In accordance with the ADA of 1990, auxiliary aids/services may be provided upon request by a person with a disability by contacting the ADOT Civil Rights Office by emailing projects@azdot.gov or by calling 855.712.8530. Requests should be made as early as possible to allow for appropriate accommodations.

Personas que requieren asistencia o una adaptación razonable por habilidad limitada en inglés o discapacidad deben ponerse en contacto con projects@azdot.gov o llamada al 855.712.8530. Las solicitudes deben hacerse tan pronto como sea posible para asegurar que el estado tiene la oportunidad de abordar el alojamiento.

ADOT



For more information, visit azdot.gov/southmountainfreeway, email projects@azdot.gov, phone 602.712.7006, or write to ADOT Community Relations, 1655 W Jackson St, MD126F, Phoenix, AZ 85007.

APPENDIX C-1

GILA RIVER INDIAN COMMUNITY COORDINATION

Appendix C-1, *Gila River Indian Community Coordination*, contains correspondence from the Arizona Department of Transportation to the Gila River Indian Community regarding whether the Gila River Indian Community would like to hold a forum to give its members the opportunity to provide oral testimony on the Final Environmental Impact Statement.



Intermodal Transportation

Janice K. Brewer, Governor
John S. Hallikowski, Director
Jennifer Toth, State Engineer
Robert Samour, Senior Deputy State Engineer, Operations
Dallas Hammit, Senior Deputy State Engineer, Development

August 29, 2014

Governor Gregory Mendoza
Gila River Indian Community
525 West Gu u Ki
Sacaton, AZ 85147

Subject: Proposed South Mountain Freeway Public Involvement

Dear Governor Mendoza:

The Arizona Department of Transportation (ADOT), in partnership with the U.S. Federal Highway Administration, is working to complete the Final Environmental Impact Statement (FEIS) for the proposed South Mountain Freeway (Loop 202), which is part of the Maricopa Association of Government's Regional Transportation Plan. As part of the Draft Environmental Impact Statement process ADOT received comments regarding oral tradition of the Gila River Indian Community. In recognition of the Community's traditions and in agreement with our previous government to government communication protocol, ADOT seeks guidance on how to best accommodate the comments received in this final stage of public involvement for the FEIS.

If there is interest from the Gila River Indian Community leadership, ADOT proposes that the two entities, in partnership, conduct a forum for Community members during the 60-day review timeframe for the FEIS. This forum, if desired, would allow members of the Community to provide oral testimony on the FEIS at a time, place and in a manner that is mutually agreeable.

We respectfully request a response to this inquiry by September 19, 2014 to allow for the appropriate arrangements to be made, should a forum be desired during the 60-day review period, which is scheduled to begin in late September.

Sincerely,

Robert Samour

Robert Samour, PE
Senior Deputy State Engineer

Cc: Lt. Governor Stephan Roe Lewis
Manuel Johnson



Janice K. Brewer, Governor
John S. Hallikowski, Director
Jennifer Toth, State Engineer
Robert Samour, Senior Deputy State Engineer, Operations
Dallas Hammit, Senior Deputy State Engineer, Development

September 25, 2014

Governor Gregory Mendoza
Gila River Indian Community
525 West Gu u Ki
Sacaton, AZ 85147

Subject: Proposed South Mountain Freeway Public Involvement / Oral Tradition

Dear Governor Mendoza:

Enclosed are comments received by the South Mountain Freeway Transportation Corridor Study Team from Gila River Community members regarding the oral tradition. These comments were collected as part of the public input period for the Draft Environmental Impact Statement and were retrieved from the more than 8,000 submitted comments from interested parties across Arizona.

On Friday, September 26, 2014, the Arizona Department of Transportation and the U.S. Federal Highway Administration will release the Final Environmental Impact Statement for the proposed South Mountain Freeway. On that day, the 60-day public review period will begin, providing the public with an opportunity to review the preferred action. Comments received during the 60-day Final Environmental Impact Statement review period will be considered in the Record of Decision, the final decision-making document prepared by the Federal Highway Administration. The Record of Decision is expected to be finalized in late 2014 and available for public review in early 2015. The 60-day public review window is twice the amount of time required under federal law. Public comments must be submitted by November 25, 2014.

ADOT seeks guidance on how to best accommodate the oral tradition of the people of the Gila River Indian Community in this stage of public involvement for the Environmental Impact Statement. If there is interest from Gila River Indian Community leadership, ADOT proposes that the two entities, in partnership, conduct a forum for Community members during the 60-day review timeframe. This forum, if desired, would allow Community members an opportunity to provide oral testimony on the Final Environmental Impact Statement at a time, place and in a manner that is mutually agreeable.

We respectfully request a response to this inquiry by October 27, 2014 to allow for the appropriate arrangements to be made, should a forum be desired during the 60-day review period.

Sincerely,

Robert Samour

Robert Samour, PE
Senior Deputy State Engineer

RECEIVED
JUL 30 2013
BY: *RB*

Gila River Alliance for a Clean Environment; COMPLAINT UNDER TITLE VI OF THE
CIVIL RIGHTS ACT OF 1964

Complainant,

v.

Arizona Department of Transportation,

Respondent.

I. INTRODUCTION

This is a civil rights complaint by the Gila River Alliance for a Clean Environment (hereinafter "GRACE,"), comprised of Akimel O'odham, (River People) and Maricopa (Pee Posh) indigenous peoples of the Gila River Indian Community (hereinafter "GRIC,") under Title VI of the United States Civil Rights Act¹ against the Arizona Department of Transportation (hereinafter "ADOT") for its discrimination in the form of unequal treatment and unequal impact against GRIC members based on race. As indigenous people of the American Indian race, Complainants are people protected by Title VI.

As a recipient of Federal highway funding, ADOT is subject to Title VI of the United States Civil Rights Act.

Complainant alleges that ADOT violated Title VI of the United States Civil Rights Act by the following actions:

A. On April 26, 2013 ADOT released a Draft Environmental Impact Study (DEIS) identifying its proposal and preferred alternative for building a major highway –the South Mountain Loop 202- that would go through and desecrate a mountain held sacred by tribal members including members of GRACE, and is taking further action to complete the proposal and approve the project, despite being fully aware of and acknowledging the sacredness and spiritual and cultural significance of the mountain, that if implemented would have a profound negative impact on the cultural and spiritual well-being of the tribal members/indigenous peoples who are members of GRACE and would cause major cumulative health effects from toxic and criteria pollutants emitted by cars and trucks;

B. discriminated in its public participation process toward tribal members including members of GRACE by providing less public participation opportunities to tribal members than non-tribal members, despite the fact that the proposed highway project would disproportionately impact tribal members.

¹ "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C § 2000d.

II. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

To succeed in this Civil Rights complaint, the complainant does not have to show that there was a deliberate, intentional discrimination by ADOT, but rather, that there is a discriminatory effect / disparate impact that gives rise to a section 601 Title VI of the Civil Rights Act of 1964 violation. Section 601 of Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”² Section 602 of Title VI states: “Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity³...is authorized and directed to effectuate the provisions of section 601”⁴

Section 602 prohibits recipients of federal funds to engage in any activities that result in discriminatory effect or disparate impact against individuals, groups of people, or whole communities of a certain race, color, or national origin.⁵ The discriminatory effect / disparate impact can occur when a seemingly neutral decision or action results in an unjustifiable adverse effect. Or in other words, an inaction or action by a recipient of federal funds that may appear neutral on its face and is not accompanied with any intent to discriminate, but nevertheless negatively affects an individual, groups of people, or a whole community of a certain race, color, or national origin, without any substantial legitimate justification, violates Title VI.

The actions of ADOT were clearly not neutral and were made with total awareness and acknowledgement that the proposed freeway route through the sacred mountain would have serious negative cultural, spiritual and health impacts on a protected class of people.

III. THE COMPLAINANTS

Complainant GRACE is a grassroots organization of the Akimel O’odham, (River People) and Maricopa (Pee Posh) indigenous peoples of the GRIC. The GRIC’s reservation abuts the proposed project site, the GRIC and its people including the complainant have strong cultural and spiritual ties to South Mountain and they use the project site for cultural and spiritual purposes. Under Title VI, Native Americans are a protected class and historically have been discriminated against by the US government

GRACE advocates for the protection of the environment and the sacred and cultural sites of the Gila River Indian Community and its people.⁶ Its mission is “to inform Indigenous peoples on environmental issues affecting their communities.”⁷ GRACE was formed in the early

² 42 U.S.C § 2000d.

³ Arizona’s transportation system is partly funded by grants from the Federal Highway Administration through the Federal Aid Highway Program.

⁴ Transcript of Civil Rights Act (1964) <http://www.ourdocuments.gov/doc.php?flash=true&doc=97&page=transcript> (last visited July 23, 2013).

⁵ U.S. Commission on Civil Rights, Title VI and Environmental Justice <http://www.usccr.gov/pubs/envjust/ch3.htm> (last visited July 6, 2013).

⁶ Gila River originates in southwestern New Mexico and stretches about 600 miles across Arizona. (The Gila River Featured as Arizona’s River of the Month Aug. 29, 2012 <http://www.cdf.org/news/gila-river-featured-arizonas-river-month> (last visited July 6, 2013)).

⁷ Gila River Alliance for a Clean Environment - Support and Network, *Take action for Indigenous rights and sacred land on Indigenous Peoples Day*, <http://www.geocities.ws/contaminatedinaz/announce.html> (last visited July 6, 2013).

2000s when action was needed to stop Stericycle, a medical waste incineration facility, located on the GRIC reservation from continuing to illegally burn medical and non-medical waste imported onto the reservation and emit Hazardous Air Emissions (HAPs).⁸ GRACE also led the successful campaign to prevent Romic, another private hazardous waste facility operating on the GRIC reservation without the required federal permits, from continuing to violate hazardous waste laws and pollute the area and residents.”⁹

GRIC tribal members and the tribe hold the South Mountain sacred and see it as central to its creation story.¹⁰ GRACE opposes the proposed South Mountain Loop 202 because the project would desecrate the South Mountain by going through it, resulting in a disparate impact – culturally and spiritually on the GRIC¹¹-- and in disparate cumulative health effects¹² on the GRIC tribal members.

Complainant GRACE brings this Civil Rights Complaint on behalf of its GRIC tribal members who have been discriminated against by ADOT’s inadequate consultation and unequal public participation process and who would be disparately affected by the implementation of the South Mountain Loop due to devastating cultural, spiritual, health and environmental impacts.

The GRIC includes the tribes of the Akimel O’odham, (River People), and the Maricopa (Pee Posh).¹³ The Akimel O’odham, who have inhabited the Sonoran Desert long before Europeans settled the Americas, are native to central and southern Arizona and are descendants of the Hohokam, whose artifacts have been dated as far back as 10,000 years ago.¹⁴ Known as the “desert farmers” by some, the Akimel O’odham were sophisticated engineers and farmers, successfully growing a variety of crops in the Sonoran desert landscape.¹⁵ The Maricopa are a Yuman tribal people.¹⁶ As early as the mid-1700s, the Maricopa arrived from their lower Colorado River area homes.¹⁷

⁸ Greenaction for Health & Environmental Justice, *Gila River Alliance for a Clean Environment* Nov. 26, 2002 <http://greenaction.cclearn.org/files/pr112602.shtml> (last visited July 6, 2013).

⁹ Greenaction for Health and Environmental Justice, *Gila River Indian Community Tribal Members & Environmental Justice Supporters to Hold Rally to Demand Closure of Romic Toxic Waste Plant* <http://greenaction.cclearn.org/indigenouslands/gilariver/documents/PressAdvisoryGilaRiverIndianCommunityToxicWasteProtest032407.pdf> (last visited July 6, 2013); Censored News, Bradley Angel, *Gila River: Victory to shut down hazardous waste facility* June 20, 2007 <http://bsnorrell.blogspot.com/2007/06/gila-river-victory-to-shut-down.html> (last visited July 6, 2013).

¹⁰ Gila River Indian Community Resolution NO. GR-41-07, A Resolution Designating the South Mountain Range (Muhadag, Avikwaxos) as a Sacred Place and Traditional Cultural Property of the Gila River Indian Community.

¹¹ Indian County Media Network, *Video: Footage From Sacred Sites Rally in Arizona* April 2, 2013 <http://indiancountrytodaymedianetwork.com/2013/04/02/video-footage-sacred-sites-rally-arizona-148501> <http://indiancountrytodaymedianetwork.com/2013/04/02/video-footage-sacred-sites-rally-arizona-148501> (last visited July 6, 2013).

¹² Gila River Indian Community, Roberto A. Jackson *202 Referendum Kicks Off in Sacaton* <http://www.gilariver.org/index.php/january-2012-grin/2519-loop-202-forum> (last visited July 6, 2013).

¹³ The Maricopa live in district 7 of the GRIC. The Gila River Indian Community, History: the Gila River, <http://www.gilariver.org/index.php/about-tribe/profile/history> (last visited July 6, 2013).

¹⁴ The Gila River Indian Community, History: the Gila River, <http://www.gilariver.org/index.php/about-tribe/profile/history> (last visited July 6, 2013); This is the current age and most likely will change as archeologists continue to find older and older artifacts.

¹⁵ The Gila River Indian Community, History: the Gila River, <http://www.gilariver.org/index.php/about-tribe/profile/history> (last visited July 6, 2013).

¹⁶ *Id.*

¹⁷ *Id.*

In 1859, GRIC was established as the first reservation in part of what later became Arizona in 1912.¹⁸ In 1862, when water flowed freely, GRIC was growing more than one million pounds of wheat a year; however, between the 1870s and 1880s, water supplies drastically diminished due to upstream diversions by non-Native farmers. These diversions rendered farming almost nonexistent.¹⁹ Between approximately 1880 and 1920, GRIC faced mass famine and starvation.²⁰ Due to the need for outside assistance, diet and way of life completely changed.²¹ Alcoholism became a major problem and the GRIC “experienced the loss of certain cultural and artistic traditions and rituals.”²² “This time became one of...the darkest moment(s) in ...their... long history.”²³ In the 1930s, circumstances began to improve when the U.S. government completed Coolidge Dam on the upper Gila River, which created the San Carlos Reservoir: this restored some farming practices.²⁴ Eventually, small businesses, schools, health centers, and new housing began to appear on the reservation.²⁵ However, GRIC faces one of the highest levels of diabetes in the United States, thought to be directly a result of the disappearance of the traditional lifestyle and diet.²⁶

The GRIC history also includes forced boarding school for children, which not only was psychologically and physically oppressive but was culturally and socially oppressive, as it was instituted to acculturate Native American children into non-native American Indian speaking and practicing children.

Today, encompassing 372,000 acres along the Gila River, GRIC is the seventh largest federally recognized reservation in Arizona.²⁷ It is in both Pinal and Maricopa counties and is 17 miles south of downtown Phoenix.²⁸ Approximately 14,000 of the 21,000 enrolled GRIC members live on the reservation.²⁹ 4,274 or 36% of GRIC tribal members on the reservation are under 18 and 7,438 or 64% are over 18; 675 or 6% of GRIC tribal members are 65 and older.³⁰ The Akimel O’odham (River People) comprise 90% of the GRIC reservation and the Pee Posh (Maricopa), who live at the west end of the South Mountain, comprise about 10% of the GRIC

¹⁸ In 1846, the territory now known as southern Arizona, came under the control of the US, and in 1854, the entire present day Arizona territory was officially made part of the United States territory. Arizona became a US state in 1912. *Id.*
¹⁹ *Id.*
²⁰ *Id.*
²¹ *Id.*
²² *Id.*
²³ *Id.*
²⁴ *Id.*
²⁵ *Id.*
²⁶ Jovana J. Brown, *When Our Water Returns: Gila River Indian Community and Diabetes* <http://www.evergreen.edu/tribal/docs/WhenOurWaterReturns%2009-25-09.pdf> (last visited July 6, 2013).
²⁷ ADOT, South Mountain Study Team, *Chapter 2 Gila River Indian Community Coordination* <http://www.azdot.gov/south-mountain-loop-202-docs/eis/chapter2/chapter2.pdf> (last visited July 6, 2013).
²⁸ Gila River, Tourist Attractions, <http://www.gilariver.org/index.php/about-tribe/profile/tourism/18-tourist-attractions/159-tourist-attractions> (last visited July 6, 2013).
²⁹ ADOT, South Mountain Study Team, *Chapter 2 Gila River Indian Community Coordination* <http://www.azdot.gov/south-mountain-loop-202-docs/eis/chapter2/chapter2.pdf> (last visited July 6, 2013).
³⁰ United States Census Bureau, *2010 Demographic Profile* <http://www.census.gov/popfinder/> (last visited June 17, 2013).

reservation. GRIC is organized into seven territorial districts.³¹ GRIC has an executive branch, comprised of a governor and lieutenant governor; a legislative, made up of a Community Council³² consisting of members from the seven territorial districts of the reservation; and a judicial branch, with a Community Court of seven judges that provides services to approximately 20,000 members of GRIC.³³

GRIC’s economy has been growing via agricultural, gaming, and the development of industrial parks.³⁴ GRIC is currently one of the largest agricultural producers in the state of Arizona, farming cotton, wheat, millet, alfalfa, barley, melons, pistachios, olives, citrus, and vegetables.³⁵ Now that it has finally settled an ongoing water dispute and will be receiving enough water to sustain itself, it plans to put in approximately 140,000 more acres of agriculture in the next 20 years.³⁶ GRIC has three casinos, Wild Horse Pass, Lone Butte, and Vee Quiva.³⁷ GRIC operates three industrial parks.³⁸ Like the US states, GRIC has its own transportation and environmental departments.

As a Native Nation, the federal government has a direct trust relationship with the GRIC and its people. The basis for this special legal relationship is found directly in the Constitution and memorialized in treaties.³⁹ This trust relationship applies to all Federal agencies and to Federal action outside Indian reservations.⁴⁰ Due to this trust relationship, the government has a special legal responsibility to review this complaint according to the unique requirements owed to the GRIC by the government.

Because of the 1992 National Historic Preservation Act (NHPA) Amendments, the GRIC has a Tribal Historic Preservation Officer (THPO) to assist in identifying and nominating historic properties / historic resources on their tribal lands⁴¹ for the National Park Service (NPS) to place

³¹ The districts are: Blackwater, Hashen, Kehk, Sacaton, Santan, Casa Blanca, Komatke, Maricopa Colony. (The Gila River Indian Community, Government, <http://www.gilariver.org/index.php/about-tribe/districts> (last visited June 9, 2013)).
³² According to Article III Sect. 6 of the Gila River Indian Community Constitution, “the Council shall have the power to enact ordinances, subject to review of the Secretary of the Interior.” <http://thorpe.ou.edu/IRA/gilacons.html> (last visited July 8, 2013).
³³ The Gila River Indian Community, Government, <http://www.gilariver.org/> (last visited July 8, 2013).
³⁴ Inter Tribal Council of Arizona, Inc., Gila River Indian Community http://itcaonline.com/?page_id=1158 (last visited July 8, 2013).
³⁵ *Id.*
³⁶ GRIC Response to EPA, Gila River Indian Community Response to EPA’s Nine Factors Requirement for Designation of PM-2.5 Under the National Ambient Air Quality Standards, p. 2 Jan. 4, 2011, <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2010-0163-0016> (last visited July 6, 2013); Arizona Department of Water Resources, Gila River Indian Community Water Rights Settlement – 2006, http://www.azwater.gov/AzDWR/SurfaceWater/Adjudications/New_Gila_River_Indian_Community_Settlement.htm (last visited July 11, 2013).
³⁷ Gila River Gaming Enterprises, <http://www.wingilariver.com/> (last visited July 22, 2013).
³⁸ Inter Tribal Council of Arizona, Inc., Gila River Indian Community http://itcaonline.com/?page_id=1158 (last visited July 8, 2013).
³⁹ See Art. I, § 8, par. 3 of the U.S. Constitution.
⁴⁰ See, e.g., *Nance v. Environmental Protection Agency*, 645 F.2d 701, 711 (9th Cir. 1981), cert. den. 454 U.S. 1081 (1981); *Pyramid Lake Paiute Tribe v. U.S. Dept. of Navy*, 898 F.2d 1410, 1420 (9th Cir. 1990). See, e.g., internal guidance documents issued by the Department of the Interior in its Departmental Manual (DM), at 303 DM chapter 2, 512 DM chapter 2 (acknowledging that all bureaus and offices within DOI are subject to the federal trust responsibility when their actions affect “tribal trust resources, trust assets, or tribal health and safety.” 512 DM §2.2. The DOI Departmental Manual is available in the Electronic Library of Interior Policies at: clips.doi.gov.
⁴¹ Tribal lands means “all lands within the exterior boundaries of any Indian reservation; and ...all dependent Indian communities” (16 U.S.C. § 470w(14)).

on the National Register of Historic Places (NRHP) of 1966. The purpose of the NHPA is to “preserve the historical and cultural foundations of the Nation as living parts of community life.”⁴² The NHPA “established the National Register of Historic Places and the requirements under Section 106 of that Act that require federal agencies to take into account the effects of their actions on historic properties listed on or eligible for inclusion on the National Register.”⁴³ The South Mountain has been approved as a traditional cultural property “eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community.”⁴⁴

IV. THE ARIZONA DEPARTMENT OF TRANSPORTATION

ADOT, a state government agency created in 1974, is the sponsor of the proposed construction and operation of the South Mountain Loop 202.⁴⁵ It is “responsible for collecting transportation revenues and for planning, constructing and maintaining Arizona’s highway infrastructure,”⁴⁶ as well as, the state’s public transportation and municipal airports.⁴⁷ Its mission is “to provide a safe, efficient, cost-effective transportation system.”⁴⁸ On April 26, 2013, ADOT released a DEIS for the Loop 202 South Mountain Freeway Study.⁴⁹

ADOT is a recipient of federal highway funds and is thus subject to and required to comply with the non-discriminatory requirements of Title VI of the U.S. Civil Rights Act.

V. RIPENESS

This complaint is timely filed because it is in response to the improper and discriminatory action taken by ADOT’s April 26, 2013 sponsorship and release of the DEIS for the Loop 202 South Mountain Freeway Study that was prepared by the Federal Highway Administration (FHWA), the federal lead agency for the proposed action, in cooperation with the U.S. Army Corps of Engineers (USACE), the U.S. Bureau of Indian Affairs (BIA), and the Western Area

⁴² Patricia Parker, *Traditional Cultural Properties: What You Do and How We Think*, Volume 16 CRM 1993 <http://www8.nau.edu/hcpo-p/Parker.pdf>.

⁴³ *Id.*

⁴⁴ National Park Service, National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties 1990, available at www.cr.nps.gov/nr/publications/bulletins/nrb38.htm; Criteria for eligibility for being on the National Register are: “associated with events that have made a significant contribution to the broad patterns of our history; are associated with the lives of persons significant in our past; embody the distinctiveness of a type, period, or method of construction, or...represent the work of a master, or...possess high artistic values, or...represent a significant and distinguishable entity whose components may lack individual distinction, or have yielded, or may be likely to yield, information important in prehistory or history.” 36 C.F.R. § 60.4.

⁴⁵ ADOT, South Mountain Study Team, *South Mountain Freeway Draft EIS Summary*, 1 available at http://www.azdot.gov/Highways/Valley_Freeways/Loop_202/South_Mountain/PDF/FHWA-AZ-EIS/00-SMDEIS-Summary-Chapter.pdf

⁴⁶ ADOT, *Strategic Plan fiscal years 2013-2017*, 2011 available at http://www.azdot.gov/Inside_adot/PDF/StrategicPlan.pdf.

⁴⁷ About ADOT, http://www.azdot.gov/Index_docs/About_ADOT.asp (last visited July 8, 2013).

⁴⁸ *Id.*

⁴⁹ Loop 202 (South Mountain Freeway), http://www.azdot.gov/Highways/Valley_Freeways/Loop_202/South_Mountain/index.asp (last visited July 8, 2013).

Power Administration.⁵⁰ The release of the DEIS began a 90-day public review and comment period that will conclude on July 24, 2013.⁵¹

This complaint is also timely filed because ADOT conducted a public participation process to receive public input on the proposed project, but conducted it in a way that provided GRIC tribal members, including members of GRACE, less of an opportunity to meaningfully participate in the process than non-Native people.

VI. STATEMENT OF FACTS

A. SOUTH MOUNTAIN (Muhadag, Avikwaxos)

The South Mountain, known in the Pima language as the Muhadag and in the Maricopa language, Avikwaxos,⁵² consists of the Ma Ha Tauk, Gila, and Guadalupe Mountain Ranges.⁵³ It abuts the northern territory of the GRIC and consequently, is the immediate landscape of the northern boundary of the GRIC reservation. A portion of Main Ridge North and Main Ridge South of the South Mountain is on the GRIC, and serve as the “Community’s main, direct physical link to the South Mountains”.⁵⁴ The South Mountain “figures prominently in oral traditions of both the Akimel O’Odham (River People) and the Pee Posh (Maricopa).”⁵⁵ The Akimel O’odham believe that South Mountain is where their creator immersed.

On January 6, 1982, the Gila River Indian Community Tribal Council adopted an ordinance declaring “as a matter of Community policy and legislative determination, that the public interests of the Pima-Maricopa people and the interests of all other persons living within the jurisdiction of the Gila River Indian Community require that the Community adopt a means whereby all sites, location, structures, and objects of sacred, historical or scientific interest or nature will be protected from desecration, destruction, theft, or other interference.”⁵⁶

Then in 1989, the Gila River Indian Community Tribal Council adopted a resolution to preserve the lands of their Hohokam ancestors, by approving the “Policy Statement of the Four Southern Tribes (Salt River Pima-Maricopa Indian Community, Ak Chin Indian Community, Tohono O’odham Nation, and the Gila River Indian Community) which outlines the Four Tribes intent to protect, promote, and preserve cultural affinity to the HuHuKam.”⁵⁷

On April 4, 2007, the Gila River Indian Community Tribal Council adopted a tribal resolution affirming that the South Mountain is “a sacred place / traditional cultural property ...that...must be kept inviolate”⁵⁸ thereby recording the sacredness and significance of South

⁵⁰ ADOT, South Mountain Study Team, *South Mountain Freeway Draft EIS Summary*, at 1.

⁵¹ ADOT, Loop 202 (South Mountain Freeway), http://www.azdot.gov/Highways/Valley_Freeways/Loop_202/South_Mountain/index.asp (last visited July 8, 2013).

⁵² Gila River Indian Community Resolution NO. GR-41-07, A Resolution Designating the South Mountain Range (Muhadag, Avikwaxos) as a Sacred Place and Traditional Cultural Property of the Gila River Indian Community.

⁵³ City of Phoenix, South Mountain Park Preserve Map, available at http://phoenix.gov/webcms/groups/internet/@inter/@parks/@parks/@nrl/documents/web_content/062880.pdf.

⁵⁴ ADOT, South Mountain Study Team, chapter 5 *Section 4(f) Evaluation* p. 26 available at http://www.azdot.gov/Highways/Valley_Freeways/Loop_202/South_Mountain/PDF/south-mountain-loop-202-docs/EIS/chapter5/chapter5.pdf.

⁵⁵ Gila River Indian Community Resolution NO. GR-41-07, A Resolution Designating the South Mountain Range (Muhadag, Avikwaxos) as a Sacred Place and Traditional Cultural Property of the Gila River Indian Community.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

Mountain to the people of the GRIC and its tribal government. This important tribal resolution is attached as Exhibit A and incorporated into this complaint. The resolution states the GRIC Community Council “strongly opposes any alteration of the South Mountain Range for any purpose”...and any alteration...“would be a violation of the cultural and religious beliefs of the Gila River Indian Community and would have a negative cumulative effect on the continuing lifeways of the people of the Gila River Indian Community.”⁵⁹

Not only is South Mountain itself sacred, but there are also numerous sites with highly significant meaning and purpose to GRIC.⁶⁰ There are many ancestral burial and archeological sites, and ancient shrines.⁶¹ Further, the Colorado River Indian Tribes⁶², Salt River Pima-Maricopa Indian Community⁶³, the Ak-Chin Indian Community⁶⁴, the Tohono O’odham Nation⁶⁵, and the Pascua Yaqui Tribe⁶⁶ also hold the South Mountain sacred.⁶⁷

Much of the South Mountain is within the South Mountain Park Preserve (SMPP),⁶⁸ which is a 16,600 mile park preserve in the Sonoran desert⁶⁹ in Phoenix, Arizona. First created in 1924 during the New Deal era, 13,000 acres of the land were bought from the federal government by the city of Phoenix for a “scenic/pleasure park.”⁷⁰ Then, in 1927, the Bureau of Land Management (“BLM”) conveyed 9,200 acres of land to the City of Phoenix where some of that land was converted into the SMPP.⁷¹ Then, in April 2009, 247 acres of State Trust Land, were purchased from the Arizona Land Department.⁷² SMPP is a historic property and is eligible

⁵⁹ *Id.*
⁶⁰ For example, Red Mountain, South Back Mountain, and Sandi Muck Mountain.
⁶¹ YouTube, *South Mountain Freeway Protest*, <https://www.youtube.com/watch?v=IMws03pJ0iE> (last visited July 8, 2013).
⁶² Colorado River Indian Tribes, <http://www.crit-nsn.gov/> (last visited July 8, 2013).
⁶³ The Salt River Pima-Maricopa Indian Community, <http://www.srpmic-nsn.gov/> (last visited July 8, 2013).
⁶⁴ Ak-Chin Indian Community, <http://www.ak-chin.nsn.us/> (last visited July 8, 2013).
⁶⁵ Tohono O’odham Nation, <http://www.tonation-nsn.gov/default.aspx> (last visited July 8, 2013).
⁶⁶ Pascua Yaqui Tribe, <http://www.pascuayaqui-nsn.gov/> (last visited July 8, 2013).
⁶⁷ The DEIS states “archaeological sites and places considered culturally important by Native American groups would be affected by any of the build alternatives. The Gila River Indian Community (GRIC) and the Salt River Pima-Maricopa Indian Community have both passed Tribal Resolutions designating the South Mountains as a TCP and the Colorado River Indian tribes have said that they also consider the South Mountains a TCP.” (South Mountain Transportation Corridor August 28, 2008 Draft Technical Report Summary Cultural Resources p. 4 available at http://www.azdot.gov/southmountainfreeway/PDF/082808_SMCAT_CulturalResources_Summary_Final.pdf).
⁶⁸ The Trust for Public Land: Conserving Land for People, *The 150 Largest City Parks* available at <http://cloud.tpl.org/pubs/ccpe-largest-oldest-most-visited-parks-4-2011-update.pdf>.
⁶⁹ This desert is approximately 100,000 square miles spanning from New Mexico, California, and into Southern Arizona. The Sonoran desert is one of the most diverse deserts in the world. <http://sciencefriday.com/segment/03/29/2013/the-secret-life-of-the-sonoran-desert.html> (last visited July 8, 2013); Further, the Sonoran desert is providing extensive ecosystem services to humans, some already identified, like climate regulation. <http://www.sonorandesert.org/> (last visited July 8, 2013).
⁷⁰ AZR, *City Commission Approves Plan For Municipal Park In Salt River Mountains*, April 6, 1924, South Mountain History, found at <http://southmountainhistory.blogspot.com/2009/05/city-commission-approves-plan-for.html>.
⁷¹ ADOT, South Mountain Study Team, chapter 5 *Section 4(f) Evaluation* at 25.
⁷² “In 1988, the planning of what became known as South Mountain 620 began. Through years of negotiating with the City of Phoenix, and after many unsuccessful auctions, the 247 acre parcel north of Chandler Boulevard was auctioned successfully on April 2, 2009 for \$18 million. The Development Agreement for the parcel provides for a preserve, fire station and park, and also paves the way for sale and development of approximately 350 acres south of Chandler Boulevard when the market recovers.” This sale was under the name of Arizona Open Space Sales. (Arizona State Agency Publications, Arizona State Land Department Annual Report 2008-2009 p. 11 available at

for listing in the National Register of Historic Places.⁷³ As stated previously, some of the South Mountain is within the GRIC’s northern territorial edge, giving the GRIC a corridor to get to other areas of the South Mountain from the reservation. As the DEIS states, the portions of the South Mountain on Community land are at the western end: the Main Ridge North and Main Ridge South. These ridges “serve as the Community’s main, direct physical link to the mountains.”⁷⁴ The SMPP, which includes the South Mountain, one of their TCPs, preserves cultural, historical, geological, and ecological resources relevant to the GILA tribal members.⁷⁵

For the GRIC, the concept of creation is not something in the past but is an ongoing process, one that they are intrinsically a part of and are obligated to participate in. The GRIC fulfill this duty through ceremonies and rituals designed to preserve and stabilize the earth. Failure to fulfill those obligations is thought to result in great harm to the earth and the people who depend on it. Ceremonies are efforts undertaken for specific purposes in accordance with instructions handed down from generation to generation. Rituals are performed in prescribed locations that are unique and specific sites possess different spiritual properties and significance.

Some traditionalists and Elders of the GRIC use portions of the South Mountain for periodic ceremonies and rituals. These are special people who are keepers of the tribal peoples’ heritage and culture who possess an essential role believed to sustain the tribal people as a whole. These ceremonies and rituals have been passed on through the ages and have been performed for ages.

Traditionalists also are people who follow the natural Native American way of living from the earth: picking and harvesting traditional cultural foods like the fruit of the saguaro⁷⁶ and medicines, and teaching and guiding the young in the cultural and spiritual ways.

B. SOUTH MOUNTAIN LOOP 202 PROPOSAL

The South Mountain Loop 202 is a proposed eight-lane, 22-mile long highway in southwestern Maricopa County, Arizona.⁷⁷ If constructed, it would be the last section of the proposed master plan Regional Freeway and Highway System first proposed in 1985 by

<http://azmemory.azlibrary.gov/cdm/compoundobject/collection/statepubs/id/2318/show/8057/rcc/15>).
⁷³ ADOT, South Mountain Study Team, chapter 4 *Affected Environment, Environmental Consequences, and Mitigation* p. 130 available at http://www.azdot.gov/Highways/Valley_Freeways/Loop_202/South_Mountain/PDF/FHWA-AZ-EIS/04-SMDEIS-Chapter-4-Affected-Environment,-Environmental-Consequences,-Mitigation.pdf.
⁷⁴ ADOT, South Mountain Study Team chapter 5 *Section 4(f) Evaluation* at 26.
⁷⁵ City of Phoenix, South Mountain <http://phoenix.gov/parks/trails/locations/south/> (last visited July 8, 2013); YouTube Fat Man’s Pass <http://www.youtube.com/watch?v=EhhS86uAaAc&feature=youtu.be> (last visited July 8, 2013).
⁷⁶ The saguaro is a large, tree-sized cactus species which can grow to be over 70 ft. tall. It is native to the Sonoran Desert in Arizona. The saguaro blossom is the State Wildflower of Arizona. Harming a saguaro in any manner is illegal by state law in Arizona, and when houses or highways are built, special permits must be obtained to move or destroy any saguaro affected.
⁷⁷ ADOT, South Mountain Study Team, chapter 4 *Affected Environment, Environmental Consequences, and Mitigation* at 4-9; Maricopa County has 3 interstates, 1 US route, 3 loops, and 7 state routes. (Lands of Arizona, <http://www.landssofarizona.com/County-Data-For-Maricopa-County-Arizona> (last visited July 8, 2013); Its public transportation includes a 57-mile transit system in Phoenix, Tempe, Mesa, Glendale and Chandler, which includes Local, LINK, Express and RAPID commuter bus service; Light rail; neighborhood circulators; rural route; dial-a-Ride; Vanpool service; and an online carpool and vanpool matching system. (Providing Public Transportation Alternatives for the Greater Phoenix Metro Area, <http://www.valleymetro.org/overview> (last visited June 16, 2013))

Maricopa Association of Governments ("MAG"),⁷⁸ that when connected to a surface transportation system would allegedly: "reduce increasing congestion on the Interstate Highway System in the urban core; facilitate and more effectively distribute the regional movement of goods and delivery of services; more evenly distribute traffic on the major arterial street grid and reduce regional traffic using the grid; better serve already-occurring regional traffic; provide an alternate route for pass-through traffic; provide an integrated intermodal network of freeways strategically located to accommodate local and regional land use planning; enhance local mobility by removing regional traffic from the local road network; create infrastructure to support the regional bus transit system component of the intermodal Long Range Transportation Plan (LRTP) (MAG 2001a); encourage and direct planned growth."⁷⁹

Although the master plan Regional Freeway and Highway System has done without this last section, the DEIS asserts that this section is necessary. The DEIS sites that "over the past 40 years, Phoenix-area population, housing, and employment experienced some of the fastest growth in the nation...and from the early 1950s to the mid-1990s, population in the MAG region grew by over 500 percent."⁸⁰ The DEIS assumes that population growth will continue at the same rate as it did between the 1950s to mid-1990s and that Maricopa County's population will add an average of 1 million a decade from 2005-2035.⁸¹ The DEIS states that "almost 50 percent of projected increases in population, housing, and employment from 2005 to 2035 for the entire MAG region are expected to occur in the southwestern and southeastern portions of the Phoenix metropolitan area" and would benefit from the highway to get back and forth to central Phoenix.⁸² The DEIS cites public support of the South Mountain Loop by "Voter approval of the one-half cent sales tax in 1985 (Proposition 300) and its continued endorsement in 2004 (Proposition 400) for continued public support for investment in regional transportation projects; results from the Maricopa County Official Canvas (Maricopa County 2004a) that show voters in 90 percent of the county's 1,058 voting precincts voted in favor of Proposition 400 and the

⁷⁸ ADOT, South Mountain Study Team, chapter 4 *Affected Environment, Environmental Consequences, and Mitigation* at 4; Update Regional Transportation Plan p. 71 http://www.azmag.gov/Documents/RTP_2010-Annual-Report_Final_v17.pdf; The Maricopa Association of Governments (MAG) is the metropolitan planning organization (MPO) for transportation planning in the Maricopa County region; the principal planning agency for the region in air quality and water quality; and the designated agency for developing population estimates and projections for the region. (Maricopa Association of Governments, <http://www.azmag.gov/>). The DEIS relies on MAG's planning from 1985 and its population projections for the proposed South Mountain highway. (Arizona Department of Transportation, Strategic Plan fiscal years 2013-2017 http://www.azdot.gov/Inside_azdot/PDF/StrategicPlan.pdf)

⁷⁹ ADOT, South Mountain Study Team, chapter 1 *Purpose and Need* p. 4 available at http://www.azdot.gov/Highways/Valley_Freeways/Loop_202/South_Mountain/PDF/FHWA-AZ-EIS/01-SMDEIS-Chapter-1-Purpose-and-Need.pdf; ADOT's Long Range Transportation Plan: 2010-2035 includes a list of roadway projects ordered in importance, with the South Mountain Loop taking third place. The first two are for the Hassayampa Freeway, which is part of the CANAMEX Trade Corridor, route going through Arizona, Nevada, Utah, Idaho, and Montana, and linking to the Canadian province of Alberta and the Mexican states of Sonora, Sinaloa, Nayarit, and Jalisco. It is argued by PARC, and others, that if South Mountain is created, it will be used by truck drivers looking for a bypass to more easily get through the Maricopa area; something ADOT asserts is not the purpose of the loop. Even if it is not the purpose of the loop, it would be a result of the South Mountain Loop. Since the CANAMEX route has not been put in and there is a route put in that is better than the existing roadways, truckers will use it.

⁸⁰ ADOT, South Mountain Study Team, *Summary* at 5; Maricopa County is the most populated county in Arizona and it is also one of the largest counties in the United States, and Phoenix, the state's capital, is its largest city. (Maricopa's population was 3,817,117 in 2010. (United States Census Bureau, 2010 Demographic Profile <http://www.census.gov/popfinder/> (last visited June 17, 2013)).

⁸¹ ADOT, South Mountain Study Team, *Summary* at 5.

⁸² *Id.* at 5-6.

projects it would fund; and voters in 81 percent of the 31 voting precincts in the Study Area favored Proposition 400 and the projects it would fund."⁸³

The DEIS also asserts that pollution will actually be reduced, ultimately improving air quality with the South Mountain Loop 202. The stated reason for this viewpoint is that the problem with the existing roadways is traffic and congestion. With the South Mountain Loop 202, some cars would have an alternative route for driving back and forth to downtown Phoenix.

The DEIS lays out several options, called "action alternatives" to choose from for implementing the proposal.⁸⁴ One action alternative is a no-build.⁸⁵ The DEIS evaluation concluded that the No-Build Alternative would not satisfy the projects purpose and need: the purpose and need are based on socioeconomic factors (population, housing, and employment projections); regional transportation demand (traffic and congestion); and existing and projected transportation system capacity deficiencies (present and future transportation system management, transportation demand management, transit, street network expansion, land use, and a combination of the transportation systems).⁸⁶ The DEIS states that with population growth, and its resulting increase in traffic and congestion, and even future alternative freeway modes that have been planned and would likely be funded, like for example, increasing bus routes, could not solve the purpose and need that the South Mountain Loop would fulfill. Chapter 3 states that "These alternatives alone would have limited effectiveness in reducing overall traffic congestion in the Study Area and, therefore, would not meet the purpose and need criteria; specifically, they would not adequately address projected capacity and mobility needs of the MAG region:...Based on projected regional travel demand and the extent of mobility needs of the MAG region and in the Study Area, arterial street network improvements alone would not meet the needs of the MAG region; and The Land Use Alternative is not a viable alternative because no plans exist to alter planned land uses in the region."⁸⁷

The build options consist of choosing one western alternative -W59, W71, and W101- and the one available eastern action alternative - E1.⁸⁸ All western alternatives begin at I-10 (Papago Freeway) and proceed east to a common point to all on an alignment parallel and adjacent to the GRIC boundary. All alternatives would cross Union Pacific RR, Salt River, Roosevelt Canal, Laveen Area Conveyance Channel, and all require I-10 improvement.⁸⁹

There is only one eastern alternative because the only other alternative that ADOT had considered was a route on GRIC land, which the GRIC rejected. DEIS states "the E1 Alternative is the only action alternative developed for the Eastern Section. Despite efforts by ADOT and FHWA to seek permission to study an alternative in detail on Community land, permission has not been granted. Therefore, ADOT, with concurrence from FHWA, identified the E1 Alternative as its Preferred Alternative in the Eastern Section."⁹⁰

⁸³ ADOT, South Mountain Study Team, Chapter 1 *Purpose and Need* at 9.

⁸⁴ ADOT, South Mountain Study Team, *Summary* at 4.

⁸⁵ *Id.* at 8.

⁸⁶ ADOT, South Mountain Study Team, chapter 1 *Purpose and Need* at 11-13.

⁸⁷ ADOT, South Mountain Study Team, Chapter 3 *Alternatives* p. 3 available at http://www.azdot.gov/Highways/Valley_Freeways/Loop_202/South_Mountain/PDF/south-mountain-loop-202-docs/EIS/chapter3/chapter3.pdf.

⁸⁸ ADOT, South Mountain Study Team, *Summary* at 8; 38; Maricopa County is the most populated county in Arizona and it is also one of the largest counties in the United States.

⁸⁹ ADOT, South Mountain Study Team, Chapter 3 *Alternatives* at 48.

⁹⁰ ADOT, South Mountain Study Team, *Summary* at 38.

The DEIS states: “based on the alternatives screening process, environmental impacts assessment, and stakeholder input, ADOT, with the concurrence from FHWA”, identified the W59 Alternative as its Preferred Alternative in the Western Section and the E1 Alternative the Eastern Section.⁹¹ This “preferred” route would be down Pecos Road in the Ahwatukee Foothills, through the western portion of the South Mountain Preserve, including through the South Mountain itself, and up 59th Avenue through Laveen.⁹² The DEIS approximates that 31.3 of the 16,600 acres of the SMPP would be taken for the proposed highway and 0.9 mile of Loop 202 would pass through the southwestern edge of South Mountain.⁹³ Cuts to South Mountain would be a 220-foot cut through one ridge, a 190-foot cut to another, and a 70-foot cut to a third for an estimated cost of \$30 million.⁹⁴

C. ADOT AND THE DEIS ACKNOWLEDGE SACRED AND CULTURAL SIGNIFICANCE OF SOUTH MOUNTAIN

The DEIS acknowledges that the South Mountain is sacred to the GRIC, is a TCP⁹⁵, and further, is National Register of Historic Places (“NRHP”)-eligible. The DEIS indicates that ten locations have been identified by GRIC as places of cultural importance: the South Mountains, two prehistoric village sites, an active shrine site, two prehistoric petroglyph sites, and four prehistoric trail sites, which qualify as NRHP-eligible TCPs.⁹⁶ The NRHP eligibility of two of the properties was confirmed by FHWA through consultation with the GRIC.⁹⁷ Five TCPs have been identified within the project area of “potential effects”. The DEIS specifically states that the South Mountains were determined eligible for NRHP listing as a TCP under Criteria A and B.⁹⁸

The DEIS states: “the Community has expressed to ADOT and FHWA its concerns about an alignment through the South Mountains and the irreversible impacts on the South Mountains from the proposed action. To the Community, the South Mountains are part of a continuum of life and not an individual entity that can be isolated and analyzed.”⁹⁹

The DEIS further acknowledges that the GRIC is opposed to any destruction of the South Mountain. It states “the mountains are considered sacred—playing a role in tribal cultures, identities, histories, and oral traditions—and appear in many creation stories. Many traditional

⁹¹ ADOT, South Mountain Study Team, Chapter 3 *Alternatives* at 65, 69.

⁹² ADOT, South Mountain Study Team, *Summary* at 35.

⁹³ *Id.* at 13.

⁹⁴ Allison Hurtado, Ahwatukee Foothills News, *Environmental impact: Groups have big concerns about South Mountain Freeway* July 3, 2013 http://www.ahwatukee.com/news/article_115f9b36-e3a0-11e2-8a62-0019bb2963f4.html (last visited 7/3/13).

⁹⁵ ADOT, South Mountain Study Team, *Summary* at 39.

⁹⁶ ADOT, South Mountain Study Team, chapter 4 *Affected Environment, Environmental Consequences, and Mitigation* at 140.

⁹⁷ *Id.*

⁹⁸ *Id.* Under Criteria A, properties can be eligible for the National Register if they are associated with events that have made a significant contribution to the broad patterns of American history and under Criteria B, properties may be eligible for the National Register if they are associated with the lives of persons significant in American past. (National Register Bulletin, How to Apply the National Register Criteria for Evaluation 1997 <http://www.nps.gov/nr/publications/bulletins/pdfs/nrb15.pdf> (last visited June 23, 2013).

⁹⁹ ADOT, South Mountain Study Team, Chapter 5 *Section 4(f) Evaluation* at 5-26.

religious and ceremonial activities continue on the mountains.”¹⁰⁰ Further, ADOT is aware that GRIC prefers the no-build alternative.¹⁰¹

The DEIS states that their preferred-action alternative would cut through the South Mountains resulting in removing two archaeological sites identified as contributing components of the South Mountains TCP, (considered NRHP-eligible under Criteria A and D); modify(ing) the spiritual landscape of Native peoples; altering access by Native American groups to culturally important places; interfering with ceremonial practices and religious activities of some Native American groups.¹⁰²

The DEIS also states: “two contributing components to the TCP are located within the Study Area, one of which is considered NRHP-eligible under Criterion A. The first site is...unique and possibly associated with traditional religious and ceremonial activities associated with the South Mountains. The second site is situated within the South Mountains TCP. These sites continue to function in the living Akimel O’odham and Pee Posh communities and often serve as spiritual places (Tribal Historic Preservation Officer [THPO] response [not concurrence] regarding NRHP-eligibility of the South Mountains as a TCP and its contributing components was received on August 17, 2011; consultation is ongoing).”¹⁰³

Further, the DEIS acknowledges that the portions of the South Mountains on GRIC located on the western end serve as the “Community’s main, direct physical link to the mountains.”¹⁰⁴ Further, it states, “the E1 Alternative would result in direct use of the TCP. Approximately 3 miles of freeway alignment would pass through the mountains and would affect the southern and southwestern portions of the TCP.”¹⁰⁵

Further, the DEIS states “While the conversion and permanent loss of part of the mountains to a transportation use by the proposed action is a concern, related Community-expressed concerns focus on impacts on history, culture, traditions, and the ability to maintain and continue the cultural identity of the communities...Within the context of the TCP, the proposed action would be a physical barrier on the landscape, altering traditional access to sacred sites, disrupting traditional cultural practices, and degrading the overall integrity of the cultural tradition and identity. Even with mitigation, implementation of the proposed action would alter the direct physical connection Community members have between their homeland and the South Mountains and would restrict the ability to visit or use these locations in a traditional cultural manner.”¹⁰⁶

After stating all of the above, the DEIS states that “the E1 Alternative was designed in such a way as to avoid a site that is a contributing element to the South Mountains TCP, resulting in no direct use of this TCP element. A R/W fence would limit access to the site by freeway

¹⁰³ ADOT, South Mountain Study Team, *Summary* at 39.

¹⁰¹ In a letter to ADOT’s Director John Halikowski in 2010, GRIC stated “despite our desire for a no-build option...the Community is willing to assist ADOT in studying potential On-Reservation alignments” in an effort to “mitigate cultural impacts to Muadag (South Mountain).” (GRIC Executive Office of the Governor & Lieutenant Governor, January 27, 2010 letter to ADOT, John Halikowski).

¹⁰² ADOT, South Mountain Study Team, chapter 4 *Affected Environment, Environmental Consequences, and Mitigation* at 129-132.

¹⁰³ ADOT, South Mountain Study Team, Chapter 5 *Section 4(f) Evaluation* at 26.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at 27.

users, but Community members would continue to gain access to the site as they currently do.”¹⁰⁷

Nevertheless, the DEIS then states, “even with mitigation, implementation of the proposed action would alter the direct physical connection Community members have between their homeland and the South Mountains and would restrict the ability to visit or use these locations in a traditional cultural manner.”¹⁰⁸

The DEIS later states, “alternatives to avoid use of the South Mountains TCP were evaluated and determined to be not prudent and feasible.”¹⁰⁹

The DEIS states that besides the South Mountain itself, another TCP would be affected. Although not physically damaged by the construction of the South Mountain Loop, this TCP would about the highway and would be affected by highway related consequences, i.e. noise. The DEIS states: “AZ T:12:112 (ASM) is used by contemporary Community members actively exercising their traditional religious and ceremonial practices and beliefs. The site and its use are part of a broad pattern of traditional religious and ceremonial practices and beliefs that defined the cultural identity, continuity, and traditions of the Akimel O’odham. Therefore, the site is eligible for listing in the NRHP under Criterion A as a TCP.” However, it states, this “resource does not have noise-sensitive activities or viewshed characteristics that contribute to its importance as a Section 4(f) resource. Therefore, according to 23 C.F.R. § 774.15, no further analysis of these proximity impacts to determine whether they would substantially impair the resource is necessary.”¹¹⁰

The DEIS concludes, “in summary, the intrusion of the proposed freeway into the South Mountains, including especially the cuts into three ridgelines, would likely be perceived as severe by many members of the Community. The above measures have been and/or would be undertaken to avoid, reduce, or otherwise mitigate impacts on the South Mountains TCP and on AZ T:12:112 (ASM). The proposed freeway would be located in an area used frequently by members of the Community, one that provides direct access to the South Mountains. Thus, the proposed action would adversely affect physical access to the TCP and adversely affect another TCP within the South Mountains TCP. Perhaps more important to members of the Community, the proposed action might be perceived as severing the Community’s spiritual connection to the mountain.”¹¹¹

VII. ARGUMENT

Discrimination against people on the basis of color, race, or national origin is prohibited under Title VI. Title VI provides that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”¹¹² One form of discrimination prohibited is action that causes a disparate impact on a protected class of people. For the DEIS to move forward, it cannot violate Title VI.¹¹³ However, if the South Mountain Loop 202 is constructed, the distribution of negative impacts

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.* at 28.

¹¹¹ *Id.*

¹¹² 42 U.S.C § 2000d.

¹¹³ ADOT, South Mountain Study Team, *Summary* at 12.

and burdens¹¹⁴ would be highly unequal to the GRIC and for the foregoing reasons, Title VI was violated by ADOT because:

- the proposed route through South Mountain would knowingly, improperly, and illegally desecrate a site with profound sacred and spiritual significance resulting in an unjustifiable disparate impact on the GRIC;
- construction and the effects of vehicle and truck traffic on the proposed South Mountain Loop 202 would result in pollution causing disproportionate cumulative health effects causing a disparate impact on the GRIC and its tribal members, including members of GRACE, and;
- inadequate consultation and inadequate process was given to the GRIC.

A. SOUTH MOUNTAIN LOOP 202 DISPARATE CUMULATIVE SPIRITUAL AND CULTURAL EFFECTS ON THE GRIC, INCLUDING GRACE COMPLAINANTS

GRIC grievances about the proposed South Mountain Loop 202 have common themes. Like the following, they identify the great cultural and spiritual meaning the South Mountain signifies to the GRIC: “our people feel that the mountain is a sacred place and we should respect it.”¹¹⁵ “we need to protect it because that mountain is sacred to our people,”¹¹⁶ you don’t know what it means to us having the mountain there, it won’t be the same if it should be gone,”¹¹⁷ and “when I was younger I recall being taught about our people’s heritage...I remember being taught by my elders that we come from South Mountain.”¹¹⁸ See attachments. Another GRIC tribal member stated “as we were growing up we were taught that our land was sacred and that we need to protect it at all cost. South Mountain...is one of our sacred mountains.”¹¹⁹ See attachment. Plainly put, construction of the South Mountain Loop 202 would desecrate a natural landscape with profound sacred and spiritual significance to the GRIC. One GRIC tribal member wrote that “my connection to South Mountain is that it is a very sacred place to me and my people.”¹²⁰ See attachment. Another said “it is a sacred mountain to our people...and...it was most sacred to our ancestors...there are stories about that mountain I was told by my elders, and there are plants that grow on this mountain that we use today for healing, eating, and blessings.”¹²¹ See attachment.

Cutting and blasting the South Mountain to place a highway through it would result in a major disparate impact on the GRIC. One tribal member stated “the mountain is central to the

¹¹⁴ This is not the first time that the GRIC would have to carry the burden of a transportation project. Arizona “renewed on promises to build interchanges and frontage roads on Interstate 10, which ADOT had offered in return for allowing an interstate to bisect the reservation.” (Sean Holstege, *The Republic, 1998 plan for South Mountain Freeway passed*, March 25, 2013 <http://www.azcentral.com/community/ahwatukee/articles/20130308south-mountain-freeway-plan-ignored.html> (last visited July 11, 2013). Further, the GRIC just recently got reimbursed by ADOT for allowing I-10 on the reservation.

¹¹⁵ Beonka Thomas, GRIC tribal member, Aff. July 3, 2013.

¹¹⁶ Laverne Thomas, GRIC tribal member, Aff. July 8, 2013.

¹¹⁷ Stephanie Thomas, GRIC tribal member, Aff. July 8, 2013.

¹¹⁸ Laura Thomas, GRIC tribal member/GRACE member, Aff. ¶ 2.

¹¹⁹ Daniel Hernandez, GRIC tribal member Aff. ¶ 1.

¹²⁰ Nicole Johns, GRIC tribal member Aff. ¶ 1 June 29, 2013.

¹²¹ Winnona Catha, GRIC tribal member Aff. ¶ ¶ 1-2 July 2, 2013.

O’odham creation story and continues to be a place to hold ceremonies by and for the O’odham people. The mountain is also sacred to us because of the plant life we use for medicinal and ceremonial purposes and also because of the wildlife we hunt to sustain ourselves. The construction of this freeway would greatly harm the wellbeing of the mountain and therefore will bring harm to the O’odham.”¹²² See attachment.

South Mountain is a very major and significant part of the GRIC spiritual and cultural life. It is a place of importance with esteemed meaning: it is associated with integrity, strength, patience and offers innumerable cultural and spiritual benefits to the GRIC. It has been there on the landscape and has withstood time and the elements in good and bad times with generations of GRIC ancestors. Becoming a major historical and spiritual theme in the GRIC’s lives, stories, teachings, rituals, ceremonies, and medicines are derived from South Mountain. One tribal member stated “South Mountain is important to me because it’s part of our heritage. There are many teachings that go with that mountain. Stories and songs that our generations to carry on.”¹²³ See attachment. Another stated “according to our oral history South Mountain is a sacred mountain to our people. Akimel O’odham legends and stories talk about South Mountain being the home of the deity for our tribe. There are also stories about artifacts and petroglyphs from our ancestors the Hohokam located on South Mountain.”¹²⁴ See attachment. Another GRIC tribal member stated “Oral history and legends state that South Mountain is the home of “Elder Brother” (I’ittoi) deity of the Akimil O’odham Tribe (Gila River Indian Community Tribe). South Mountain was also once inhabited by our ancestors the Hohokam. The Hohokam has been acknowledged by archaeologist, anthropologist and historians to be one of the first settlers of this region. South Mountain is also a place of worship, sacred ceremonies are performed, prayer and blessings are given and shrines are built to honor I’ittoi and our ancestors.”¹²⁵ See attachment.

Disturbing South Mountain would be desecrating it and desecrating it would be harming the GRIC itself –“to take the South Mountain away is a great impact to the Gila River Indian Community. It would be losing a part of us even more.”¹²⁶ See attachment. “To hear of this mountain being destroyed has put a great hurt in my spiritual life...The mountain has given me much in my life. It has kept me strong, sane, peaceful, and healthy.”¹²⁷ See attachment. Much harm would occur because this significant historical and cultural site that has been handed down through the generations is rich with the past: its heritage reaches into the present and connects with the GRIC living today. One tribal member stated “I have a very strong connection to South Mountain. In my late teens I left my hometown of Ajo, Arizona to attend Arizona State University. As a young woman far from home it was a difficult adjustment to live in the city, but going to South Mountain helped with this transition...as a young mother raising a child in the late sixties/early seventies, I often went to south Mountain to meditate when times became tough or if I was unable to return to Gila River for family emergencies. South Mountain has always made me feel closer to home and closer to my O’odham Himdag.”¹²⁸ See attachment.

¹²² Renee Jackson, GRIC tribal member Aff. ¶ 2.

¹²³ Fairietta Morago, GRIC tribal member Aff. ¶ 1.

¹²⁴ Peggy Mae Morago, GRIC tribal member Aff. ¶ 2 July 6, 2013.

¹²⁵ Joseph Morago, GRIC tribal member/GRACE member, Aff. ¶ 2 July 22, 2013.

¹²⁶ Fairietta Morago, GRIC tribal member Aff. ¶ 1.

¹²⁷ Bernadette Stevens, GRIC tribal member Aff. ¶¶ 4-5 July 2, 2013.

¹²⁸ Peggy Mae Morago, GRIC tribal member Aff. ¶ 2 July 6, 2013.

GRIC and GRIC tribal members in GRACE¹²⁹ have repeatedly and publicly communicated the sacred significance of South Mountain, while at the same time, opposing ADOT’s actions and the South Mountain Loop 202 project. However, ADOT has consistently ignored these communications and continued its efforts to plan the South Mountain Loop 202 through the South Mountain. One tribal member lamented “you may see the Mountain as an obstacle! But we see it as a refuge for our animals, a place where we can take our children and teach them our culture. It may not seem like a lot but the Mountain means so much to our community.”¹³⁰ See attachment.

In April 29, 2008, the Arizona Republic published an article entitled, *Gila resolution calls freeway path 'sacred land'*.¹³¹ The article reads: “The (GRIC) council in April 2007 designated the South Mountain Range as “a sacred place/traditional cultural property” that must not be violated. The council said any alteration of the range “for any purpose would be a violation of the cultural and religious beliefs of the Gila River Indian Community.”¹³²

Nevertheless, ADOT’s August 2008 Draft Technical Report Summary states “direct impacts on cultural resources from construction could result in their partial or total loss.”¹³³ It goes on to state “archaeological sites and places considered culturally important by Native American groups would be affected by any of the build alternatives. The Gila River Indian Community (GRIC) and the Salt River Pima-Maricopa Indian Community have both passed Tribal Resolutions designating the South Mountains as a TCP and the Colorado River Indian tribes have said that they also consider the South Mountains a TCP. The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) recognize the South Mountains as a TCP.”¹³⁴

During a MAG public comment meeting on the South Mountain Loop 202 on December 21, 2009, GRIC tribal members and supporters pled with the government association to stop their plans to go through the South Mountain and “respect the heritage of their peoples.”¹³⁵ With a banner outside stating “standing against those who ruin the land” tribal members expressed their “deep and abiding love” for South Mountain and their “responsibility to protect” it for their ancestors and future generations.¹³⁶ One youth stated: “this pressure has to stop...we had a river taken away...our lands have been reduced enough...our ancestors should not have had to go through what they did for a highway to go basically past their cemetery.”¹³⁷ A speaker from Protecting Arizona’s Resources and Children (“PARC”) pointed out that GRIC at that time was

¹²⁹ GRACE has spent extensive time and resources during the planning and preparing of the DEIS by attending the various South Mountain Freeway meetings, speaking out to the media communicating the sacredness of the South Mountain, and urging the government to choose an alternative transportation mode that would not desecrate the GRIC’s cultural heritage.

¹³⁰ Daniel Hernandez, GRIC tribal member Aff. ¶ 1.

¹³¹ Colleen Sparks, The Arizona Republic, *Gila resolution calls freeway path 'sacred land'* Apr. 29, 2008 found at http://www.azdot.gov/Highways/Valley_Freeways/Loop_202/South_Mountain/articles/PDF/042908AZREP.pdf.

¹³² *Id.*

¹³³ ADOT, South Mountain Transportation Corridor Study Citizens Advisory Team Draft Technical Report Summary Cultural Resources August 28, 2008 p. 2 available at http://www.azdot.gov/southmountainfreeway/PDF/082808_SMCAT_CulturalResources_Summary_Final.pdf.

¹³⁴ *Id.* at 4.

¹³⁵ YouTube, South Mountain Freeway Proposal - Public Comments pt 1, Dec. 21, 2009

<https://www.youtube.com/watch?v=IMws03pJ0iE> (last visited June 17, 2013).

¹³⁶ *Id.*

¹³⁷ *Id.*

being pressured to permit a highway either through their limited reservation or through sacred ancestral land abutting their reservation –both of which have sacred and traditional values.¹³⁸

Also in that meeting, GRIC tribal members shared how their ancestors are a part of the “sacred territory” of South Mountain and how the tribal members of GRIC continue to be defined by it.¹³⁹ One tribal member expressed his concern that this desecration was “just another attempt to take more land” from indigenous people, whose historical legacy was one of losing more and more of their land by non-indigenous people.¹⁴⁰ He furthered shared with the audience how South Mountain is where their “creator started” and reiterated that it is a “sacred area that cannot be touched.”¹⁴¹ Another speaker stated his elders taught him that South Mountain “can’t be disturbed and if disturbed, would cause problems” to the world.¹⁴² Another stated that “this (cultural land of his ancestors) is what binds us together”; and another stated that “desecration of the South Mountain would break and kill them.”¹⁴³ Another pointed out to the audience the compromises the tribal members have already had to make like having to tolerate sacred places in the SMPP being desecrated with graffiti and trash.¹⁴⁴ She said it was unfair and wrong that now they are expected to permit their sacred South Mountain to be bulldozed for a highway.

GRACE co-founder, Lori Riddle, also spoke to the audience during the 2009 MAG public comment meeting. She stated that GRACE was opposed to the project because the proposal “impead(s) on fundamental “cultural sensitivities” of indigenous peoples of the GRIC.¹⁴⁵ Further she said, the GRIC “honor the land...honor the mountains.”¹⁴⁶ This is where they “pray...fast...prepare...gather...strength.”¹⁴⁷ This is “a heritage that goes back hundreds and thousands of years.”¹⁴⁸ Frustrated with ADOT’s failure to respect tribal concerns about the proposed desecration of the sacred mountain, Riddle had to say once again “the community has already chose(n) not to have a highway.”¹⁴⁹

The November, 11, 2009, Ahwatukee Foothills News article, *Questions remain on blasting into South Mountain*, questioned the soundness of “blasting through...major ridges of South Mountain in the park, which the Gila River Indian Community (GRIC) considers sacred.” It went on to quote Shannon Rivers, a member of GRIC, who said that the South Mountain “has burial sites, archeological sites and shrines.” The article also quoted Lori Riddle’s concerns with cutting into the ridges of the sacred South Mountain. Riddle stated, “when they talk about

¹³⁸ *Id.* In 2009, a route through the reservation was being pressured on the GRIC.

¹³⁹ YouTube, South Mountain Freeway Protest, <https://www.youtube.com/watch?v=1Mws03pJ0iE> (last visited June 17, 2013).

¹⁴⁰ YouTube, South Mountain Freeway Proposal - Public Comments /Part 1 found at <http://www.youtube.com/watch?v=z8MWtOX8eQ>.

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*; Only certain tribal members are allowed even in the sacred places and only certain tribal members knowledgeable and skilled do ceremonies in the sacred places.

¹⁴⁵ YouTube, South Mountain Freeway Proposal - Public Comments /Part 2 Dec. 21, 2009, <https://www.youtube.com/watch?v=zGW3LwbaISY> (last visited June 17, 2013).

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

blasting the mountain, it hurts... It’s totally going to change the area and people don’t realize that.”¹⁵⁰

In a 2010 Environmental Assessment for a tower site on South Mountain, the Arizona Department of Game and Fish reported the sacredness of the South Mountain. It stated “the Gila River Indian Community and Salt River Pima-Maricopa Indian Community have passed resolutions declaring the South Mountains to be a sacred place/traditional cultural property because of the prominent role the mountains have in oral traditions and songs of the Akimel O’odham (Pima) and Pee Posh (Maricopa) tribes.”¹⁵¹

On January 21, 2011, the Ahwatukee Foothills News published, *Gila River Tribe: Sacred Sites On South Mountain Top Issue In 202 Debate*, which stated “foremost on the mind of Gila River Indian Community members are the sacred sites and shrines on South Mountain that would be destroyed if plans to blast a freeway through the mountain proceed...The No. 1 concern by far is the desecration of that mountain...there are a number of areas of cultural significance that would be compromised. There are a number of cultural sites throughout the entire mountain.”¹⁵²

Further, in a 2012 press release, Lori Riddle of GRACE stated: “This project would harm the physical and spiritual integrity of Muhadag Do’ag (South Mountain) and traditional cultural properties associated with the mountain.”¹⁵³ “Many of the affected mountains in the South Mountain Range are sacred homelands of the O’odham people.”¹⁵⁴ “That is why the people in the Gila River Indian Community voted against having it on our lands and why we oppose the alignment that would cut through the mountain.”¹⁵⁵

In 2013, in an interview on 91.5 KJZZ, Riddle spoke again stating: “I know people try to diminish that (sacredness of the mountain to the GRIC tribal members), but it’s a freedom of religion that we have all rights to, and we feel like they are taking that freedom away from us.”¹⁵⁶

¹⁵⁰ Doug Murphy Ahwatukee Foothills News, *Questions remain on blasting into South Mountain*, Nov. 11, 2009 found at

http://www.azdot.gov/southmountainfreeway/PDF/20091111_questionsremaininblastingintosouthmountain.pdf.

¹⁵¹ EA, Finding of No Significant Impact for South Mountain Tower, found at

http://www.nlia.doc.gov/legacy/psic/AZ_1.02f_South%20Mtn_EA%20and%20FONSI%20package_signed.pdf.

¹⁵² Ari Cohn, Ahwatukee Foothills News, *Gila River Tribe: Sacred Sites on South Mountain Top Issue In 202 Debate*, January 21, 2011 found at <http://www.azdot.gov/southmountainfreeway/PDF/012111AFN.pdf>.

¹⁵³ Sierra Club, *New Sierra Club Report Identifies How the Nation’s Best and Worst Transportation Projects Will Move the US Beyond Oil, or Keep Us Shackled to the Pump*, South Mountain Freeway Makes the List of Worst Projects, December 11, 2012 found at

http://www.arizona.sierraclub.org/pr_and_alerts/pr_and_alerts_2012/alert_12-11-12.asp (last visited July 10, 2013).

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ Steve Shadley, *South Mountain Freeway proposal gets mixed reviews at a public hearing*

May 21, 2013 <http://www.kjzz.org/content/1305/south-mountain-freeway-proposal-gets-mixed-reviews-public-hearing> (last visited July 1, 2013); The Free Exercise Clause of the First Amendment states that Congress shall not pass laws prohibiting the free exercise of religion; GRACE also argues that ADOT’s action to desecrate South Mountain is a violation of the United States trust responsibility with the Native Americans based on the fact that no analysis of ADOT’s action is made in light of the American Indian Religious Freedom Act (“AIRFA”). The AIRFA of 1978 declares that it is the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Ekimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. (Pub. L. No. 95-341 (codified in part at 42 U.S.C. § 1996)). AIRFA provides land managers with the authority to take action to protect sacred lands. (Dean Suegee and Jack Trope, Native Sacred Places Protection Legal workshop, revised 2/11/2008 P. 13). AIRFA requires policies of all governmental agencies to eliminate interference with the free exercise of Native religion, based on the First Amendment, and to accommodate access to and use of religious sites to the extent that the use is practicable and is

B. SOUTH MOUNTAIN LOOP 202 DISPARATE CUMULATIVE HEALTH AND ENVIRONMENTAL EFFECTS ON THE GRIC, INCLUDING GRACE COMPLAINANTS

With approximately 67,000 cars travelling daily between Phoenix and Tucson on Interstate 10 (one of the three interstate highways that serves as the through-routes for nearly all truck traffic) only a small fraction of those cars are driven by tribal members.¹⁵⁷ However, because approximately 25 miles of Interstate 10, two lanes in each direction, is running through the GRIC, pollution is being created and emitted onto the GRIC.¹⁵⁸ The GRIC assert that this is its single biggest source of air pollution in the community.¹⁵⁹ There are also several million cars owned by people who live, work, and commute within the greater Phoenix area, causing pollution, while car ownership in GRIC is low because GRIC members work and live in the same districts.¹⁶⁰ The GRIC even goes as far to encourage customers to its casinos to use buses from the near-by urban areas on a regular basis to reduce single occupancy car traffic to its Casinos.¹⁶¹ However, even with this proactive approach to the environment, the 2005 Joint Air Toxics Assessment Program (JATAP) report shows that GRIC has high Particulate Matter (“PM”) and Volatile organic compounds (VOC) in its air.¹⁶² The South Mountain Loop 202 would be yet another source of pollution not created by the GRIC but affecting the GRIC.

Maricopa County has struggled to meet the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM).¹⁶³ The American Lung Associations’ State of the Air 2013, gave Maricopa County a grade of F for the period between 2009-2011 in High Particle Pollution 24-hr days.¹⁶⁴ It also ranked Phoenix-Mesa-Glendale, AZ 18th in Most Polluted by Year-Round Particle Pollution (Annual PM 2.5) and 21st in Most Polluted by Short Term Particle

not inconsistent with an agency’s essential functions. (Canby, John C. Jr., *American Indian Law in a Nutshell*, pg. 339, 340 1988 West Publishing Company). The Merriam Webster dictionary defines practicable as “capable of being put into practice or of being done or accomplished: feasible.” (Merriam-Webster, <http://www.merriam-webster.com/dictionary/practicable>. (last visited June 13, 2013)) Here FDOT and ADOT’s essential functions are not compromised by not going through South Mountain. Further, there are practicable and feasible alternatives to going through South Mountain like expanding existing highways and developing the public transit systems.

¹⁵⁷ GRIC Response to EPA, *Gila River Indian Community Response to EPA’s Nine Factors Requirement for Designation of PM-2.5 Under the National Ambient Air Quality Standards*, p. 4 Jan. 4, 2011, found at <http://www.regulations.gov#!documentDetail,D=EPA-HQ-OAR-2010-0163-0016>.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² Hilary R. Hafner Analysis of Air Toxics Collected As Part of The Joint Air Toxics Assessment Project Dec. 2006 found at <http://www.epa.gov/ttnamti1/files/20032004csatam/FinalreportJATAP2005.pdf>.

¹⁶³ Paul Atkinson, *2011 record year for Maricopa County air pollution* 91.5 KJZZ, Feb. 24, 2012 <http://www.kjzz.org/content/1202/2011-record-year-maricopa-county-air-pollution> (last visited July 11, 2013); Phoenix has one of the worst air pollution problems in the nation. Mother Nature Network, *7 U.S. cities with the worst air pollution*, <http://www.mnn.com/health/healthy-spaces/photos/7-us-cities-with-the-worst-air-pollution/phenix> (last visited July 11, 2013).

¹⁶⁴ American Lung Association, *State of the Air 2013*, found at <http://www.lung.org/associations/states/california/assets/pdfs/sota-2013/sota-2013-full-report.pdf>.

Pollution (24-hour PM 2.5).¹⁶⁵ According to the EPA Green Book, Maricopa County has been in nonattainment in Particulate Matter (PM)-10 since 1992.¹⁶⁶

PM-10 is a “complex mixture of extremely small particles and liquid droplets...made up of a number of components, including acids..., organic chemicals, metals, and soil or dust particles.”¹⁶⁷ PM-10 are “inhalable coarse particles,” that can be found near roadways and dusty industries.¹⁶⁸ They can affect the heart and lungs and cause serious health effects.¹⁶⁹ Those most at risk to PM-10 are people with heart or lung disease¹⁷⁰, older adults, children, and physically active people.¹⁷¹ People with diabetes may also be at risk.¹⁷² Further, new studies suggest that exposure to high particle levels may also be associated with low birth weight in infants, pre-term deliveries, and possibly fetal and infant deaths.¹⁷³ Long-term exposures have been associated with problems such as reduced lung function and the development of chronic bronchitis and even premature death.¹⁷⁴ Short-term exposures to particles can aggravate lung disease, causing asthma attacks and acute bronchitis, and may also increase susceptibility to respiratory infections.¹⁷⁵

Almost every one of the PM-10 exceedances has been detected at the air quality monitor at 43rd Avenue and Broadway Road. Because the air is already heavily polluted, the placement of a freeway about a mile and a half upwind from this monitor will have a disparate impact on the health and welfare of the GRIC, who are situated next to the proposed site. The GRIC has the highest level of diabetes in the nation; those with diabetes are more susceptible to irritation from PM-10 and more susceptible to other medical conditions.

Additionally, during the construction phase, thousands of tons of dirt would be moved around upwind of the 43rd Avenue and Broadway Road monitor causing increased levels of PM. The proposed path of the South Mountain Loop 202 would cause PM over the Salt River bed, where extensive earthmoving will be necessary for the construction of the bridges. Blasting South Mountain would also release enormous amounts of PM, and the natural wind currents and prevailing wind patterns would push this PM toward the air monitor at 43rd Avenue.

Because people are contracting Valley Fever (Coccidioidomycosis) in Southern Arizona (especially in the Phoenix and Tucson areas),¹⁷⁶ Valley Fever is a threat. The two species of coccidioides fungi that cause Valley Fever are commonly found in the soil of specific areas, one of which is Arizona’s Sonoran desert, and are stirred into the air by anything that disrupts the soil like construction.¹⁷⁷ Moreover, Native Americans are more susceptible to developing serious

¹⁶⁵ *Id.* at 13-15.

¹⁶⁶ Nonattainment Status for Each County by Year for Arizona As of December 14, 2012 http://www.epa.gov/oaqps001/greenbk/anay_az.html (last visited June 24, 2013).

¹⁶⁷ EPA, Particulate Matter (PM) <http://www.epa.gov/airquality/particlepollution/> (last visited 6/24/13).

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ In people with heart disease, short-term exposures have been linked to heart attacks and arrhythmias.

¹⁷¹ Air Now, Particle Pollution and Your Health http://airnow.gov/index.cfm?action=particle_health.page1#2 (last visited June 24, 2013).

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ The University of Arizona, Valley Fever Center for Excellence, <https://www.vfce.arizona.edu/ValleyFeverInPeople/WhoGetsIt.aspx> (last visited June 24, 2013).

¹⁷⁷ Mayo Clinic, Definition: Valley Fever, <http://www.mayoclinic.com/health/valley-fever/DS00695> (last visited July 1, 2013).

infection from it than are whites.¹⁷⁸ If the South Mountain Loop 202 is constructed there would be a real risk to the members of the GRIC.

The GRIC would also be disparately affected by negative environmental consequences to its agriculture sector. Agriculture plays an important role for the GRIC and is a major sector in GRIC's economic development plan. "15,000 acres of Community farms on the GRIC support a variety of crops such as cotton, wheat, millet, alfalfa, barley, melons, pistachios, olives, citrus, and vegetables. And independent farming operations cultivate an additional 22,000 acres of similar crops, bringing the total agricultural product value to an excess of \$25 million."¹⁷⁹ Now with its newly restored water rights, the GRIC is planning on developing a much larger agricultural industry. However, PM decreases crop production, and because of this, not only will the health of the crops be compromised but the profit from the GRIC's agriculture will be compromised by the air pollution from the South Mountain Loop 202.

Maricopa County has also been in nonattainment in 8-Hr ozone 1997 since 2004 and in 8-Hr ozone 2008 since 2012.¹⁸⁰ The American Lung Associations' State of the Air 2013, gave Maricopa County a grade of F for the period between 2009-2011 in High Ozone days¹⁸¹ and 23rd in Most Ozone-Polluted Cities.¹⁸² Ozone is formed when pollutants emitted by cars, power plants, industrial boilers, refineries, chemical plants, and other sources react chemically in the presence of sunlight.¹⁸³ Those most at risk are children, adults who are active outdoors, adults - including older adults- with respiratory diseases, such as asthma, and people with unusual susceptibility to ozone.¹⁸⁴ Ozone can aggravate asthma and inflame and damage the lining of the lungs that can in turn cause long-term health effects and a lower quality of life.¹⁸⁵

Higher ozone levels would have a disparate effect on the people of the GRIC. First, many GRIC members have asthma and other respiratory problems. Ozone increases will exacerbate existing problems. Second, because the Hassayampa Freeway CANAMEX route is not first being built, the South Mountain Loop would be used as a bypass for truck drivers traveling from Canada to Mexico. This would also have a major disproportionate effect on the GRIC. With Interstate 10 already running through the GRIC, more diesel trucks near the GRIC would only increase pollution, some of which are cancer-causing.¹⁸⁶ Diesel from trucks can create the same amount of air pollution as 150 passenger cars¹⁸⁷ and diesel exhaust has been

¹⁷⁸ Mayo Clinic, Risk Factors: Valley Fever, <http://www.mayoclinic.com/health/valley-fever/DS00695/DSECTION=risk-factors> (last visited July 1, 2013).

¹⁷⁹ Inter Tribal Council of Arizona, Inc., Gila River Indian Community http://itcaonline.com/?page_id=1158 (last visited 7/8/13).

¹⁸⁰ EPA, Nonattainment Status for Each County by Year for Arizona As of December 14, 2012 http://www.epa.gov/oaqps001/greenbk/anay_az.html (last visited July 13, 2013); 91.5 KJZZ, Paul Atkinson, *2011 record year for Maricopa County air pollution*, Feb. 24, 2012 <http://www.kjzz.org/content/12022011-record-year-maricopa-county-air-pollution> (last visited July 13, 2013); Phoenix has one of the worst air pollution problems in the nation. Mother Nature Network, *7 U.S. cities with the worst air pollution*, <http://www.mnn.com/health/healthy-spaces/photos/7-us-cities-with-the-worst-air-pollution/phoenix> (last visited July 13, 2013).

¹⁸¹ American Lung Association, State of the Air 2013 found at <http://www.lung.org/associations/states/california/assets/pdfs/sota-2013/sota-2013-full-report.pdf>.

¹⁸² *Id.* at 13-15.

¹⁸³ AirNow, Smog - Who does it hurt? <http://airnow.gov/index.cfm?action=smog.page1> (last visited 6/27/13).

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ Cancer-causing pollutants from trucks are diesel particulate matter and Volatile Organic Compounds (VOCs) such as benzene, formaldehyde, and polycyclic aromatic hydrocarbons (PAHs). (Sierra Club, Highway Health Hazards, http://www.sierraclub.org/sprawl/report04_highwayhealth/report.pdf (last visited 6/29/13)).

¹⁸⁷ MECA, *Clean Air Facts Emission Controls for Diesel Engines* <http://www.meca.org/> (last visited 7/2/13).

linked to lung cancer and the development of asthma.¹⁸⁸ Moreover, although the United States has implemented national heavy-duty diesel emissions standards and Ultra-low-sulfur diesel ("ULSD") fuel requirements, Mexico has not made significant progress in implementing its heavy-duty diesel emissions standards nor has it transitioned to ULSD.¹⁸⁹ And, although the Arizona Department of Air Quality monitors 1967 through 2008 diesel powered vehicles in the metro Phoenix (Area A) and Tucson (Area B), commercial vehicles that are licensed in multiple states are not.¹⁹⁰ Further, some trucks using the South Mountain Loop 2002 will be carrying hazardous material causing major risks to the GRIC. Although the DEIS admits that the South Mountain Loop 202 will be used to transport hazardous waste, it does not include an emergency plan for the different communities that could be affected by accidents by transporters of hazardous waste.

There is also a risk of a pollution hot spot developing in the GRIC because of the leveling of mountain ridges and the placement of a highway with speeding cars and trucks on the flattened area abutting the GRIC. The GRIC reservation is situated between the Sierra Estrella to the west running north and south along the entire distance of the GRIC on the western edge, the South Mountain to its north separating the GRIC from Phoenix and Tempe, and the Santan Mountains on the northeast side, separating the GRIC from Gilbert and Apache Junction.¹⁹¹ "These natural barriers are large enough and have sufficient altitude to prevent pollution from transporting onto GRIC even during periods of inversions and stagnant air."¹⁹² The South Mountain Loop will eliminate the natural barrier of the South Mountain separating the GRIC from the heavily polluting cities of Phoenix and Tempe. Further, the new car and truck emissions will be emitted near the GRIC. Under certain wind and weather patterns, these emissions will be captured and contained within the remaining ranges on the GRIC causing a hotspot. Like past off-reservation polluting activities, the GRIC will have to bear the consequences of pollution not created by them but migrating to its lands.

The GRIC also would be disproportionality affected by other public health concerns, concerns of which were not mentioned in the DEIS. The GRIC struggle with substance abuse, such as alcoholism and methamphetamine addiction, and have been struggling with a high suicide rate.¹⁹³ American Indian and Alaska Native (AI/AN) people are significantly more likely to report past-year alcohol and substance use disorders than any other race.¹⁹⁴ And suicide rates for AI/AN people are 1.7 times higher than the U.S. all-races rate.¹⁹⁵ Further, several sources

¹⁸⁸ EPA, *Health Assessment Document for Diesel Engine Exhaust* (Final 2002) found at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=29060#Download>.

¹⁸⁹ EPA, Thirteenth Report of the Good Neighbor Environmental Board to the President and Congress of the United States, p. 15 found at <http://www.epa.gov/oaqmo/gnebgnebl3threport/English-GNEB-13th-Report.pdf>.

¹⁹⁰ Arizona Department of Air Quality, Air Quality Division: Vehicle Emissions: Diesel Vehicles, <http://www.azdeq.gov/air/vei/diesel.html> (last visited 7/2/13).

¹⁹¹ GRIC Response to EPA, Gila River Indian Community Response to EPA's Nine Factors Requirement for Designation of PM-2.5 Under the National Ambient Air Quality Standards, p. 5 Jan. 4, 2011, found at <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2010-0163-0016>.

¹⁹² *Id.*

¹⁹³ National Indian Health Board, *The Gila River Indian Community's Equine Programs*, http://www.nihb.org/behavioral_health/mspi_program_gila_river.php (last visited July 1, 2013).

¹⁹⁴ Substance Abuse and Mental Health Services Administration Office of Applied Studies, The NSDUH Report (2007) found at <http://www.oas.samhsa.gov/2k7/AmIndians/AmIndians.htm>.

¹⁹⁵ Indian Health Service Office of Public Health Support, Trends in Indian Health, 2002-2003; Historical trauma is linked to increased suicide risk not only through depression, despair, and helplessness felt because of cultural oppression, but also because anger, aggression, and violence felt in response to experiences of victimization can be

indicate that AI/ANs are at higher risk for certain mental health disorders than other racial/ethnic groups.¹⁹⁶ The Office of Minority Health reports that AI/ANs experience higher rates than all races in the following areas: serious psychological distress; feelings of sadness, hopelessness, and worthlessness; feelings of nervousness or restlessness; and suicide.¹⁹⁷

The Indian Health Service, the Federal Health Program for American Indians and Alaska Natives, recognizes that one major reason for these higher national rates of substance abuse and psychological problems is historical trauma.¹⁹⁸ Historical trauma describes the cumulative effects of the massive group trauma experienced by AI/AN peoples and nations since the arrival of European settlers on the American continent.¹⁹⁹ This trauma has taken various forms, from outright violence of wars and forced relocation to damaging prohibitions on Native languages and cultural and religious practices. Historical trauma has many dimensions, but one important aspect is that, as with any trauma situation, parents and caregivers who have been traumatized often pass on trauma response patterns to their children.²⁰⁰ This means that the effects of historical trauma in AI/AN communities include not just past or present acts of oppression and racism that AI/AN people have been victimized by, but also the ways that trauma response behaviors are internalized, repeated, and passed on within AI/AN families and communities.²⁰¹

The people of the GRIC, like many other Native Americans in the US, have continued to socially and psychologically struggle to heal from losing traditional ways of life, homeland, language, traditions, etc. due to intrusions on their culture. Because cultural identity and psychological health are related, healing is thwarted by continued marginalization of their culture and worldview. ADOT, deliberately destroying more culture unnecessarily is discriminatory and irresponsible. It is discriminatory because the act destroys an integral part of the GRIC's identity while history shows that Native Americans and the people of the GRIC have lost an incredible amount of their culture already. The GRIC in particular have been embattled in a water right dispute for decades. The loss of water has changed its way of life in very significant ways like food production, diet, independence, etc. And only just recently are the GRIC's water rights being restored after having had to struggle for almost a century with severely reduced water flows. Moreover, ADOT's action is discriminatory because modern psychology shows that cultural identity and environment play a major role in human health, especially for Native Americans who have a unique relationship with their culture and the natural environment.

Not only will a sacred mountain be desecrated but access to historical, ancestral land will be more limited, less accessible, and will be disturbed by noise, cars, and pollution. The landscape will be more fragmented and urbanized, qualities not compatible with sacredness. Modern psychology is not the only messenger to ADOT: the GRIC's 2007 Community Council resolution stated that they "strongly oppose(d) any alteration of the South Mountain Range for

turned against oneself. (Subia BigFoot, D., *History of Victimization in Native Communities*, found at <http://iccte.org/History%20of%20Victimization%20Issues-%20Final.pdf>).

¹⁹⁶ Olson, L. & Wahab, S., American Indians and Suicide: A Neglected Area of Research. *Trauma, Violence, and Abuse*, 2006 7(1), 19-33.

¹⁹⁷ US Department of Health and Human Services Office of Minority Health, *Mental Health and American Indians and Alaska Natives*, found at <http://minorityhealth.hhs.gov/templates/content.aspx?ID=6475>.

¹⁹⁸ U.S. Department of Health and Human Services, *American Indian/Alaska Native Behavioral Health Briefing Book*, August 2011, found at <http://www.ihs.gov/behavioral/documents/AIANBHBrifingBook.pdf>.

¹⁹⁹ Brave Heart, M. Y. H. and DeBruyn, L. M., *The American Indian Holocaust: Healing Historical Unresolved Grief*, *American Indian and Alaska Native Mental Health Research*, 1998 8(2), 61.

²⁰⁰ U.S. Department of Health and Human Services, *American Indian/Alaska Native Behavioral Health Briefing Book*, August 2011, found at <http://www.ihs.gov/behavioral/documents/AIANBHBrifingBook.pdf>.

²⁰¹ *Id.*

any purpose"...and any alteration..."would be a violation of the cultural and religious beliefs of the Gila River Indian Community and would have a negative cumulative effect on the continuing lifeways of the people of the Gila River Indian Community."²⁰² ADOT's decision is irresponsible because the government is sponsoring a program that significantly reduces Native American culture and identity while at the same time knowing the integral relationship the GRIC has with the South Mountain and possessing all the tools to recognize that Title VI of the Civil Rights Act is being violated.

C. ADOT DISCRIMINATED BY NOT CONDUCTING ADEQUATE CONSULTATION TO PREVENT A DISPARATE IMPACT AND BY PROVIDING INADEQUATE NOTICE, ACCESS, AND PUBLIC PARTICIPATION OPPORTUNITIES FOR GRIC AND GRACE TRIBAL MEMBERS

GRIC tribal members are speaking out strongly because GRIC feel that they have not been properly included, consulted, and heard. In analyzing ADOT's procedure and process before and after the release of the DEIS, it is apparent that ADOT did not comply with Title VI's requirement that no person may be excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin.²⁰³ It is also apparent that ADOT did not comply with NEPA's provision to provide for "all Americans safe, healthful, productive, and esthetically pleasing surroundings", or to take a "systematic, interdisciplinary approach" to aid in considering environmental and community factors in decision making.²⁰⁴

Ignoring the fact that GRIC, as a Native American peoples with community centered values and a strong sense of responsibility to protect the integrity of the past, present, and future generations, ADOT has embraced MAG's interpretation that the South Mountain Loop 202 is an absolute necessary component of the MAG master-plan. MAG's subcommittee, the Transportation Policy Council (TPC), which plans for and sets aside money for transportation projects in the Maricopa County region and provides the overall plan for all modes of transportation in Maricopa County, is heavily filled with business leaders and corporate executives, who have a bias toward seeing the South Mountain constructed. The GRIC however must make decisions that protect their culturally rich ancestral lands and the health and welfare of present and future generations of GRIC.²⁰⁵ The TCP includes executives from trucking companies (Swift, Knight), shopping mall owners and operators (Macerich), several realty companies, casino architects (The Killian Companies), and a construction firm that builds freeways (FNF Construction).²⁰⁶ ADOT, who is captive to MAG's belief that the project is necessary, has designed the DEIS so as to create the impression that the South Mountain Loop 202 must be built and no other alternatives are prudent or feasible, downplaying and ignoring the disparate impacts that would result if the South Mountain Loop 202 were constructed.

²⁰² Gila River Indian Community Resolution NO. GR-41-07, A Resolution Designating the South Mountain Range (Muhudag, Avikwaxos) as a Sacred Place and Traditional Cultural Property of the Gila River Indian Community.

²⁰³ 42 U.S.C. § 2000d.

²⁰⁴ Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982.

²⁰⁵ MAG, TCP <http://www.azmag.gov/Committees/Committee.asp?CMSID=1041> (last visited July 15, 2013).

²⁰⁶ *Id.*

ADOT has minimally consulted with the GRIC in the scoping and preparing of the DEIS both officially and unofficially. While ADOT indicates that it has conducted 178 meetings with GRIC on its South Mountain Loop 202 proposal between 2001 to 2012, only three, all in 2011, were identified as cultural resource consultation meetings and none were attended by the BIA.²⁰⁷ Further, these cultural resource consultation meetings were designated as “Meetings Focused on the Proposed On-Community Alignment, 2010-2012 biasing any efforts to satisfy the goals of a cultural resource consultation meeting. The National Park Services’ guidance for federal historic preservation programs states: “consultation means the process of seeking, discussing, and considering the views of others, and, where feasible, seeking agreement with them on how historic properties should be identified, considered, and managed. Consultation is built upon the exchange of ideas, not simply providing information.”²⁰⁸ Further, consultation should start early for a proposed project, not 9 years after conducting meetings. And those best equipped to communicate the tribes’ sensitivities to cultural places should be consulted with and not just met with so as to satisfy what it believes is its Title VI and EJ requirements.²⁰⁹

ADOT spent the first 9 years just informing GRIC representatives what its plan were and trying to “coordinate” its agenda -not consulting: ADOT worked mainly with the Natural Resources Standing Committee (NRSC) and the Transportation Technical Team (TTT). The NRSC is a special committee reporting to the Community Council that reviews all land use actions under its jurisdiction, acts as a key decision-making agent in actions pertaining to land use effects on Community land, and issues right-of-entry permits for non-Community members wishing to conduct a survey or other data collection tasks on Community land.” And the TTT is a special committee established by the Community Council...to facilitate informed decisions on transportation requests.²¹⁰ These two committees do not participate in consultation, which is something very different from making land use decisions, issuing right-of-entry permits for non-Community members, and facilitating informed decisions on transportation requests.

Moreover, ADOT didn’t conduct the informational scoping meetings itself. The DEIS states that in August 2010 while ADOT believed it still could secure an on-reservation alignment, it presented an environmental and engineering overview outlining the freeway and its

²⁰⁷ None of these meetings was the one that the Four Southern Tribes of Arizona attended. (ADOT, South Mountain Study Team, Chapter 2 *Gila River Indian Community Coordination* at 4-7); The federal government is obligated by its “trust responsibility” to represent the best interests of tribes and their members. This specific responsibility is delegated to the U.S. Bureau of Indian Affairs (BIA).” (*Id.* at 2); Under Executive Order 13,175, each federal agency must establish a process for consultation with tribal officials in the development and implementation of “policies that have tribal implications” based upon the “unique legal relationship” between the United States and “Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions.” (65 FED. REG. 67249 (Nov. 6, 2000) <https://www.federalregister.gov/articles/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal> (last visited July 15, 2013)). With the BIA as one of ADOT’s partners, any ADOT action with the South Mountain Freeway is dependent on it complying with Executive Order 13,175.

²⁰⁸ National Park Service, The Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation Programs pursuant to the National Historic Preservation Act, 63 FED. REG. 20496, 20504 (Apr. 24, 1998).

²⁰⁹ While the Elderly Concerns Group was met with twice, in 2001 and in then in 2002 by ADOT, nothing came of it. Because their concerns did not influence the DEIS, the Group on June 12, 2013 had to make a formal motion that the Elderly Concerns Group was opposed to the South Mountain Freeway and the destruction of the South Mountain. See attachment.

²¹⁰ ADOT, South Mountain Study Team, Chapter 2 *Gila River Indian Community Coordination* p. 3 found at http://www.azdot.gov/Highways/Valley_Freeways/Loop_202/South_Mountain/PDF/FHWA-AZ-EIS/02-SMDEIS-Chapter-2-Gila-River-Indian-Community-Coordination.pdf.

impacts on GRIC land to the TTT, who with the help of the Public Information office solicited recommendations and comments from GRIC tribal members on an off-reservation and an on-reservation alignment.²¹¹ The DEIS states that meetings were held from December 2010 through March 2011 in each of the seven districts, with some districts having multiple meetings.²¹² The DEIS states that meetings were also held with special interest groups and a total of 15 meetings occurred.²¹³ GRACE states that these meetings were heard about only if one participated in certain closed meetings and only certain people were invited to those closed meetings. Further, many in attendance questioned why ADOT was not conducting these meetings but rather GRIC representatives. It appears that ADOT inappropriately gave its duty for scoping and community outreach to tribal representatives, and failed to make sufficient and direct efforts to engage GRIC tribal members between December 2010 and March 2011.

The only information publicized in the GRIN that the general GRIC community had before they voted in February 2012 to voice their opinion about the South Mountain was a paid ad by Pangea in the December 2011 and January 2012 GRIN telling tribal members that an on-reservation build would save South Mountain and an off-reservation build would desecrate South Mountain and an article by GRACE in the January 2012 GRIN expressing that a no build was an option, which meant that neither the reservation would be built on nor would South Mountain be desecrated. Still, uninterested in knowing how an off and an on-reservation build would impact the GRIC negatively,²¹⁴ without conducting consultation and arguably never communicating with the general GRIC community themselves, ADOT moved forward with designing only one eastern alternative through the South Mountain. Needless to say, many GRIC tribal members felt they had not been consulted. One GRIC tribal member stated: “A.D.O.T. did not ask in proper manners what we as a community would like done or not done with our sacred place of gathering.”²¹⁵ See attachment.

As a sovereign nation with historical, cultural, and spiritual connections with lands no longer fully assessable but which they have rights to, adequate consultation is necessary. Not only does the NHPA require consultation with the GRIC because the South Mountain is a TCP with religious and cultural significance²¹⁶ but Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations also calls for consultation. Executive Order 12898 states “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations.”²¹⁷ Nonetheless, after listing ADOT’s meetings with the GRIC, Chapter 2’s *Gila River Indian Community Coordination* ends with, “in

²¹¹ *Id.* at 8.

²¹² *Id.* at 8.

²¹³ *Id.* at 8.

²¹⁴ GRACE’s article in the January 2012 GRIN states “Both proposed freeway alignments destroy the mountain. The on reservation alignment will force the loss of more than 600 acres of GRIC lands at the base of South Mountain (source: Kimberly Dutcher, GRIC Law Office). These sites are full of cultural significance, and The Arizona Department of Transportation (ADOT) knows this. By destroying the foothills of Muhadag Do’ag, we destroy the entire mountain, as well as Muhadag Do’ag’s connection to the Estrellas. And what about the Pee Posh and O’odham families that would fall victim to the on-reservation alignment, and lose their homes to the freeway?” GRIN, Jan. 2012 15, NO.01 p. 4 found at www.gilariver.org/news

²¹⁵ Nicole Johns, GRIC tribal member, Aff. ¶ 5 June 29, 2013.

²¹⁶ 16 U.S.C. § 470a(d)(6)(B); 36 C.F.R. §§ 800.3(d) and (f)(2) and 36 C.F.R. § 800.2(c)(2)(ii).

²¹⁷ Exec. Order No. 12898, 59 Fed. Reg. (Feb. 11, 1994) found at <http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>.

accordance with Executive Order 12898, on environmental justice, and with Title VI of the Civil Rights Act of 1964 (Title VI), the coordination efforts outlined in this chapter establish that reasonable efforts have been made to engage and provide the Community’s population access to the EIS process for the proposed action.”²¹⁸

ADOT’s weak coordination efforts and flimsy access to the EIS process however are not enough: Title VI fundamentally requires consultation where exchange of ideas happens to prevent disparate impacts that Title VI prohibits. One-sided informational meetings, which most of the various GRIC meetings were between 2001 and 2012 do not give a community the potential to affect the opinions of the decision makers. The meetings to discuss the South Mountain Loop 202 were only for technical, information gathering, and for ADOT to present its intent and not for consultation. For example, while the DEIS acknowledges that the Community Council is “the primary decision-making and legislative body for the Community....consist(ing) of 17 members elected by residents of the Community’s seven districts”²¹⁹, ADOT only coordinated two meetings with them, one in 2003 that only included community council representatives from districts 4, 6, and 7 and another in 2005. It is apparent ADOT was only meeting to satisfy what it allegedly believed its requirements were under Executive Order 12898 and Title VI to “coordinate” and “engage”²²⁰ the GRIC, and moreover, to “ensure full and fair participation”²²¹ –again, not to truly consult or to consider anything but an on-reservation or a South Mountain Preserve alignment.

Additionally, ADOT’s meetings between 2001 and 2012 with the GRIC were not even full and fair. As a potential especially affected group, full and fair mean equal opportunity to participate and communicate ones position. For example, between 2010 through 2012, none of the 76 meetings focused on the proposed on-reservation alignment were conducted in districts three or five because as chapter 2 *GRIC Coordination* states, they would have been “less affected” by an on reservation alignment. This is not true because overall, the reservation is community land and any change of use will affect all tribal members. Further, a no-build is an equally legitimate option that NEPA requires analyzed. However, the meetings between 2001 and 2009 were conducted under the assumption that an alternative on the reservation was obtainable, while the meetings between 2010 and 2012 were conducted under the assumption an on-reservation alignment could be ultimately negotiated: none of the meetings therefore consulted and considered alternatives focusing on the effects and impacts on the GRIC for using GRIC land or the effects and impacts on the GRIC for desecrating sacred land. For example, chapter 2 goes on and says “informational meetings have been conducted with District 1 and 2 representatives regarding project status and identification of their concerns regarding the proposed action. These meetings occurred in 2002; both Districts 1 and 2 are outside of the Study Area. Although presentations to Districts 1 and 2 have not been made since 2002, articles regarding the project have appeared in the Gila River Indian News.”²²² One GRIC tribal member stated “I wasn’t notified about the meetings that they had about this freeway being built. I believe that they should of set out flyers to notify people not just only landowners but members of our community that should also be included to this matter that is coming in affect to our

²¹⁸ ADOT, South Mountain Study Team, Chapter 2 *Gila River Indian Community Coordination* at 11.

²¹⁹ ADOT, South Mountain Study Team, Chapter 2 *Gila River Indian Community Coordination* at 3.

²²⁰ *Id.* at 1, 4.

²²¹ ADOT, South Mountain Study Team, chapter 4 *Affected Environment, Environmental Consequences, and Mitigation* at 29.

²²² ADOT, South Mountain Study Team, Chapter 2 *Gila River Indian Community Coordination* at 8.

reservation.”²²³ See attachment. Another tribal member stated “I don’t know why they can’t hold a meeting in each District to see what the people think. Even though it is for landowners. But I think it is going to affect the whole reservation.”²²⁴

GRIC’s issues and concerns of the environmental, health, and cultural cumulative impacts on them and the misuse of transportation dollars for unnecessary highway expansion in the name of parochial economic development could not be considered in the decision making process because they were ignored by ADOT’s tunnel vision agenda of obtaining an on-reservation alignment so that they could spare the South Mountain and the Ahwatukee Foothills.²²⁵ No evidence suggests that the GRIC’s concerns were appropriately considered: why else after the GRIC voted for a no-build²²⁶ did ADOT end up with only one eastern alternative that goes through the GRIC’s sacred mountain.

The community forum meetings during the 90 day comment period also were not full and fair.²²⁷ As a nation with an oral tradition centered around community involvement and community transmission, (which is very different from a written tradition that is individualistic and easily transferable by non-community engagement), the one ADOT meeting on the reservation did not allow for formal “public testimony”. Rather, the meeting only allowed participants to report to a court reporter who recorded GRIC members’ comments individually. This was unfair as the May 21st downtown Phoenix public hearing allowed people to speak with a court reporter, complete a comment form, or give a formal 3-minute comment (public testimony).²²⁸ By the time GRIC’s community forum meeting came around June 22, 2013, the three options offered at the downtown Phoenix public hearing narrowed into only speaking with a court reporter or completing a comment form. Attendees at the GRIC community forum meeting were also forbidden to bring signs and banners to communicate and voice their opinions. These restrictions were a great insult to tribal members, especially since they felt excluded from the DEIS scoping and preparation of the DEIS. Also, the same video that was played at the beginning of the release of the DEIS and that can be found on the website was played over and over at this meeting instead of providing tribal members the opportunity to address everyone at the meeting.

²²³ Winona Catha, GRIC tribal member, Aff. ¶ 3 July 2, 2013.

²²⁴ Bernadette Stevens, GRIC tribal member, Aff. ¶ 5 July 2, 2013.

²²⁵ For example, after many failed attempts, Ahwatukee Foothills representative DiCiccio was hired by ADOT in 2006 as a consultant to negotiate with the GRIC to reconsider allowing the freeway on its land. (Scan Holstege, *The Republic, 1998 plan for South Mountain Freeway passed*, March 25, 2013 <http://www.azcentral.com/community/ahwatukee/articles/20130308south-mountain-freeway-plan-ignored.html> (last visited July 11, 2013)).

²²⁶ In late 2011, the GRIC Community Council passed a resolution to hold a Community-wide referendum on the freeway. The referendum asked members whether they supported an on-reservation alignment, an off-reservation alignment, or a “no-build” option. On February 7, 2012, most GRIC voters voted for the “no-build” option.

²²⁷ Meetings were held in: Ahwatukee Foothills Village; Avondale; Chandler; Estrella Village; Gila River Indian Community; and Laveen Village. Public testimony was formally prohibited at all meetings. (ADOT, Public participant Guide for the Loop 202 South Mountain Freeway Study Draft Environmental Impact Statement, found at http://www.smfonlinehearing.com/files/2313/6881/9504/SMTN_Meeting_Guide.pdf; However, public testimony was allowed at the May 21st Phoenix Public Hearing.

²²⁸ ADOT, You’re invited! Loop 202 South Mountain Freeway Study Draft Environmental Impact Statement Available for Public Review and Comment, found at http://www.azdot.gov/Highways/EPG/EPG_Common/PDF/Public_Notices/Loop202-South-Mountain-Freeway-project.pdf.

"Many Community members voiced disappointment in the format of the forum, which they said was completely from ADOT's perspective...and...one-sided".²²⁹ One GRIC tribal member stated "I was unable to attend the ONE and only meeting that I would have been allowed to speak at publicly. As stated before I don't travel to the Phoenix metro-area due to the distance, pollution and the heat. I am an elder that is in a wheelchair, which needs assistance to get around. Attending this meeting was impractical for me and the ONE meeting held in the Gila River Indian Community was held over fifty miles from my home. I feel that A.D.O.T. violated my civil right by not allowing anyone to speak at the meeting held in the Gila River Indian Community, as well as other meetings held in other communities. I was raised by oral traditions, I was taught to speak out, and I have a right to be heard in a public forum."²³⁰ See attachment. Another GRIC tribal member said "I feel ADOT discriminated against us all at the last public forum held in Komatke, AZ. Gila River Indian Community members were not able to voice their public comments. No matter where the meetings are held. All parties whether you are against or for the freeway should be able to speak. No meeting should be one sided for any reason what so ever. That is very unfair. Again this is a fast fix to eliminate process that everyone should abide by."²³¹ See attachment.

Notice was also inadequate. The June 22 meeting was not publicized on GRIN until an ADOT advertisement appeared on GRIN the day before the actual event.²³² This did not give tribal members enough notice to plan and prepare to attend the meeting, especially because many GRIC members lack transportation. To make matters worse, transportation was not provided to the GRIC as promised for the downtown Phoenix public hearing. Because of this, minimal GRIC participation at the Phoenix meeting was possible. In attempting to obtain community transportation for the Phoenix event, GRACE representative, Lori Riddle, called to speak with ADOT on numerous occasions to ask about transportation assistance. However, no one ever picked up. She had to leave messages and left several until ADOT's answering machine became too full to allow her to leave any more messages. Then, when she then turned to MAG's Senior Engineer Bob Hazlett for assistance in resolving this issue, he only shrugged his shoulders at her and said that it was just discovered that the ADOT message machine was designed to take up to 12 or so messages at a time. He said nothing else and did nothing to help. Not until the Phoenix meeting, did ADOT then hand out instructions about transportation assistance. And, then when GRACE tried to secure transportation for GRIC tribal members for the on-reservation public forum meeting on June 22, 2013, ADOT failed to provide vans to pick up tribal members that many of the GRIC needed to attend the meeting. At the last moment, ADOT put the responsibility on the GRIC requesting that GRACE representative, Lori Riddle, provide ADOT with a list of those who needed transportation with their contact information and addresses: because of the time constraints, this was not possible to provide.

One GRIC tribal member summed up ADOT's performance with the GRIC: "the manner in which ADOT has pursued the Gila River community member's voice and cooperation regarding the Draft Environmental Impact Study and the planning process has been poor to say

²²⁹ Joshua Jovanelly, GRIC Website, ADOT outreach on proposed 202 ext. held in Komatke <http://www.gilariver.org/index.php/news/3829-adot-outreach-on-proposed-202-ext-held-in-komatke> (last visited July 15, 2013).

²³⁰ Peggy Mae Morago, GRIC tribal member, Aff. ¶ 4 July 6, 2013.

²³¹ Fairietta Morago, GRIC tribal member, Aff. ¶ 6.

²³² GRIN, *Learn More about the DEIS*, June 21, 2013 found at http://www.gilariver.org/GRIN/JUNE_21_GRIN_Final.pdf.

the least. There was very little communication between the GRIC and MAG and ADOT. When community members were made aware of public hearings and meetings, it was short notice and not sympathetic to our community members lack of transportation. Furthermore, when ADOT did hold a "Public Forum" in GRIC, members were not to voice their statements verbally as others were able to do at the Phoenix hearing.²³³ See attachment.

ADOT also circulated and gave out inaccurate information about the GRIC, creating the false impression that the GRIC did not have as much to lose in the South Mountain Loop 202.²³⁴ While participating in this ADOT community forum meeting on the GRIC, GRIC attendees recognized that while in the DEIS there are two TCPs²³⁵ discussed, both of which would be completely destroyed if the proposed freeway extension was built, the ADOT posters at the meeting did not show this.²³⁶ When the attendees asked the ADOT representatives why this was so, different representatives replied in various ways: one said that the posters were outdated, another said there were no inaccuracies, and another stated that the discrepancies were up for interpretation.²³⁷ The posters also did not list other O'odham cultural resources such as petroglyph sites and prehistoric trails rich in artifact remains.²³⁸ It can only be guessed at how much damage the inadequate and incompetent presentation of the GRIC's many cultural and sacred areas and artifacts have done in regards to the dialogue and understanding of this project. It also shows what is produced by inadequate consultation, full and fair participation, and actual coordination.

D. NO SUBSTANTIAL LEGITIMATE JUSTIFICATION FOR SOUTH MOUNTAIN LOOP 202 AND FEASIBLE, REASONABLE AND NON-DISCRIMINATORY ALTERNATIVES EXIST FOR ADOT

As enumerated in the facts of the DEIS, ADOT is well aware of the sacredness of the South Mountain and the role that the mountain plays in the GRIC tribal members' culture and heritage. Title VI requires that recipients of federal funding such as ADOT must not take actions that have a disproportionate effect /disparate impact on peoples of a specific color, race, or national origin such as the people of the GRIC who are Native Americans.

With sacred places that must be undisturbed and where rituals and ceremonies may not even be conducted without the right environment, the South Mountain Loop would disparately impact GRIC tribal members. Here, there is an Indigenous Peoples, whose culture is embedded with its relationship with the South Mountain environment—known as a sacred territory-- from which they get physical, mental, and spiritual life. The desecration of South Mountain by construction and operation of a highway loop would result in a monumental disparate impact and a prohibited discriminatory effect. Further, the health and environmental impacts would also be disproportionately burdensome on the GRIC. Native Americans are supposed to be afforded civil rights protections from the majority: this is why GRACE requests ADOT to protect and to not

²³³ Rence Jackson, GRIC tribal member, Aff. ¶ 3.

²³⁴ Akimel o'odham youth collective's Blog, *O'odham Zombies March Against the 202*, June 24, 2013 <http://aoycblog.wordpress.com/> (last visited July 18, 2013).

²³⁵ The prehistoric Huhukam villages and the Pueblo del Alamo and Villa Buena.

²³⁶ Akimel o'odham youth collective's Blog, *O'odham Zombies March Against the 202*, June 24, 2013 <http://aoycblog.wordpress.com/> (last visited July 18, 2013).

²³⁷ *Id.*

²³⁸ *Id.*

purposely create a disparate impact on a protected class of people that would have a monumental and disastrous effect on the welfare and quality of life of the GRIC.

For all of the effort that was put into spelling out environmental justice requirements, Title VI itself was not defined, nor was it evaluated effectively in the DEIS. ADOT's August 2008 South Mountain Transportation Corridor Study Citizens Advisory Team Draft Technical Report Summary/Cultural Resources states that "by law, adverse impacts on cultural resources determined eligible for listing in the NRHP must be mitigated. The degree of mitigation required is directly related to the historic designation as described by Section 106. Direct impacts from construction on cultural resources determined to be of religious or traditional cultural importance by Native American groups or others could result in desecration of a sacred place. A potential indirect impact might be a community's loss of access to a culturally important place as a result of construction restrictions."²³⁹

ADOT's August 2008 South Mountain Transportation Corridor Study Citizens Advisory Team Draft Technical Report Summary/Environmental Justice ²⁴⁰ acknowledged that GRIC was a protected peoples²⁴¹ under Title VI; however, it made no mention that evaluating sacred places through the lens of Section 106 of the NHPA that requires "agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment,"²⁴² does not eliminate the necessity of evaluating the disparate impact of losing sacred places, culture, heritage, etc. based on Title VI.²⁴³ In this document, Title VI was not analyzed.

In chapter 4 of ADOT's DEIS, Title VI is only mentioned as a subset of Environmental Justice and the 1994 Executive Order 12898 on environmental justice; moreover, it is not defined. Title VI is not a policy or an executive order, but is the law and must be complied with as the rule of the law. Only in a short sidebar, does chapter 4 say, "in addressing environmental justice, it is important to understand whether the proposed action would have disproportionately high and adverse impacts on the protected population"²⁴⁴ but it doesn't say this in regards to Title VI or spell out its criteria. Rather, it directs the reader to go on to Land Use, Social Conditions, Displacements and Relocations, Economic Impacts, Air Quality, Noise, Cultural Resources, Visual Resources, Prime and Unique Farmlands, and Temporary Construction Impacts, which essentially are various sections of the DEIS that are over hundreds of pages long.

²³⁹ ADOT, South Mountain Transportation Corridor Study Citizens Advisory Team Draft Technical Report Summary/Cultural Resources August 28, 2008 p. 2 found at http://www.azdot.gov/southmountainfreeway/PDF/082808_SMCAT_CulturalResources_Summary_Final.pdf.

²⁴⁰ ADOT, South Mountain Transportation Corridor Study Citizens Advisory Team Draft Technical Report Summary/Environmental Justice, found at http://www.azdot.gov/southmountainfreeway/PDF/062608_SMF_CAT_EJ_Summary_Final.pdf.

²⁴¹ It appears that in this report, ADOT is not identifying GRIC accurately as a protected class. It is protected because of race not by color. The US Census currently identifies the following races: white, black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and other Pacific Islander. Race, Definition (last visited 6/23/2013) http://quickfacts.census.gov/qfd/meta/long_RH1525211.htm). Further, the protection is because of a history of discrimination; therefore, the disparate impact must be evaluated through the lens of the class of people experiencing political, social, economic, cultural discrimination historically.

²⁴² Section 106 Regulations Summary <http://www.achp.gov/106summary.htm> (last visited 6/23/2013).

²⁴³ This section on Title VI errs in defining what it is by not defining it but rather, conflating it into a subsection of environmental justice. Title VI does have a place in environmental justice, but Title VI is much more than environmental justice.

²⁴⁴ ADOT, South Mountain Study Team, Chapter 4 *Affected Environment, Environmental Consequences, and Mitigation* at 38.

ADOT is responsible for ensuring its actions and non-actions do not violate Title VI. Building a freeway through and desecrating South Mountain disproportionately affects a protected class and may only be done if there is a substantial legitimate justification. Connecting Ahwatukee Foothills to Laveen so that businesses like malls and movie theaters can come in is not a substantial legitimate justification.²⁴⁵ Nor is alleviating traffic a substantial legitimate justification without first addressing the alleged problem of congestion²⁴⁶ and pollution when there are more prudent and feasible alternatives²⁴⁷, as well as, comparably effective alternatives with less of a disparate impact to choose from.

A substantial legitimate justification for creating a disparate impact is just not found in the DEIS. To prove a "substantial legitimate justification," the recipient of federal funds must show that the challenged action or non-action was "necessary to meeting a goal that was legitimate, important, and integral to the [recipient's] institutional mission."²⁴⁸ The justification must bear a "manifest demonstrable relationship" to the challenged policy.²⁴⁹ And there must not be an alternative that is comparably effective with less of a disparate impact.²⁵⁰

ADOT purposely crafted its purpose and need to strategically make a no-build alternative appear non-debatable. The DEIS gives reasons for why it appears the proposal is favored and what the projects alleged purposes and needs are. The DEIS states that population growth, housing demand, economic growth, and the deficiencies in alternative modes of transportation

²⁴⁵ In a Loop 202 Meeting in Laveen on May 21, 2013, Phoenix City Councilman Michael Nowakowski stated that Laveen has "plans for a hospital, a mall, restaurants and shops, but ... all the plans are dependent on the South Mountain Freeway being built...shops and businesses won't come unless there's a possibility that residents from other parts of the Valley could be attracted to the area." (Allison Hurtado, Ahwatukee Foothills News, *Laveen residents gather to organize support for South Mountain Freeway*, http://www.ahwatukee.com/news/article_20023ca0-c1ab-11e2-befb-001a4bcf887a.html (last visited July 14, 2013).

²⁴⁶ Texas A&M's 30th Urban Mobility Report ranks the Phoenix-Mesa metropolitan area 40th among U.S. cities for the average amount of time motorists spend in traffic jams. 39 other areas rank higher for congestion than Phoenix-Mesa.

²⁴⁷ "Section 4(f) refers to the original section within the U.S. Department of Transportation Act of 1966 which established the requirement for consideration of park and recreational lands...and historic sites in transportation projects. The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, is implemented by the Federal Highway Administration (FHWA) through the regulation 23 CFR 774. Before approving a project that uses Section 4(f) property (e.g. a public park like SMPP), FHWA must either (1) determine that the impacts are de minimis, or (2) undertake a Section 4(f) Evaluation. If the Section 4(f) Evaluation identifies a feasible and prudent alternative that completely avoids Section 4(f) properties, it must be selected. If there is no feasible and prudent alternative that avoids all Section 4(f) properties, FHWA has some discretion in selecting the alternative that causes the least overall harm (see discussion below). FHWA must also find that all possible planning to minimize harm to the Section 4(f) property has occurred." (FHWA, *Section 4(f) at a Glance*, <http://environment.fhwa.dot.gov/4f/4fAtGlance.asp> (last visited July 15, 2013). SCOTUS has provided parameters to guide interpretation of the statute in *Overton Park v. Volpe*. (401 U.S. 402 (1971)). The Court defined "feasible" as an alternative grounded in "sound engineering." The Court interpreted a "prudent" alternative as one that would not present "unique" or "truly unusual" problems, or "costs or community disruption of extraordinary magnitude." (Id. at 413). The Overton Park decision stressed that protection of 4(f) lands was of "paramount importance" under the statute. (Id. at 412-413). Here, there is a 4(f) land of paramount importance, a federally funded transportation project, impacts that are not de minimis, and prudent and feasible alternatives.

²⁴⁸ *Sandoval v. Hogan*, 7 F.Supp. 2d 1234, 1278 (M.D. Ala. 1998), aff'd, 197 F.3d 484 (11th Cir. 1999), cert. granted sub. nom. *Alexander v. Sandoval*, ___ U.S. ___, 121 S.Ct. 28, 68 U.S.L.W. 3749 (U.S. Sept. 26, 2000) (No. 99-1908) (quoting *Elston*, 997 F.2d at 1413).

²⁴⁹ Georgia State Conference, 775 F.2d. at 1418. See, e.g., *Elston*, 997 F. 2d at 1413.

²⁵⁰ See *Elston*, 997 F.2d at 1407.

make the South Mountain Loop absolutely necessary. Further, it argues a no-build solution is not a feasible alternative. The DEIS states that the proposed project's purpose and need is to get people off the southern part of Phoenix out of the existing roads onto another route; it goes on to assert that this cannot be satisfied without creating this specific Loop. The DEIS asserts that moreover, this proposal has been supported since 1985 and would complete the last part of the master plan.²⁵¹ Therefore, it is claimed that a no-build could not fulfill this purpose and need. However, if the essential purpose and need is to reduce congestion, a no-build alternative using various transportation modalities, including rail serving the southwest and southeast suburbs of Phoenix, and that included changes in zoning, used the Census Bureau's more realistic medium population prediction rather than the high prediction projection, acknowledged that the 2006 economic downturn has changed the future demographics of the area, and took a hard look on who actually would be using the South Mountain Loop 202, the purpose and need would still be fulfilled.²⁵² One no-build alternatives PARC has suggested is light rail along Pecos Road that would go through a small portion of the GRIC (with permission) rather than cutting through South Mountain.

²⁵¹ The DEIS states that because voters voted for a one-half cent sales tax for transportation funding in 1985, then extended the life of that tax via proposition 400, and then canvassing results by MAG showed that over a majority of voters supported proposition 400, there is overall public support for the South Mountain Loop. However, both proposition 300 and 400 are general propositions for regional transportation projects and not for the South Mountain Loop specifically. Further, the South Mountain Loop proposal has always been extremely controversial and is opposed by many. Many find the South Mountain Loop outdated, bad for communities and too expensive. (Road Rage "Jana's View" Phoenix Magazine Feb. <http://www.janabommersbach.com/phx-mag-feb07.php> (last visited June 26, 2013)). For example, many people of the Ahwatukee Foothills are opposed to the project. The loop would demolish recently built homes in this planned community in the foothills of South Mountain: some ask if it was that important, why it wasn't already built and why the state let this development get so large. Protecting Arizona's Resources and Children (PARC) also believes the project is unnecessary, financially irresponsible, and contrary to the public interest. (Allison Hurtado, Ahwatukee Foothills News, PARC to host public meeting about Loop 202, May 8, 2013 (last updated May 16, 2013) http://www.ahwatukee.com/community_focus/article_d7b6f25e-b748-11e2-a138-0019bb2963f4.html). South Mountain Park Board of Trustees is also against the project because the SMPP is a park preserve, land designated as conservation land: they say that this land is critical habitat and further fragmentation of natural desert will only expedite loss of species. It further degrades the essence of what a preserve is and moreover destroys highly culturally significant sites that are held sacred to many Native American Indians. The Sierra Club also opposes the South Mountain Loop for a variety of reasons, one of which is the argument that the South Mountain Loop will not reduce pollution in the long run: smart growth must be adopted and reliance of highway systems will not solve traffic or pollution problems. Don't Waste Arizona also opposes the South Mountain Freeway arguing that NEPA was violated in multiple ways: no recent scoping was done; projections of growth are outdated, most current scientific data is not used; there is no purpose or need; major emergency planning issues were not even mentioned; and a huge superfund will need to be cleaned up. (Don't Waste Arizona and PARC, Steve Brittle, <http://player.vimeo.com/video/70051539> (last visited July 12, 2013)); and the Akimel O'odham Youth Collective has been very active and vocal about the cultural and health effects that the South Mountain highway would cause. (<http://aoychlog.wordpress.com/>).

²⁵² The US census gives low, medium, and high population projections. The DEIS used the high estimates. Further, the DEIS ignores that after 1990, population growth stopped speeding at the level the DEIS predicts for 2020 and 2035; Tom R. Rex, *New Population Projections For The United States, Arizona And Arizona Counties A Report from the Office of the University Economist*, Jan. 2013 found at <http://wpcarey.asu.edu/scid/ccpr/upload/Projections.pdf>.

The DEIS analysis of the no-build asserts that more pollution would result with nothing built and that the U.S. Environmental Protection Agency's air quality standards could be met if the project went through. However, building more highway miles will only increase more driving and more pollution. And it would only motivate more urban sprawl that supports further development into the Sonoran desert of cultural significance. Moreover, the Sonoran desert is being reduced at record speed causing the loss of major ecosystem services.²⁵³ For example, the Sonoran desert regulates temperature. "As the Phoenix metropolitan area continues to sprawl, (replacing Sonoran desert with more development) the urban heat island will expand from the urban core further into suburban regions."²⁵⁴ What Arizona's unchecked urban sprawl is creating is unsustainability²⁵⁵ because for one, it is not controlling it with sustainable transportation.²⁵⁶ The urban heat island actually affects people of lower socioeconomic status elderly, and minorities, like Native Americans.²⁵⁷

Moreover, because of their inaccurate assumptions and relative insignificance, the build verses no-build differences in percentage of trips in the study area, travel time to downtown, and differences in miles of 1-10 with 3 + hours of congestion do not identify a substantial legitimate justification for the financial cost, pollution consequences, and disparate impact to GRIC, as well as the additional consequence of added congestion on existing roadways for example, to bypass the additional 10 miles the loop would put on the Ahwatukee Foothills residents on their way to downtown Phoenix.²⁵⁸ According to the DEIS, the percent change in traffic on arterial streets would be 9% and the percent change in traffic on freeways would be 8%.²⁵⁹ Further, the DEIS estimates 10 saved minutes for travel time from Laveen to downtown and 6 saved minutes for Ahwatukee to downtown if the South Mountain Loop was constructed.²⁶⁰ And, the DEIS estimates that with the South Mountain Loop, there would be 7 less miles of 1-10 with 3+ hours of congestion in the morning and 12 less hours of congestion in the evening.²⁶¹

The substantial legitimate justification argument fails by the fact that E-I as the preferred alternative for the east side had no other alternatives from which to compare or choose because, as the DEIS states, GRIC forbid ADOT from using GRIC reservation land for the South

²⁵³ Ecosystem services are services from natural systems like deserts that assist humans either directly or indirectly. (de Groot, R.S., M.A. Wilson, and R. M.J. Boumans. 2002. A typology for the classification, description and valuation of ecosystem functions, goods, and services. *Ecological Economics* 41:393-408.)

²⁵⁴ Sally Wittlinger, Decades, Arizona State University, *Sustainability: The Urban Heat Island* <http://arizonaindicator.org/sites/default/files/content/publications/Decades-vol1-issue-10.pdf>.

²⁵⁵ The Brundtland Commission defined sustainability as a system that meets the needs of the present without compromising the needs of future generations. (United Nations Economic Commissions for Europe. Sustainable development - concept and action. http://www.unecce.org/oes/nutshell/2004-2005/focus_sustainable_development.html) (last visited July 11, 2013)).

²⁵⁶ Paul Mees, Transport for Suburbia: Beyond the Automobile Age Earthscan 2010.

²⁵⁷ Rachel Morello-Frosch, *The Climate Gap: Inequalities in How Climate Change Hurts Americans & How to Close the Gap*, found at http://dornsife.usc.edu/pere/documents/The_Climate_Gap_Full_Report_FINAL.pdf.

²⁵⁸ "If you are going to use the new Loop 202 to go to Downtown Phoenix, good luck as you just added another 10 miles to your route. The loop from I-10 (San Tan/Pecos) to 59th Avenue is 22 miles, and then add another 5 miles to back-track to Central and you have a total of 27 miles. The current distance from the same starting point is 17 miles." (Jim Jochim, Ahwatukee Foothills News, *Proposed South Mountain Freeway will do permanent harm to our environment*, http://www.ahwatukee.com/tukee_talk/article_bc0a8868-d4c1-11e2-bbc4-0019bb2963f4.html) (last visited July 14, 2013).

²⁵⁹ ADOT, South Mountain Study Team, Chapter I: *Purpose and Need* Banner at <http://www.smfonlinehearing.com/materials/chapter1/>

²⁶⁰ *Id.*

²⁶¹ *Id.*

Mountain Loop. The DEIS does not make it clear why there were no other alternatives. Putting in the failed attempt with GRIC indicates there was a real assumption by ADOT that GRIC should have permitted the highway through its territory.²⁶² And because GRIC rejected the request, only one other option was available, and one that would also disparately impact the GRIC.²⁶³ By late 1998, ADOT had spent \$24 million on Pecos Road right of way. And now, ADOT says it owns about 85 percent of the land it needs along Pecos Road.²⁶⁴ From the facts, having a disparate effect on the GRIC, either by putting the South Mountain in the GRIC's reservation or through its sacred mountain has never been a deterrent in ADOT's plans.

Regulations implementing NEPA explain that an EIS "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives."²⁶⁵ And the Ninth Circuit has determined that agencies should be afforded considerable discretion in defining the purpose and need of a project.²⁶⁶ However, this discretion is not without limitations.²⁶⁷ For example, "an agency cannot define its objectives in unreasonably narrow terms."²⁶⁸ And "[a]n agency will not be permitted to narrow the objective of its action artificially and thereby circumvent the requirement that relevant alternatives be considered."²⁶⁹ Because there is no other alternative, the purpose and need for the proposed project is unreasonable.

ADOT's Long Range Transportation Plan: 2010-2035, enumerates several goals and objectives for building transportation systems. They are: improve mobility and accessibility; preserve and maintain the system; support economic growth; link transportation and land use; consider natural, cultural, and environmental resources; enhance safety and security; strengthen partnerships; and promote fiscal stewardship. ADOT's Long Range Transportation Plan is seriously flawed by giving natural, cultural, and environmental resources only consideration; as

²⁶² After Governor Rhodes of the GRIC wrote a letter dated January 27, 2010 to ADOT's Director John Halikowski volunteering to allow a study of the effects of an On-Reservation Loop 202 alignment in order "to mitigate any negative impacts to our culture and land" because "despite our desire for a no-build option, we recognize that there is a high likelihood that the Loop 202 Mountain will be built", Governor Brewer of Arizona responded in a February 1, 2010 letter stating "I am hopeful for the opportunities that may exist to consider the economic development potential of this much-needed transportation corridor" and "I am pleased to know that your team is part of the conversation and that there is a path forward for ongoing talks about the conditions of the Community's cooperation." What is found in Governor Brewer's response is that Arizona is not interested in GRIC's values and needs but is only requesting that the GRIC "cooperate". (GRIC Executive Office of the Governor & Lieutenant Governor, January 27, 2010 letter to ADOT, John Halikowski; ADOT Governor, Feb. 1, 2010 letter to Governor William R. Rhodes, GRIC).

²⁶³ ADOT spokesperson Tim Tait stated during the ADOT outreach in Komatke on June 22, 2013 that "A possible Gila River route will remain off the table unless the Community changes its stance either through a re-vote or Community Council action. If such a reversal occurs any time before the final record of decision on the freeway is reached in 2014, then an alternative Gila River alignment would be studied...As of now, there's no indication that that's changing, so the project team is moving ahead with the E1 alternative...That's the only thing that's on the table." (Joshua Jovanelly, GRIC Website, *ADOT outreach on proposed 202 ext. held in Komatke* <http://www.gilariver.org/index.php/news/3829-adot-outreach-on-proposed-202-ext-held-in-komatke> (last visited July 15, 2013).

²⁶⁴ Sean Holstege, The Republic, *1998 plan for South Mountain Freeway passed*, March 25, 2013 <http://www.azcentral.com/community/ahwatukee/articles/20130308south-mountain-freeway-plan-ignored.html> (last visited July 11, 2013).

²⁶⁵ 40 C.F.R. § 1502.13.

²⁶⁶ Morrison, 153 F.3d at 1066.

²⁶⁷ *Id.*

²⁶⁸ City of Carmel-By-The-Sea v. United States Dep't. of Transp., 123 F.3d 1142, 1155 (9th Cir.1997).

²⁶⁹ See also City of New York v. United States Dep't of Transp., 715 F.2d 732, 743 (2d Cir.1983).

explained before, just considering significant cultural resources will limit federal funding. Further, in light of the goals and objectives, the South Mountain Loop 202 actually weakens partnerships, as the GRIC is a partner in transportation projects: marginalizing partners weakens, not strengthens partnerships. The South Mountain Loop 202 is also contrary to the promotion of fiscal stewardship. The South Mountain Highway will cost twice as much as any other highway that ADOT has built in the past: the 101 and the 202 loops cost about 40 to 46 million per mile. South Mountain would cost about 80 million per mile.²⁷⁰ The DEIS also fails to even include and therefore estimate the cost of the highly contaminated areas in the path of the proposed South Mountain Loop 202 that would have to be cleaned up for the highway to be put in.²⁷¹

The South Mountain Loop 202 is neither legitimate and integral to ADOT's mission nor is it necessary. The South Mountain Loop 202 would not be efficient or cost-effective. It would be more efficient to design a transportation mode that will strategically complement the realistic population projections, socioeconomic needs and current transportation modes to reign in urban sprawl and promote smart growth. It is not cost effective because it is going to be twice as much as other highway projects, 30 million of which would just be used to cover going through South Mountain. Having the highway through the ridges will require lots of maintenance, which will require ongoing costs.²⁷² Population growth, socioeconomic development and limits to current transportation modes do not bear a manifest demonstrable relationship to going through South Mountain. There are numerous ways to accommodate population growth, create smart growth and invest and improve in present transportation modes and public transportation without going through South Mountain. As PARC and others suggest, there are alternatives that are comparably effective with less of a disparate impact. Therefore, there is no substantial legitimate justification for the disparate impact on the GRIC.

If ADOT wants to fulfill the purpose and need of reducing congestion and traffic and at the same time, follow the Arizona Transportation Plan, several alternatives offered by PARC are feasible: (1) Light rail along Pecos Road but going through a small portion of the GRIC (with permission) rather than cutting through South Mountain; (2) 8-10 lane Loop 202 following Baseline Road from 51st Ave to I-10; (3) 8-10 lane Loop 202 from I-10 near Avondale going along the west side of the Estrella Mountains and then cutting between the Estrella and Maricopa Mountains, following the southern boundary of the GRIC to the I-10 north of Casa Grande; (4) 8-10 lane freeway along State Route 85 from I-10 at Buckeye to I-8 at Gila Bend as a "real" truck by-pass; (5) 8-10 lane freeway along State Route 85 from I-10 at Buckeye, cutting between the Estrella and Maricopa Mountains and across to I-10 north of Casa Grande as a "real" truck

²⁷⁰ Jana Bommersbach, *Road Rage "Jana's View"* Phoenix Magazine February 2007 quoting Eric Anderson of MAG <http://www.janabommersbach.com/phx-mag-feb07.php> (last visited July 1, 2013).

²⁷¹ The proposed path of the freeway crosses contaminated property near Interstate 10 near 55th Avenue. Also, groundwater is contaminated with tetrachloroethene (PCE), trichloroethene (TCE), 1,1-dichloroethane (1,1-DCA), cis-1,2-dichloroethene (cis-1,2-DCE), 1,1-dichloroethene(1,1-DCE) and chromium in the area around 51st avenue and Van Buren to 59th Avenue and Van Buren: the area is on the list of the state of Arizona's Water Quality Assurance Revolving Fund (WQARF), which is the state's equivalent of a Superfund Site. (AZDEQ, *West Van Buren Water Quality Assurance Revolving Fund (WQARF) Site*, found at <http://www.azdeq.gov/environ/waste/sps/download/phoenix/wvb.pdf>) By purchasing this contaminated land for the freeway, the state of Arizona would have to assume the liability for the clean-up of these contaminants, along with the liability for adverse health impacts suffered by workers in the area. This would be an enormous economic impact.

²⁷² FHWA does not provide funding for continued maintenance of hillside erosion after construction. ADOT does not provide its maintenance highway workers funding to mitigate sediment discharges from hillside rills and failed sediment control features of the original construction best management practices.

by-pass; (6) 8-10 lane freeway along one of the routes described in 2, 3, or 4, and renumber it as the I-10 so all “through” traffic would take this route as a default; (7) Renumber the I-10 through Phoenix as I-810 or the like, making it obvious that it is for Phoenix traffic only.²⁷³ Additional alternatives are improve the Broadway Curve by applying good engineering directly to the interchanges in that area; build a road to help Laveen traffic reach I-10 West, much as Pecos Road helps Ahwatukee reach I-10 East; and improve SR 85 to a freeway and renumber the truck bypass I-10 to better facilitate and encourage all pass-through traffic to travel around the valley instead of through it.

Further, just by applying smart technology on existing highway, infrastructure projects would look entirely different. For example, traffic planners know solutions to ameliorate congestion that could be applied to the Phoenix-metropolitan area.²⁷⁴ For example, simple partial solution is a toll-free 511 traffic telephone system.²⁷⁵ Another technology is based on a network of freeway cameras and sensors that would measure and monitor the amount of traffic and predict how long a journey will take; information then could be fed to mobile devices and the electronic message signs on freeways that tell motorists how long it will take to reach certain intersections.²⁷⁶ Highway signs could also give alerts of traffic jams miles in advance and advise people to take detours.²⁷⁷ The signs could also signal lane closures miles before cars approach a bottleneck.²⁷⁸ Also, some carpool lanes might be better off converted back into regular lanes.²⁷⁹ And, more signs urging slow traffic to stay to the right could also relieve congestion.²⁸⁰

VIII. REMEDIES

For all the reasons above, ADOT violated Title VI of the Civil Rights Act by engaging in discrimination based on race, ethnic identification, and nationality.

In order to provide effective remedies for the discrimination set forth in this Complaint, ADOT must:

- (1) exclude any route for the proposed freeway that would go near or through the South Mountain or GRIC or other sites considered sacred or culturally significant to indigenous people;
- (2) adopt an environmental justice policy that will ensure compliance with Title VI for all current and future projects;
- (3) and prohibit future federal funding to ADOT if the South Mountain Loop 202 is built.

Submitted by: Lori Riddle

on behalf of the Gila River Alliance for a Clean Environment

²⁷³ PARC, Possible Alternatives to SMF, http://74.53.100.109/~protecto/?page_id=31 (last visited June 29, 2013).

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ *Id.*

²⁷⁷ *Id.*

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ Sean Holstege, The Republic, *New report details Phoenix-area's traffic congestion* Feb 4, 2013 <http://www.azcentral.com/news/articles/20130131phoenix-area-new-report-details-traffic-congestion.html> (last visited July, 9 2013).

P.O. Box 11217
Bapchule Az 85121
529-610-3405
contaminatedinaz@yahoo.com

Please send all communications via mail or email.

Gila River Alliance for a Clean Environment (GRACE)

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EMBARGO UNTIL 7 AM TUESDAY JULY 30, 2013 Contact: Lori Riddle 520-610-3405; Joseph Morago 520-610-8027

**GILA RIVER INDIAN COMMUNITY TRIBAL MEMBERS TO SERVE ARIZONA DEPARTMENT OF TRANSPORTATION
WITH FEDERAL TITLE VI CIVIL RIGHTS COMPLAINT
FOR ADOT'S PROPOSED BLASTING OF SACRED SOUTH MOUNTAIN AND DESECRATION OF SACRED SITES
IF SOUTH MOUNTAIN LOOP 202 FREEWAY IS BUILT**

**PRESS CONFERENCE AND SERVING ADOT WITH CIVIL RIGHTS COMPLAINT:
TUESDAY, JULY 30, 2013 9 AM
IN FRONT OF ARIZONA DEPARTMENT OF TRANSPORTATION 206 S. 17th AVE., PHOENIX, ARIZONA**

Phoenix, AZ. – Gila River Indian Community tribal members and their community group the Gila River Alliance for a Clean Environment will have a press conference on Tuesday, July 30, 2013 at 9 am to announce that they have filed a federal civil rights complaint under Title VI of the United States Civil Rights Act against the Arizona Department of Transportation. The press conference will take place in front of ADOT, 206 S. 17th AVE., Phoenix, Arizona.

Following the press conference, tribal members with the Gila River Alliance for a Clean Environment will serve ADOT with a copy of the civil rights complaint.

The civil rights complaint alleges that ADOT violated the civil rights of Native peoples of the Gila River Indian Community by proposing and promoting the South Mountain Loop 202 Freeway that would negatively and disparately impact Gila River Indian Community tribal members by desecrating their sacred South Mountain and causing disparate health impacts. The complaint is being filed with the United States Department of Transportation, as ADOT is a recipient of funds from the US DOT/Federal Highway Administration and is subject to the non-discrimination provisions of Title VI.

Title VI states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Tribal members, a protected class of people, were discriminated against because:

- ADOT knowingly and purposely designed the South Mountain Loop 202 through the GRIC's sacred South Mountain, despite recognizing and acknowledging that the South Mountain Loop 202 would have a serious and major disparate impact on tribal members culturally, spiritually, and religiously;
- ADOT purposely designed a narrow purpose and need for the DEIS based on inaccurate and false estimates of population projections and users of the South Mountain Loop 202 Freeway, narrow assumptions of potential alternative transportation modalities, and ignored the environmental and sociological consequences of creating more freeway rather than moving toward smart growth, eliminating any alternative that would not have a disparate and a negative cumulative effect on the Gila River Indian Community and its people;
- ADOT failed to analyze the South Mountain Loop 202's disparate health, environmental, and economic impacts on the tribe and tribal members who already experience higher rates of diabetes and asthma that would be exacerbated if the South Mountain Loop 202 were constructed;
- ADOT provided inadequate consultation and informed consent, access, notice, and meaningful participation in the Draft Environmental Impact Statement scoping and planning to the Gila River Indian Community tribal members.

The civil rights complaint requests that the federal government cease all further funding to ADOT if the South Mountain Loop 202 project is built due to the devastating cultural, spiritual and health impacts on tribal members that would unacceptably and illegally violate civil rights of tribal members.

In addition, the Gila River Alliance for a Clean Environment will be filing international complaints with UN Special Rapporteurs on human rights and fundamental freedoms of indigenous people, cultural rights, and freedom of religion.



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

**CULTURAL RESOURCE MANAGEMENT PROGRAM
CULTURAL RESOURCE SPECIALIST OFFICE**

**POST OFFICE BOX 2140
(520) 562-3570
(520) 562-3571
FAX: (520) 562-3576**

MEMORANDUM

TO: Jennifer Giff, GRIC General Counsel

FROM: Barnaby V. Lewis, CRMP Cultural Resource Specialist *BL*

DATE: March 26, 2007

SUBJECT: RESOLUTION DESIGNATING THE SOUTH MOUNTAIN RANGE
(Muhadag, Avikwaxois) AS A SACRED PLACE AND TRADITIONAL
CULTURAL PROPERTY OF THE GILA RIVER INDIAN
COMMUNITY.

Attached is a draft resolution designating the South Mountain Range as a sacred place and traditional cultural property for your review. We wish to proceed in presenting this resolution before GRIC Cultural Resource Standing Committee at the next regular meeting on Tuesday, March 27, 2007. Thank you for your attention in this review. Please call me at 562-6713 or Assistant Cultural Resource Specialist, Angela D. Garcia-Lewis at 562-6743 if you have any questions.



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

RESOLUTION NO. GR-41-07

A RESOLUTION DESIGNATING THE SOUTH MOUNTAIN RANGE (*Muhadag*, *Avikwaxós*) AS A SACRED PLACE AND TRADITIONAL CULTURAL PROPERTY OF THE GILA RIVER INDIAN COMMUNITY.

WHEREAS, the Gila River Indian Community Council ("the Community Council") is the governing body of the Gila River Indian Community ("the Community"); and

WHEREAS, the Community Council on January 6, 1982, did adopt Ordinance No. GR-01-82 under Title XV of the Gila River Indian Community Law and Order Code in which "[i]t is...declared as a matter of Community policy and legislative determination, that the public interests of the Pima-Maricopa people and the interests of all other persons living within the jurisdiction of the Gila River Indian Community require that the Community adopt a means whereby all sites, location, structures, and objects of sacred, historical or scientific interest or nature will be protected from desecration, destruction, theft, or other interference."; and

WHEREAS, the Community Council through Resolution GR-15-89 did approve the Policy Statement of the Four Southern Tribes (Salt River Pima-Maricopa Indian Community, Ak Chin Indian Community, Tohono O'odham Nation, and the Gila River Indian Community) which outlines the Four Tribes intent to protect, promote, and preserve cultural affinity to the HuHuKam; and

WHEREAS, the Community Council has always held the preservation of historical, archaeological, cultural, religious sites as a high priority and recognizes the need to protect the cultural heritages of the Akimel O'odham (Pima) and the Pee Posh (Maricopa); and

WHEREAS, the identification and authentication of sacred places / traditional cultural properties is the sole responsibility of the federally recognized tribe according to its unique culture; and

WHEREAS, the Community does recognize certain locations to be sacred places / traditional cultural properties based on the unique cultural and spiritual beliefs of the Akimel O'odham (Pima) and the Pee Posh (Maricopa); and

GILA RIVER INDIAN COMMUNITY RESOLUTION GR-41-07 PAGE 2 OF 2

WHEREAS, all, but not limited to, of the places referenced in the oral traditions of the Akimel O'odham (Pima) and the Pee Posh (Maricopa) are culturally and spiritually significant to the continuing life ways of the Akimel O'odham (Pima) and the Pee Posh (Maricopa); and

WHEREAS, the *Muhadag* (Pima language) also known as (a.k.a.) *Avikwaxós* (Maricopa language), a.k.a. Greasy Mountain (English language), and geographically known as the South Mountain, South Mountain Range, or Salt River Mountains (Range) figures prominently in oral traditions of both the Akimel O'odham (Pima) and the Pee Posh (Maricopa)

NOW THEREFORE BE IT RESOLVED, that the Community Council hereby does acknowledge and recognize that the South Mountain Range in its entirety is a sacred place / traditional cultural property and must be kept inviolate.

BE IT FURTHER RESOLVED, that the Community Council hereby strongly opposes any alteration of the South Mountain Range for any purpose would be a violation of the cultural and religious beliefs of the Gila River Indian Community and would have a negative cumulative affect on the continuing lifeways of the people of the Gila River Indian Community.

BE IT FINALLY RESOLVED, that the Governor, or in his absence, the Lieutenant Governor, is hereby authorized to sign and execute such documents as are necessary to effectuate this resolution.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a) (7), (9), (18), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the Tribe January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing Resolution was adopted on the 4th of April, 2007, at a Regular Community Council Meeting held in District 3, Sacaton, Arizona at which a quorum of 10 Members were present by a vote of: 9 FOR; 0 OPPOSE; 1 ABSTAIN; 5 ABSENT; 2 VACANCIES.

GILA RIVER INDIAN COMMUNITY

LFR *4-10-07*
GOVERNOR

ATTEST:

Amber J. Stewart
COMMUNITY COUNCIL SECRETARY



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

RESOLUTION GR-126-00

RESOLUTION OPPOSING THE USE OF 51ST AVENUE FOR THE PROPOSED TRUCK BYPASS ROUTE AND ANY FUTURE BYPASS PLANS FOR THE PROPOSED SOUTH MOUNTAIN PARKWAY THROUGH THE DISTRICT SIX COMMUNITY OF THE GILA RIVER INDIAN COMMUNITY

- WHEREAS, the Maricopa County Department of Transportation (the "MCDOT") completed a 51st Avenue Corridor Truck Route Analysis Study that projected traffic volumes of 7,000 vehicles per day on 51st Avenue in 1997 with volumes projected to increase to 23,000 vehicles per day by the year 2020;
- WHEREAS, MCDOT has proposed a truck bypass route that would redirect traffic and reduce current and future congestion on 51st Avenue in Laveen;
- WHEREAS, the City of Phoenix completed a South Mountain Parkway Specific Plan in 1999 to address the limited access to the west valley from Interstate 10 east;
- WHEREAS, the Maricopa Association of Governments (the "MAG") has formed a South Mountain Agency Stakeholders group for the purpose of developing a recommendation for the alignment for the proposed South Mountain Parkway;
- WHEREAS, the Arizona Department of Transportation (the "ADOT"), MCDOT, City of Phoenix, and MAG plan on extending Pecos Road west around the South Mountain with an option of crossing across lands of the Gila River Indian Community (the "Community");
- WHEREAS, the District Six community has experienced the negative impact of increasing traffic through the residential areas along 51st Avenue south of the Community's boundary;
- WHEREAS, 51st Avenue is essential to the Community because it serves as the principal arterial from Riggs Road-Beltline road and is a significant east/west travel route to the western portion of the Community;
- WHEREAS, the District Six Community is concerned with the safety and welfare of its members, as well as other members of the Community who utilize this roadway, due to excessively speeding vehicles on 51st Avenue, which has residential areas, churches, a health clinic, a school, a Boys and Girls club, and a convenience store within its area;

GILA RIVER INDIAN COMMUNITY
RESOLUTION GR-126-00
PAGE 2

- WHEREAS, the District Six Community has concerns of increasing traffic, excess speeding vehicles, the safety and welfare of its members, the area's significant cultural and religious importance to the entire Community, the deterioration of the pristine natural environment, and the increase negative noise and visual impacts;
- WHEREAS, because of its concerns, the District Six Community strongly opposes the proposed parkway, truck bypass route, or any future bypass plans through portions of the South Mountain and across Community land;
- WHEREAS, on June 12, 2000, the District Six Community voted to strongly oppose future transportation of hazardous waste and materials through its community; and
- WHEREAS, the District Six Community strongly requests that the Community Council oppose any future development of roadways from ADOT and MCDOT through the District Six Community.
- NOW THEREFORE BE IT RESOLVED, that the Community Council strongly opposes the development plans by ADOT, MCDOT, and MAG for a truck bypass route or any future bypass plans for the proposed South Mountain Parkway across Community lands.
- BE IT FINALLY RESOLVED, that the Governor, or in the Governor's absence the Lieutenant Governor, is hereby authorized to take necessary action to effectuate the intent of this Resolution.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a), (1), (7), (9) and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the Tribe January 22, 1960 and approved by the Secretary of the Interior on March 17, 1960, the foregoing Resolution was adopted by this 2nd day of August, 2000 at a Regular Community Council Meeting held in District 3, Sacaton, AZ at which a quorum of 15 Members were present by a vote of 15 FOR; 0 OPPOSE; 0 ABSTAIN; 2 ABSENT; 0 VACANCY.

GILA RIVER INDIAN COMMUNITY

GOVERNOR

ATTEST

COMMUNITY COUNCIL SECRETARY

Elderly Concerns Group Motion Sheet

Date: June 12, 2013

Ms. Sharon Gonzales, District Seven Elder, made a motion that we as elders oppose
The Free way project and to keep them from destroying South Mountain.

The motion was seconded by: Mr. Fred Reams, District Three Elder.

Motion approved on this 12th day of June 2013 by a majority show
Of hands from the group.

Sandra Jackson
Secretary's Signature

6/27/13
Date

Mary V. Thomas
Chairperson's Signature

6-27-13
Date

July 2, 2013

I, Winnona Catha am a community member of the Gila River Indian Reservation. My connection
to the South Mountain is that it is a sacred mountain to our people. Also, it was most sacred to
our ancestors.

There are many things that the mountain was used for such as ceremonies, there are stories about
that mountain I was told by my elders, and there are plants that grow on this mountain that we
use today for healing, eating, and blessings.

I wasn't notifying about the meetings that they had about this freeway being built. I believe that
they should of set out flyers to notify people not just only landowners but members of our
community that should also be included to this matter that is coming in affect to our reservation.
Also, they should of provided transportation for the districts or have meetings at each of the
service centers. Some of the community members don't have transportation to be these meeting
were located at.

Our land and mountain is important to me then this freeway. As I look towards the District 6 area
I can see a slightly cloud of pollution. If we have this freeway there will be a huge cloud of
pollution that will cover our land. It will affect our peoples health like; asthma, lung diseases,
infants may be born with birth defects, and heart diseases. I am concerned about our future
generations' health and what they would have to live if this freeway is built. We got to look
forward and think of their future before considering anything, because I remember when I was
younger my grandmother would always say "This is your land and never let a white person take
it from you." Well she said it to me in Pima; I understood what she was saying after she
explained to me.

Thank You,

Win Catha

Winnona Catha

P.O. Box 1021

Sacaton, AZ 85147

(520) 562-1530

my.2.butterflies.0913@gmail.com

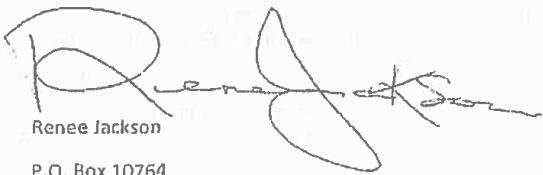
My name is Renee Jackson and I am a member of the Akimel O’odham tribe also known as the Gila River Indian Community. I am writing this statement for two reasons, 1) to give a supportive statement regarding the cultural significance of Muhadag (South Mountain) and 2) to state my concerns regarding the Arizona Department of Transportation’s lack of cooperation and planning with the people of GRIC.

As an Akimel O’odham woman, I regard Muhadag (South Mountain) as a place of spiritual significance to the O’odham tribes. The mountain is central to the O’odham creation story and continues to be a place to hold ceremonies by and for the O’odham people. The mountain is also sacred to us because of the plant life we use for medicinal and ceremonial purposes and also because of the wildlife we hunt to sustain ourselves. The construction of this freeway would greatly harm the wellbeing of the mountain and therefore will bring harm to the O’odham.

The manner in which ADOT has pursued the Gila River community member’s voice and cooperation regarding the Draft Environmental Impact Study and the planning process has been poor to say the least. There was very little communication between the GRIC and MAG and ADOT. When community members were then made aware of public hearings and meetings, it was short notice and not sympathetic to our community members lack of

transportation. Furthermore, when ADOT did hold a “Public Forum” in GRIC, members were not to voice their statements verbally as others were able to do at the Phoenix hearing.

Most importantly, I feel that the possible construction of this freeway through our sacred Muhadag is a direct violation to my civil and religious rights as an Indigenous person. Also, as an advocate for my children, I wish to state my opposition to the Loop 202 expansion, aka, the South Mountain Freeway as I see it as a threat to their religious freedoms being that Muhadag is considered our most valued place of worship and must be protected for our future generations.



Renee Jackson

P.O. Box 10764

Bapchule, Az 85121

rjackson81@gmail.com

(520)233-1634

My name is Peggy Mae Morago I am 66 yrs. old retired elementary school teacher an elder from the Gila River Indian Community. I am writing this statement to express my opposition and concerns about A.D.O.T.s proposed South Mountain Loop 202 Freeway.

I have a very strong connection to South Mountain. In my late teens I left my hometown of Ajo, Arizona to attend Arizona State University. As a young woman far from home it was a difficult adjustment to live in the city, but going to South Mountain help with this transition. According to our oral history South Mountain is a sacred mountain to our people. Akimel O'odham legends and stories talk about South Mountain being the home of the deity for our tribe. There are also stories about artifacts and petroglyphs from our ancestors the Hohokam located on South Mountain. As a young mother raising a child in the late sixties/early seventies, I often went to South Mountain to meditate when times became tough or if I was unable to return to Gila River for family emergencies. South Mountain has always made me feel closer to home and closer to my O'odham Himdag.

One of my major concerns about the proposed South Mountain Loop 202 freeway is the health effects on my community. As a retired school teacher I am well aware of the rise in respiratory illness in children within all communities. This proposed freeway will increase the occurrence of asthma, bronchitis, and many other respiratory ailments due to particulate matter and pollutions from this project. The elderly, newborns and young children will be hit the hardest from this freeway. I am an elder with Valley Fever; this freeway will defiantly affect my health. This is the major reason why I don't travel to the Phoenix metro area. It is difficult for me to breath from all to pollution in the air, and I don't want this pollution in my community.

Another issue I wish to address is the way A.D.O.T. conducted the meetings for the public. I was unable to attend the ONE and only meeting that I would have been allowed to speak at publicly. As stated before I don't travel to the Phoenix metro-area due to the distance, pollution and the heat. I am an elder that is in a wheelchair, which needs assistance to get around. Attending this meeting was impractical for me and the ONE meeting held in the Gila River Indian Community was held over fifty miles from my home. I feel that A.D.O.T. violated my civil right by not allowing anyone to speak at the meeting held in the Gila River Indian Community, as well as other meetings held in other communities. I was raised by oral traditions, I was taught to speak out, and I have a right to be heard in a public form.

Inclosing I want to state for the record that the proposed loop 202 South Mountain Freeway is wrong. The destruction of our Sacred Mountain is not only a violation of our traditions and heritage, but detrimental to our O'odham Himdag. Enough has been taken away from us already, why must we sacrifice more.

Peggy Mae Morago 7-6-2013

Peggy Mae Morago 7/6/2013

G.R.I.D. # 6675

P.O. Box 1289

Sacaton, Arizona 85147

My name is Joseph C. Morago I am a member the Gila River Indian Community. I am writing this statement to address my opposition of the South Mountain Loop 202 Freeway. As a charter member of G.R.A.C.E. (Gila River Alliance for a Clean Environment) I have followed this issue for many years. During this time I have notice the condescending attitude and lack of respect that A.D.O.T. (Arizona Department of Transportation) has shown to the people of the Gila River Indian Community. For well over two decades our community has repeatedly reject the idea of a freeway passing thought our community, because of cultural, religious, environmental and the current and potential health affects to our community. In spite of our concerns and objections A.D.O.T., M.A.G. (Maricopa Association of Governments), Maricopa County, and the Maricopa Regional Transportation Team still insist on building the South Mountain Loop 202 Freeway by blasting away a piece of our sacred mountain.

South Mountain is a sacred place of cultural significant to the people of Gila River. Oral history and legends state that South Mountain is the home of "Elder Brother" (I'toi) deity of the Akimil O'odham Tribe (Gila River Indian Community Tribe). South Mountain was also once inhabited by our ancestors the Hohokam. The Hohokam has been acknowledged by archeologist, anthropologist and historians to be one of the first settlers of this region. South Mountain is also a place of worship, sacred ceremonies are preformed, prayer and blessings are giving and shrines are built to honor I'toi and our ancestors. Other activities such as the harvesting of the saguaro cactus fruit and gathering of medicinal plants occur at different times of the year. Because of the sacredness of South Mountain, any destruction would be detrimental to the spiritual wellbeing of the people of the Gila River Indian Community.

Another major concern about this proposed freeway project is the health effects on the people of the Gila River Indian Community due to air quality. According to the 2005 Joint Air Toxics Assessment Program (JATAP) Gila River has a high level of Particulate Matter (PM) and Volatile Organic Compounds (VOC) in the air above the community. If the proposed South Mountain Loop 202 Freeway is completed the air quality over the Gila River Indian Community would drastically change for the worse. The U.S.E.P.A. (United States Environmental Protection Agency) "Green Book" states that Maricopa County has been nonattainment in Particulate Matter (PM)-10 since 1992. PM-10 is inhulable course particulates that consist of a complex mixture of extremely small particle and liquid droplets made up several components like acids, organic chemicals, metals, and soil or dust particles, which can cause an increase of Heart and Lung disease.

Short term exposure to PM-10 can increase susceptibility to respiratory infections, aggravated lung disease, acute bronchitis and an increase of asthma attacks. Long term exposure to PM-10 have been associated with reduced lung function, chronic bronchitis, premature death, low birth weights in infants, premature delivery, and possible fetal and infant death. Infants are not the only ones at risk to these types of ailments. Older adults, the elderly, children, active adults, and people with lung and heart disease, resent studies have shown that people with diabetes are also at risk when exposed to Particulate Mauer (PM)-10.

The Gila River Indian Community is not the only community to raise concerns over this proposed freeway project. The residents of Ahwatukee Foothills have raised some of the same concerns about the South Mountain Loop 202 Freeway. As stated before I am a member of G.R.A.C.E. and I am also a member of P.A.R.C. (Protect Arizona's Resources & Children) to protect South Mountain. One of P.A.R.C.'s major concerns is the potential for a hazardous material incident if an accident is to occur on this proposed freeway project. According to the maps in the D.E.I.S. and A.D.O.T.'s video presentation, the South Mountain Loop 202 Freeway would be within a mile of several schools, homes, and businesses that would have to be evacuated of such an incident were to occur. With too few exits and an ineffective emergency management plan the possibility for serious injury, long term illness or loss of life is extremely high.

The next issue I wish to address is the manner in which A.D.O.T. has disseminated information concerning the South Mountain Loop 202 Freeway to the people of the Gila River Indian Community. The D.E.I.S. states that A.D.O.T. attended 178 meetings with the Gila River Indian Community. If this is true why did A.D.O.T. only attend a couple meetings with tribal council in over a decade? Who did A.D.O.T. meet with from the Gila River Indian Community? Why did A.D.O.T. fail to properly notify community members of public meeting, and why does A.D.O.T. acknowledge the cultural and religious significant of South Mountain to the Akimil O'odham people but dismiss these facts by insisting on moving forward with the construction of the South Mountain Loop 202 Freeway.

An addition to the previous mentioned issues I would like to address A.D.O.T.'s handling of the of the ninety day public comment period concerning the D.E.I.S. I feel that A.D.O.T. mishandled and misinformed the people of the Gila River Indian Community. The D.E.I.S. was released on April 25, 2013. On April 30, 2013 A.D.O.T., M.A.G., the TTT (Transportation Technical Team), Gila River Indian Community Executive Office, G.R.I.C. Law Office, G.R.A.C.E., G.R.E.Y. (Gila River Environmental Youth) with five other grassroots and private corporation organizers met to discuss how community members would be able to comment on the D.E.I.S. Among the issues discussed was transportation to the public comment meeting in Downtown Phoenix, confirmation of a meeting(s) in Gila River, issues with submitting comments online, and notification to community member about important meetings, dates and other relevant information concerning the D.E.I.S. comment period.

At this meeting A.D.O.T. agreed to hold one or more public meeting(s) in Gila River to accept comments on the D.E.I.S. A.D.O.T. stated at this meeting that they would also provide free bus passes to the Downtown Phoenix public comment hearing. What A.D.O.T. failed to do was provide proper and concise information. A.D.O.T. never told community member that they would not be able to speak at the meeting in Gila River. A.D.O.T. also failed to provide adequate notice of this meeting. Although a notice was posted in the Gila River Indian Newspaper, this notice appeared in the paper only once on the days prior to the meeting scheduled in Gila River.

Inclosing I would like to state for the record that A.D.O.T. has not acted in good faith concerning the South Mountain Loop 202 Freeway project as it pertains to the people of the Gila River Indian Community. In fact A.D.O.T. has violated the Civil Rights of the Gila River Indian Community by acknowledging the significant and sacredness of South Mountain, but dismissing these facts with plans to blast through portions of South Mountain. In effect A.D.O.T. has discriminated against the Gila River Indian Community by preventing tribal members from participating in the comment process. The failure of notification of meetings held within the Gila River Indian Community, not allowing tribal members to make verbal public comments at the only public forum held within the Gila River Indian Community, and failure to provide the bus passes promised to the Gila River Tribal Leadership for community members to attend the only meeting that public verbal comments were accepted. A.D.O.T. has violated the Civil Rights of the residents of the Gila River Indian Community and should not be able to receive federal funding for the South Mountain Loop 202 Freeway project.

Joseph C. Morago 7/22/2013
Joseph C. Morago 7/22/2013

G.R.I.D. # 12192

P.O. Box 1289

Sacaton, Arizona 85147

(520) 562-3886

Rezrocker67@yahoo.com

My name is Laura M. Thomas. I am an enrolled member of The Gila River Indian Community. I am also a member of G.R.A.C.E. - Gila River Alliance for a Clean Environment. I am the founder G.R.E.Y. - Gila River Environmental Youth. I am also a member of P.A.R.C. - Protecting Arizona's Resources and Children.

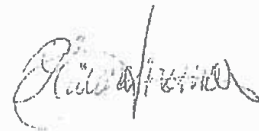
When I was younger I recall being taught about our people's heritage. Hearing the stories and being told about things that occurred many years ago in our culture. I remember being taught by my elders that we come from South Mountain. Battles were fought, families settled, it was always considered to be home to our people.

In regards to this issue, I had been under the impression that the people of Gila River Indian Community had passed a vote for no build on the loop 202. This issue continues to be pushed upon our community after it has been said by the people we do not want this. The efforts put forth by A.D.O.T. (Arizona Department of Transportation) in the case of the freeway are a burden upon the people of the community. Each meeting they hold to try and convince community members to be in favor of the freeway is reaching a level of harassment. People have to take time out of their day in order to be able to attend meetings after it has been clearly said "we as a people do not want it".

My people have been affected by chemical exposure. There are also many questions about health concerns that may arise because of the projected freeway. Air pollution, destruction of our sacred mountain, negative effects on the environment and the discrimination against our religious and cultural beliefs is why I'm against the proposed South Mountain Loop 202 Freeway.

Laura Thomas

P.O. Box #11217
Bapchule, Az. 85121
(480)532-5331
lthomas1985@yahoo.com



Fairietta Morago

Gila River Indian Community

South Mountain is important to me because it's part of our heritage. There are many teachings that go with that mountain. Stories and songs that our future generations to carry on. To take the South Mountain away is a great impact to the Gila River Indian Community. It would be losing a part of us even more.

I am the 3rd generation from the boarding school era. Because of that era that happened to our grandparents. Some of the stories and songs will be lost forever. Our communities as O'odham people here on Gila River Indian Community need to salvage what is left of our lands. Not ruin it by putting a freeway through it. Learn to honor and take care of our lands.

Be making change this drastic is beyond the environmental issues, and the budget/cost it will take to put this freeway there.

It's spiritually connection to all walks of life. A way to stay in balance for society to be whole as best as it can be. Nobody takes time to listen and learn to why certain places should be left untouched. Now days the common human being lives too fast paced. Just think of the present time. A long time ago we knew how to think of the long term impact of ways of life.

Life there is no fast fix. This freeway to travel as stated at previous meetings. A 20-minute interval to get to point A to point B does not eliminate anything. A fast fix to life creates more problems you end up with a bigger mess than what you started with. I am against putting in a freeway through or by South Mountain. It's a disruption to nature's way of life.

I feel ADOT discriminated against us all at the last public forum held in Komatke, Az. Gila River Indian Community members were not able to voice their public comments. No matter where the meetings are held. All parties whether you are against or for the freeway should be able to speak. No meeting should be one sided for any reason what so ever. That is very unfair. Again this is a fast fix to eliminate process that everyone should abide by. Good, bad, and Indifferent. Every comment counts. No one comment should be left unheard or unsaid.



Fairietta Morago

P.O. Box 893

Sacaton, AZ 85147

(520) 562-0269

July 24, 2013

Hello, my name is Lori Riddle. I am a daughter of the HoHoKam nation and a daughter of Antonio Azul, the last chief of my people. I am an enrolled member of the Gila River Indian Community. I was born here; I was raised here, lived here most of my life and will probably die here. In my lifetime, I've lived here in my territorial land and my confined reservation land, both in traditional manner and with modern conveniences. I was taught as a young girl how to gather, harvest and acquire foods and medicine for personal use. However I'm not a medicine person, a traditionalist or anything like that, I'm just a modern day O'odham woman who lives in 2 worlds and can balance both worlds. I pass this knowledge to my future generations. I am the co-founder, director and a member of GRACE (Gila River Alliance for a Clean Environment) a grassroots organization that has been, for more than a decade operating to protect my community from hazards of all types around the community. In addition, GRACE has been educating the community about subject matter surrounding those issues. I also sponsor a youth group GREY (Gila River Environmental Youth), who also does the same thing GRACE does but geared toward youth in the community. I'm also a member of various other groups and organizations, not to mention have had or currently hold seats on various committees, boards and commissions throughout the community. Finally, I am also a member of PARC (Protecting Arizona's Resources and Children).

Sometime after the turn of the century events happened that set in motion my part of the equation. While being raised on the reservation I found myself living on a toxic superfund site. This began my environmental experience. I became knowledgeable of toxic substances, bio-accumulation, persistent organic pollutants, half-life and many other terms that kids such as myself shouldn't have to learn. As I translated information to my grandparents I began to find myself unknowingly being educated in the procedures used for assessment and abatement processes. I was present for the original remediation of my family's land and then again 20 years later when a bio-remediation was needed.

With this knowledge and background I found locally, multiple issues in my community, one of them was the proposed South Mountain Loop 202. Taking a closer look I began to see the deficiencies in this project and notice that there was virtually no public participation. Consultation seemed minimal at best, if any? I began to look at the data for the substance releases and persistence of those substances. Ultimately, as any other project I looked at how these substances would impact Health and Human life. As a family who's been through the fire once, we've become quite aware of symptoms as a result of toxic exposure. In the documents submitted there is evidence and reference to some of the knowledge related to exposures. Back in the day of our exposure there wasn't enough information available.

My concern about the Dioxin furans, the Particulate matter both 2.5 and 10 microns, Carbon monoxide and the multitude of other substances that would continually be present in our community is enormous. There is more concern because of the terrain and the natural makeup of our community. The heaviest impacted areas would be the populated villages located directly

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between two natural barriers, the South Mountain and the Estrella Mountain ranges. These barriers would most definitely keep those toxic substances in my community.

Currently, we have an amazing preserve that is full of the natural beauty that most Americans and people from all around the world picture when thinking of the well-known Sonoran desert. As a privileged individual, I've lived at the western tip of the South Mountain and seen many beautiful sunrises and given many blessings to the day and the people based on those gorgeous sunrises. In addition, while working for my community I have gained knowledge of aquifers, water sheds and washes that would be directly impacted.

My people would be cut off from interactions with the mountain, as a third party recipient of this information I had heard that the engineers and designers have mentioned animal crossings that would be put in place but no mention of human crossings that would be needed to go pray and have ceremonies and such. Not to mention the distraction of noise from the vehicles. During prayer, it's important to be in a peaceful quiet area. I tasked my daughter to complete research; she found that it takes multiple generations for animals to learn their "new" crossings. During that learning time we lose numerous animals because of destruction of current natural known crossings. I have to mention about the cacti in the area, on the reservation the cacti grown more abundantly around and on mountain areas, not so much in the flat lands anymore. So naturally as we have our ceremonial harvesting activities, there is a greater need to gather the fruit in mountain areas. Lastly, we Akimel O'odham as many other peoples acknowledge the spiritual properties associated with mountains. It is in my O'odham sister's memory as with many of my O'odham sisters that I recall her making jellies and other delicious dishes for both personal and financial sustainability, yet another reason to have direct accessibility to the mountains.

There is an enormous concern about Hazardous Material coming through our community. If this were to become "the" truck route, it most surely will be the hazardous material route. Since I sit on the CTERC (Chemical Tribal Emergency Response Commission), I have not seen hazard mitigation for this freeway. I also have not seen proposed policy to address what will happen in case a hazardous incident were to occur on this proposed freeway. Currently, we as a community do see our share of hazardous incidents/spills on the reservation by way of the I-10 (Interstate 10) freeway. Even though, when we look at potential incidents on either freeway, it will be apples and oranges as we have differences in the already established freeway (I-10) and the proposed freeway (I.202).

There were very few meetings, very little public participation. The very first invite extended was days after the DEIS was released which was April 25th, 2013. The meeting invite was on April 30th, 2013 at 3pm in GRIC at the Governance Center.

Present were the TTT, Governor and Lt Governor (who is Chair of the TTT), various tribal departments, a rep from ADOT (who I can't recall), a rep from MAG, Senior Engineer Bob Hazlett as well as a few of the grassroots organizers. Represented were at least organizers from

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5 groups. During this meeting we were given 3 copies of the DEIS to divide among our groups. A few days prior, a community member attempted to call to find out how to obtain a copy of the DEIS, she was told in order to get a hard copy she would have to pay 50.00 dollars. During the April 30th meeting they also advised us about the 50.00 dollar charge for hard copies. At this meeting they also told us that free bus service would be provided to the May 21st DEIS public comment hearing in Phoenix at the Phoenix Convention Center. Details about how the free bus rides to the hearing saying community members could catch the bus in two locations and even take the light rail, but no other details regarding the bus service were given. They also went through the scenario of what to expect at the hearing, how it would be set up, etc. At the beginning of the meeting the ground rules set as relayed by TTT's David White and Stephen Lewis both individuals head of the TTT. We were not allowed to speak about anything else but what the process was going to be, at this point there wasn't any mention that the Phoenix hearing would have some differences than the community forums. It was at this meeting where GRIC Lt Gov. had to officially request that a meeting (or two) be held in GRIC for community members that couldn't make the public hearing. At this meeting the handouts "Fact sheet" and "How to participate" were distributed. That's all I can recall.

A few times I attempted to call the number provided on the handouts, which also had a recording saying they couldn't receive any more messages, the box was full, or something to that effect. I had also heard similar accounts from other people who were attempting to call the number. On the Thursday before the hearing I started to get worried because there was no further mention of free transportation besides what was relayed to us during the April 30th meeting. I called the number provided and was able to have an opportunity to leave a voice message in which I said something to the effect of: Hello my name is Lori Riddle from the Gila River Indian Community and I'm trying to get some further information on bus service, passes or vouchers for my community members. How will this work? Would someone give me a call on my cell #520-610-3405, thank you?

No Response!!!!

So on the day of the Phoenix hearing May 21st, 2013 I lingered several hours. I only recognized Mr. Bob Hazlett from MAG, I approached Mr. Hazlett and asked him, "So who's in charge here"? He chuckled but didn't answer, I told him, "I ask because I have some concerns". I told him there's a problem with the number that it is always full and can't take anymore new messages, his response, "Yes, we just found out today that it only holds so many messages (I think the number he gave me was 13)". So I told him maybe they need to empty that a few times a day? The other thing I mentioned was that I had left a message on the number and relayed the message I had left the week prior. After that I said, "So how was this supposed to work? Because we could have gotten more tribal members present". He shrugged his shoulders and said, "Well it's too late now". Also on the day of the Phoenix hearing the participants received the small booklet "SMTN Meeting Guide". This was the first time we as community members

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had seen this. The guide did say the community forums were going to be utilizing a different format. It also listed only 1 GRIC forum and listed it as tentative.

The meeting in GRIC was short notice fliers went out to the community literally days before the event. Before this event at least three weeks prior one community organizer emailed a request urging GRIC to provide transport to community members to the meeting. There is a lack of community members without vehicles. No response. Lastly a few days before organizers and community voiced their concerns over the inability to voice, in open forum, their concerns at this meeting it was this time we saw the GRIC forum flyers for the first time. We additionally asked again if transport would be provided, they finally said yes, but we organizers had to provide a list of community members who needed transport. This was not expected, it was too short of notice to gather all that information. The day of the GRIC forum were community members dissatisfied the lack of inability to openly voice their concerns. The video was looped, as posted on ADOT's website, throughout the day.

Previously, While the TTT was going through the community with their presentation about the proposed loop 202 that I specifically TTT's David White in two district meetings that I had attended one in district six and the other in district four. There were concerns about ADOT not coming to present the information themselves. The one elder in district six asked who they were working for? He (the elder) stated that he felt like the TTT should not have been presenting the information but ADOT should have been the ones bringing this information to the community. That same consensus was expressed at the district four meeting it was raised by an elder woman (although not as confrontational as the one in district six).

In closing, I'm tired of fighting this monster of a freeway being pushed on to our community. I'm tired of reading blogs, comments to news articles and discussion forums of people with a "Bullying" attitude, telling my people what "You (Indians) need to do". Even a newspaper editorial of a popular news outlet, stated how, "the GRIC should this and should that"! It sickens me that this freeway has successfully brought out the racial wars effect. It's literally created debates, arguments and full blown fights! This needs to stop and other we need to work on discussions of cleaner transportation, safer technologies for a better cleaner, greener future for all our children.



LORI ANN RIDDLE, GRACE
GRID #11,180
P.O. Box 11217
Bapchule, Arizona 85121
Cell #520-610-3405
E-mail: contaminatedinaz@yahoo.com

7-8-13

Hi my name is Stephanie J. Thomas and I'm a Gila River member, I reside in District 5 Casa Blanca and I lived here all my life and I've been hearing a lot about what was going on with the South Mountain, if I had the transportation I be there at all meetings, and I've been praying, keeping everyone in prayer. But most of all as I hear what's going on I don't like them trying to destroy the South Mountain, because it's been there for years, and I really don't think they need to tear that down, because it's been our favorite, and as I can recall I've been up there with my family just to see the whole view of Phoenix and the Gila River and it's a good view, that I know most of the people who loved being up there and having picnics, and other things riding their horses. So I pray that this mountain will stay, cause if we can live in this world they why??? Can't the Mountain stay. And as I use to live in Dist 6 we use to live right across from the mountain on 51st Boundary line and as I use to wake every morning going to school I would see the sun rising from there, and I know a lot of people who lived

around there know what I'm talking about and so many things you don't know what it means to us having the mountain there, and it won't be the same if it should to be gone. We don't need this freeway there it's just gonna call a lot of accidents there or other things I can't say. So Once Again Please don't take our South Mountain away, because it is sacred to us.

Thank You
Gila River Pima Stephanie J. Thomas
Tribal # PO Box 10952
13762 - Capchule Arizona
85121

(520) 610-6247

I am Daniel Orion Hernandez I'm a member to the Gila River Indian Community. our people have lived in the valley for centuries. we are descendants of the Hu Hu Kam people. we have farmed this land for thousands of years. ~~our people~~ as we were growing up we were taught that our land was sacred and that we need to protect it at all cost. South Mountain park is one of our sacred mountains. at one time it had belonged to our community. I can sit here and talk about everything that I had learned growing up and but in not. I know that what we believe as ~~Native American~~ Indian people aint the same as what you believe. you may see the mountain as a obstacle! but we see it as a refuge for our animals, a place where we can take our children and teach them our culture, ~~and history~~. it may not seem like alot but the Mountain means so much to our community.

There are so many reasons that we dont want the 202 throw the mountain! Having this ~~new~~ Highway go throw means more pollution for our community. ~~Represented~~ I am worried that my children will never

see Blue Skys, They will grow up with health problems. from all the ~~smog~~ smog. there will be more accidents, more spills, and more problems for our community to worry about. we really dont need to put another problem for our children to worry about.

Adot needs to know we dont want this Precary to go throw ~~our~~ South Mountain or throw our community. we dont need to Destroy the Mountain, schools, homes and communities! the People have Spoken No Prop 202!

Daniel Hernandez
#14479.

P.O. Box 832

Sacaton Az 85147

Daniel Orion Hernandez @ Gmail. Com



7-8-13

My Name is Laverne Thomas. I am an enrolled Member of the GRC. I wanted to tell someone of how little information has been given to us people here we need to protect the South Mountain because that mountain is sacred to our people. We still gather needed items even now. I guess that all I can say for now.

Laverne Thomas 6394

P.O. Box 11421

Bapchule, AZ 85121

(520) 315-2275

Hello,

6-29-13

My name is Nicole Johns and I am a Gila River Indian Community member. I am stating that my connection to South Mountain is that it is a very ~~sacred~~ sacred place to me and my people.

I would also like to say that A.D.O.T. did not properly notify every one in our community about the meetings they have had about South Mountain.

I myself have not heard anything about these meetings ~~until they~~ ~~until they~~ ~~until they~~ have already passed. They don't make it easy for me to get to these meetings that they have. I don't have transportation to go in to the city or to the far west end of our reservation. I would like to add that it would be more convenient if they would have went to each district and asked each of us how we felt about this.

The health concerns I have about this project are that the exhaust would kill plant life that has been there for hundreds of years and can & will be a health hazard for the people that live near

and around the Freeway.

May I add that A.D.O.T. did not ask in proper manners what we as a community would like done or not done with our sacred place of gathering.

Thank You.
Nicole Johns
Gila River Indian
Community Member
#17102.
390-1908 or 418-1469

nicolejohns411@yahoo.com
Nicole Johns

7-3-13

HELLO MY NAME IS BEONKA THOMAS AND I AM FROM THE GILA RIVER COMMUNITY I AM WRITING THIS LETTER BECAUSE I FELT LIKE I DID NOT GET ~~PROPER~~ NOTIFICATION ABOUT MEETINGS. I FEEL THESE ARE IMPORTANT MEETINGS. TO BE PART OF ARE PEOPLE FEEL THAT THE MOUNTAIN IS A SACRED PLACE AND WE SHOULD RESPECT IT I HAVE A SMALL CHILD AND I DONT WANT HIM TO SICK FROM THE POLLUTION. I FEEL THAT THE FREEWAY WOULD BE TAKEN SOMETHING AWAY FROM OUR PEOPLE AND ANCESTORS.

BEONKA THOMAS
43667000 (Home)
20587#
(520) 610-6247

PO BOX 10952
BARCELLE ARIZONA
85121

①

7-2-13

~~Frances~~ Frances Stevens, I am 13 years old,
I am a Gila River Indian Community member
and a member of G.R.E.Y. (Gila River
Environmental Youth)

I'm against the freeway to be built,
because ~~the~~ the pollution will make us
sick also destroy our plant life, In the
future even make our animals die or
get sick.

~~First~~ First of all, I really ~~don't~~ don't like
the idea of this freeway/loop 202.
because it can ruin our lives in the
future, make us very sick. what I'm
saying is that we have enough of
pollution on the reservations, we don't
need more pollution to ruin our future
families.

~~Second~~ Second of all, the pollution will
destroy our plants/crops that
we make a living on, also our
trees! we need our trees.

~~The last~~ The last thing I would like
to talk about is why weren't there
~~transportation~~ transportation given to the community.

For the ~~meetings~~ meetings, ~~you should know~~
you should know that some of the
community members would like to ~~attend~~
attend the meetings but have no ride to attend.
So please listen to us and hear what we
have to say. ~~Frances Stevens~~

Frances
Stevens

7/2/13

To whom it may concern,

My name is Verdadee Stearns. I am an enrolled member of the Gila River Reservation. I am a Pima/Apache residing in District 3.

All and most of my life I have lived on the reservation. I originally grew up in District 3. I left the reservation a few years to another reservation out of state. As I returned back to the reservation I finished grade school and went to boarding school. By that time I learned my parents and family had moved to the West end of the reservation. There I had lived to grow into my adult hood.

So today as I hear about this project being built. It saddens me to know that they are so persistent to build this Freeway. I guess because that's all that that range is there for. All of this saddens me to hear all the stuff that everyone is going through. As for myself, I care much for my people. And with this project in place, I know there will be alot of health issues. As I lived on the West End. I use to do alot of running along the gas line. I also use to climb the mountain.

Almost everyday. I would sit on the top and pray. It gave me a good feeling within myself each day I did this. I would also see how close the house had started to come out. This was only the beginning. Now today I see how much of the city has come. Then it makes me realize how many of these white people that are making their house come out our way. Could and are prejudice of Indians. To hear of this mountain being destroyed has put a great hurt in my spiritual life. Because God has made this creation and people are wanting to mess it up for something that is not really necessary. The Freeway today has been serving a good enough purpose. Also if this Freeway being built it would take away my grandchildren right to have a home out there. As well as my daughter.

She has a part in this section about the Freeway being built. Though all this she has not been notified of every mtg that was held. She only heard it from her aunts after the meeting had taken place. I for her to help. She needs to be notified of all mtgs. I don't know who these people who are even wanting

to build this Freeway. I don't know why they can't hold a meeting in each District to see ~~what~~ the people think. Even though it is for land owners. But I think it is going to affect the whole reservation. Especially with the living conditions. For the ones who are in ~~their~~ homes. Will they continue to stay or will they have to move. I know in life that change is good. But in this matter I don't think so. I know of some elders who still go to get the medicine ~~and~~ cactus food and sage for their health and spiritual needs. As we grow older. How can our tradition stay alive if we don't stand up for our community. I can see that there are more homes being built out there today. And if these people have to move then why are we wasting money when it could start going to a medical or other emergency need. Because by this Freeway being built. We are all going to need a lot of medical needs. Especially of the speed limit and if the car goes over the railing. Has anyone thought of all the accidents and mishaps there could be. I don't know how many people climb that mountain. But you need to climb it and take a good look

at the pollution. Believe me it is not a very good feeling. To see all of the grey. Gee we don't even want to stand in a dust storm. That even carries all kinds of chemicals as well. I thought it was just dirt. Until my daughter caught the Valley Fever. And asked around. Then I realized that we all have it. Because we live in the Desert. Its just how are bodies work and our immune system. So to wonder of the pollution that will come along with the Freeway. ~~and~~ To say to someone that I helped put my family in danger. Is kinda foolish. Because I might as well have killed them myself. I wish there is another way to build a road not a Freeway. Because there is always another solution. Because in life we have a wrong and a right. So please take into consideration of everyone involved from infants to adults. As well as all the health reasons of the people here of today. The mountain does have a reason for it being where it is at today. So to bother it would bring more harm than we all dreamed for. Because it is the work of our hand. And it brings survival. I also wonder if they build this Freeway. Are

my people who live out there going to have to start paying for their water from the city. I know there are several water wells out there. But will they have to be covered because of this Freeway. The water out in that area is not so well. But in order to have better water. The wells would have to be dug deeper. So to take things away or destroy is not a good way of life. The mountain has given me much in my life. It has kept me strong, sane, peaceful, and healthy. As well as other purposes. So to see it being destroyed is sad. Because I'm sure if we want our kids to stay active and exercise. We need to all need to take a stand. So one needs to be really honest about all aspects of this Freeway. Especially to the community of the reservation.

Wendee Stearns
520-562-1530

4365

1 for the future in 10, 15, 20 years for the people that
2 live out there? Thank you.

3 THE FACILITATOR: Thank you very much.
4 Andrew Pedro.

5 MR. PEDRO: Hello, I'm from the Gila River
6 Indian Community and I'm one of our community managers,
7 our community manager, David White for Gila River, he
8 stated that transportation officials were to be taking
9 cultural awareness training, and has that ever happened
10 for people part of the 202? Anyone? And if it were, who
11 would be taking those cultural awareness training
12 classes; would it be construction? Would it be ADOT
13 officials themselves? And in the DEIS it does say that
14 if any uncovered cultural items, that construction would
15 stop immediately. How are they supposed to know if
16 training never happened?

17 And like Danelle said, it is a sacred place to
18 us and we have been here thousands of years, you people
19 have been here 200 years. And that thing in the EIS,
20 except for saying that it could cause loss of cultural
21 property and that is like -- that's a violation of our
22 religious rights, that is a sacred place. How is ADOT
23 able to go through there with being that it's a public
24 park and it's a public preserve, so it's owned by the
25 public; how are you supposed to get those right-of-ways

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1 in a public park?

2 So yeah, we are against this freeway and there
3 is nothing in the EIS that says that they stopped working
4 with the community to look into the effects of the
5 community when it's right on our border. And obviously,
6 it's going to affect us. And yeah, like people in
7 Laveen, they're on the other side of the mountain,
8 they're not going to feel it as much as we do.

9 And especially to our culture, how we live.
10 We're almost gone, most of our community lives in poverty
11 and most of the people there can't even speak our native
12 language. And it's not our fault, it's colonization's
13 fault for pushing us out of our own land. And right
14 here, right where you stand and where you're sitting is
15 traditional Akimel O'odham territory, and I hope that you
16 realize that and wonder about how it really affects us
17 and not just the financials of it, how it affects us
18 internally and spiritually. If we were to build through
19 one of your churches, I'm sure you would be standing here
20 where I am telling you that this is a bad idea, because
21 it affects your religious rights. Well, this affects our
22 religious rights.

23 If there's one corridor that separates us from
24 the mountain itself, that's a violation of our religious
25 rights and that -- yeah, there's supposed to be one

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1 tunnel going under the freeway, that's unsafe and it
2 would affect our medicinal plants that we use culturally
3 that are going extinct and cultural animals that we use
4 in our culture: The owl, tortoise, Sonoran Desert
5 tortoise, Mexican spotted owl, those are all endangered
6 species that you're willing to sacrifice other species
7 just for progress.

8 Is that really how you want your kids to view
9 the world; do you want your kids growing up in pollution,
10 growing up with cancer, asthma, bronchitis, birth
11 defects? We don't want that for our community. Look how
12 bad it is already. We don't want none of that, so I just
13 hope that you look back into that.

14 And with the shuttles, I mean, nobody actually
15 got the shuttles, there wasn't that much effort put into
16 it from ADOT themselves, the community had to invite ADOT
17 to come to the community to give out information. They
18 weren't giving out any information before until the
19 community told them to. That itself is just disgusting,
20 how she said before, and how disgusting it is to see
21 people pushing this freeway, which they don't acknowledge
22 us as a people, being that we've been here before anybody
23 has been here and our ancestors go back. And what if
24 there was other people who came into this? This doesn't
25 affect just the Gila River Indian tribe, this affects all

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1 tribes in Southern Arizona, being Tohono O'odham, Ak
2 Chin, Salt River Indian Community, culturally it affects
3 them and is disgusting to see how this is still being
4 pushed forward.

5 THE FACILITATOR: Thank you.

6 If anybody else who has not registered would
7 like to speak at the hearing, please make sure that you
8 register at the registration desk and then come before
9 us.

10 If you need additional time, please, if you
11 would like to make additional comments, please give your
12 comments to the court reporter. Thank you.

13 Harlan Barehand.

14 MR. BAREHAND: Good morning, sirs. Thank you
15 for the opportunity to come and speak with you this
16 morning. I am Harlan Barehand, I'm registered with the
17 Gila River Indian Community. Thank you very much for not
18 putting it on our reservation, we appreciate that very
19 much. I hope that it will stay off our borders and into
20 the Ahwatukee and the Laveen area. And I think that we
21 can benefit financially through them, but our reservation
22 as it is is very small and we cannot afford to lose any
23 more land as it is. And history tells us that the
24 original Gila River boundaries is Van Buren on this side,
25 so you're asking for Gila River land, but that's history.

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1 MS. CHASE: I'll start out by saying I'm angry. I
2 am angry because I came here to have something to say about
3 this, to the State of Arizona and to the people. And now I
4 find out, when I get here, I can't say anything.

5 Well, I'm just now pointing out that all I can talk
6 to is a court reporter. I can't even talk -- And that's not
7 what the paper said. The paper said that -- The paper said
8 there was going to be another meeting here, for public -- for
9 public opinion. Well, that's what I'm here for.

10 I'm not here to talk to a court reporter. I'm not
11 here to talk to the State of Arizona. I'm here to talk about
12 this issue to the people that are involved: community members;
13 Pangaea, who wants to do this thing. What for? And to the
14 State of Arizona.

15 The Government gave us this land, this reservation,
16 for our benefit, for our use. The State of Arizona aren't
17 Indians. Go on the other side of the boundary. Put your
18 freeway on the other side of the boundary.

19 Yeah, well, you can just listen to what I've got to
20 say here, being I can't talk to anybody.

21 That's wrong, doing it, because that's tyranny,
22 that you're going to tell us what you're going to do but you
23 don't want -- you don't want us to tell you what we think about
24 it except to a court reporter?

25 I want to talk to the people. I want to be able to

Page 3

1 get my ideas and what I think about this thing to the people.
2 That's the whole purpose of the meeting, as to whether they're
3 going to build the freeway or not. How are you going to build
4 the freeway when you don't know what we think about it, except
5 on paper?
6 I'm not here to talk to you.
7 And that's wrong. That's not Indian way. That's
8 another thing that I'm talking about, wanting to talk about, is
9 Indian way. We have our way, our traditions, our culture. And
10 you people, you Americans, we call you Americans. You
11 Americans, you don't know Indian way.
12 Well, I'm here to tell you what Indian way is. And
13 Indian way is still here on the reservation. It's alive and
14 kicking.
15 And Pangaea wants to build this freeway on there,
16 and they're not even -- I called and found out, they don't even
17 have any exit. What is it? 22 miles, that freeway is going to
18 run? There aren't even any exits on the reservation.
19 And Pangaea wants to bring industry and business?
20 How are they going to bring industry and business to the
21 freeway when there's no exits?
22 The exit is going to be at 59th Avenue,
23 off-reservation. All the State wants to do is put a road in
24 here, for your convenience.
25 And the paper said that this is not going to be

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1 harmful to the City of Phoenix. Do I care about the City of
2 Phoenix? No.
3 I live here on the reservation. I am concerned
4 about the impact of this freeway, that's going to have on our
5 environment. We've got South Mountain here. We've got
6 Estrellas over here on the other side. Where is that smog
7 going to go? Right here on the reservation.
8 And Phoenix, the State of Arizona, wants that smog
9 here on the reservation, not in Phoenix.
10 From the very beginning, when Columbus came here
11 and discovered -- to the Bahamas and to the United States of
12 America, what it is now, they've been trying to destroy the
13 Indian population, the Natives. They set out to kill us.
14 Germany, Hitler, they had their concentration camps
15 where they annihilated the Jewish population. The United
16 States is no different. The only thing is they don't call them
17 concentration camps. They call them reservations.
18 They put us on reservations for why? To kill us
19 off. But I've got news for you: We're still here. We're
20 survivors.
21 They took -- The Government took our land, in
22 Docket 228. And the attorney told me, we got 25 cents an acre
23 for that land. That was \$6 million to be split with Salt
24 River, Ak-Chin, and Gila River. That's three -- \$6 million.
25 That came to 25 cents an acre. That's what we got for it.

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1 And the Government argued: Because it was
2 undeveloped land.
3 What do they mean, undeveloped land? The Pimas
4 built canals all over this place. It was not undeveloped land.
5 We had an irrigation system here that's doing well today.
6 Those same irrigation canals that the Pimas built are being
7 used right now. It was not undeveloped land.
8 We didn't have 20-foot -- or 20-story skyscrapers.
9 But I'll tell you what: We still had a skyscraper. We had a
10 four-story building near Coolidge, the Casa Grande ruins today.
11 Four stories high, a massive building. There aren't even
12 four-story buildings in Casa Grande, in Florence, or Coolidge
13 today.
14 And they have the nerve to tell -- call us
15 uncivilized? Heathens? They don't know Indian history. They
16 don't know Indians like we know Indians.
17 I'm an Indian. I'm a Pima Indian. I was raised by
18 Pimas. My first language was Pima. I was born on the
19 reservation. I know what our history is.
20 I know what it is today: We're in a transition.
21 And I don't like that transition.
22 This guy -- I wasn't going to say this, but I will
23 now. This guy, what's his name? Joseph Perez. Pangaea. I
24 said -- I was talking to some young people at the computer lab,
25 some time ago, and I says, "Who is this guy, anyway?"

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1 And one of the young men there laughed, and he
2 said, "I went to school with -- with Joey. He used to say,
3 'I'm not an Indian. I'm a Mexican.'"
4 And now, all of a sudden, it behooves him to become
5 an Indian because he wants to make money? So now he's saying,
6 "Oh, I'm a tribal member. My family this, and my family that."
7 What kind -- What kind of stuff is this? I mean,
8 that's not Pima way. He wasn't raised as a Pima. He doesn't
9 even speak Pima.
10 And that's what I'm saying, is now, what we've got,
11 we're in a transition, where that we have people like me, who
12 know Indian life, who know Indian tradition and Indian way.
13 And we have the new generation, who don't even speak Pima and
14 didn't even want to be associated as being an Indian. He's a
15 Mexican.
16 Well, I'm glad to be a Pima because I know my
17 heritage. I know my ancestors. I know their way of life. I
18 know how they lived and what they did.
19 And I have something against those contractors that
20 were at that last meeting, saying that they wanted -- that this
21 meant 30,000 jobs for them and they wanted -- they wanted that
22 freeway in there. Well, I'm sick and tired of them.
23 I've got news for them: I'm sick and tired of
24 rescuing the American public, people, because we did that when
25 the settlers came through. They had Indian scouts, Pima

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1 scouts, that went out in the desert and picked up the settlers
2 because they were dying from lack of water, dehydration. And
3 they rescued them, fed them, gave them water, took care of
4 their animals.

5 And now these contractors are coming to the Pimas
6 and saying, "Oh, help us. We want 30,000 jobs."

7 I've got news for them: They're barking up the
8 wrong tree. Let them go to their Government.

9 It was the United States Government that was
10 overseeing all this housing thing that went corrupt and
11 bankrupt and put us into recession, put this country into
12 recession. Hold those people responsible. Make them provide
13 jobs for them. Don't come to the Pimas and ask the Pimas to
14 provide jobs for them. We already did that. And I don't want
15 to do it now.

16 Now all we've got is 373,000 acres. This land is
17 for our children. It's for us to live on. The Government gave
18 us this land for our use, for our benefit.

19 And those contractors and the State of Arizona,
20 they're not Pimas. They're not Indians. Go on the other side
21 of the freeway -- or the boundary. Go on the other side of the
22 boundary and build your freeway over there.

23 They gave us 25 cents an acre for this land.

24 Don't -- You don't need any more. We're not giving you another
25 square inch. You go on the other side of the boundary and

1 build your freeways.

2 These freeways are like snakes: a freeway here, a
3 freeway there, a freeway here. Freeways all over the place.

4 We don't want any freeways on our reservation.

5 Where is all that pollution going to go? Right here on the
6 reservation.

7 Does Phoenix care? Does the State of Arizona care?
8 Does Governor What's-Her-Name care? No.

9 We're survivors. And I'm here to tell you guys:
10 Take your freeway and go on the other side of the boundary.

11 You've got Baseline over there. Put your freeway
12 over there. And then don't put any exits on it for 22 miles,
13 and see what those people, those business people, have to say
14 about that.

15 A freeway with no exits? And these Pangaea people
16 think they're going to get rich because they're going to put in
17 a freeway with no exits and they're going to put businesses up
18 alongside the freeway? That's disaster. That's failure
19 because people off-reservation aren't going to come to the
20 reservation, to their businesses, to do business, when they can
21 go two blocks down there from their house and go to Bashas', go
22 to Walmart, and Target, and all of those other places. They're
23 not going to come to here.

24 Business is: Location, location, location.

25 Where is your location?

1 And they want to put business out in the middle of
2 the desert, by a freeway with no exits? How smart are these
3 people at Pangaea? Who are they, anyway? We don't even know
4 anything about Pangaea. Who is this Joey Perez? Has he done
5 land development? How successful has -- What's his history?
6 Where is his money coming from? Who is financing this Pangaea
7 outfit?

8 They're paying -- They're paying people \$50 a
9 signature to sign those petitions. And where else is that
10 done? Do off-reservation people get \$50 when they sign a
11 petition? They're doing it here.

12 And who is paying them that \$50? Where is it
13 coming from?

14 Joey Perez is just a front. I understand, his wife
15 is a partner in this, too. He's just a front.

16 But who is behind it? Where is the money coming
17 from? Who are the -- Where is the money?

18 And even those people aren't too smart if they want
19 to put businesses out in the middle of the freeway with no
20 traffic.

21 We're 22 percent unemployed here. And they expect
22 us to go and buy from them? We're poor. We're
23 poverty-stricken. And that's why those landowners want that
24 freeway to go in there. They think it's going to be money for
25 them. But it isn't.

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1 They're promised \$2,000, that they're going to get
2 \$2,000. But those landowners don't stop to think that that
3 land is fractionated land. What -- how that turn -- How that
4 came about is that, when the Allotment Act was passed in
5 18-something -- '87, I think it was. When they passed that
6 first Allotment Act, every Indian in the Gila River got ten
7 acres. My grandfather got ten acres. His children got ten
8 acres.

9 Then, when he died, then his children got a
10 fraction of his allotment. And then his grandchildren -- who
11 I'm a grandchild -- now I have interest in that land. So
12 that's what this land is. That ten acres is fractionated.

13 When it's leased out, all the people, the allottees
14 that have interest in that land, just get a fraction of the
15 \$2,000. But these people think they're going to get \$2,000?
16 Huh-uh. They're only going to get a portion of that \$2,000,
17 depending on how many people are in that land.

18 All of the landowners are -- They're not landowners
19 because they don't own the land. They just have interest in
20 the land. All of those people are going to get a portion of
21 that \$2,000.

22 So what are they going to end up with? We have
23 hundreds of people that have interest in these fractions, one
24 piece of fractionated land, so that some of them only get
25 pennies when that land is leased out. So how far is \$2,000

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1 going to go?

2 And this is why I'm here to tell the people, to

3 bring out these things, so that they won't be taken in. They

4 don't -- They don't think about this. All they see -- All they

5 hear is: We're going to get \$2,000.

6 And where is \$2,000 going to go, anyway?

7 One lady told me she went to a meeting. They told

8 her she was going to get \$2,000. She said, "What am I going to

9 do with \$2,000? I can't fix my car, pay my electric bill.

10 What am I going -- What good is \$2,000 going to do me?"

11 She said, "I left. I wasn't interested."

12 She was a smart one. She had it figured out. But,

13 unfortunately, there are people that don't figure it out. They

14 don't think.

15 And that's what I'm here for, is to try to tell

16 them: Look, this is what's happening. This is what's

17 involved. These are -- These are all the things that are

18 involved in this freeway thing.

19 (Ms. Chase speaks a brief phrase in Pima) Don't

20 like it. Don't accept it.

21 And -- and Joey Perez, and he wants to -- He wants

22 to have another election on this? We already said, "No." The

23 people already had an election.

24 And here, here, I found this thing here. I didn't

25 get a copy of that. But read that.

1 See, that's a -- This is a picture of the

2 reservation. There's Chandler and all these other places

3 around it. And this is what it says here. It says -- I have

4 to get my glasses.

5 This says: Shouldn't community members be able to

6 decide what is -- what is appropriate for the community?

7 We already did. We already decided. No, we don't

8 want the freeway.

9 But, you see, there's a -- There's a Indian way and

10 an American way. We're in conflict. And Americans don't

11 understand Indian way. Indian way, the people have already

12 said what they -- what they wanted. Indian way, it shouldn't

13 even come up again. It's been decided.

14 So how -- And I was talking to a friend about this.

15 And I said, "Well, you know, this isn't like a court hearing

16 and one side loses and they ask for an appeal. We had an

17 election, not -- not a court hearing. This shouldn't be an

18 appeal."

19 And she said, "Well, if I think of it, I think that

20 there was a Martin Luther King election, and I think they --

21 the voters went to the polls three times before they made

22 Martin Luther King a holiday."

23 I thought -- I said, "Oh, yeah, I didn't know that.

24 I forgot about that."

25 So that's a difference, right there, between Indian

1 way and the American way. American way, you can keep
2 petitioning and petitioning and petitioning and petitioning.
3 It's like a crying baby. The baby cries and cries and cries
4 until momma comes and gives it some milk and shuts it up.
5 So then -- And that's what -- That's what Pangaea
6 is doing: Crying and crying and crying, petition after
7 petition, to get their way because legally they can do it.
8 But Indian way, Indian way, you can't, because we
9 already decided. We already told you: No, we don't want it.
10 Go away. Leave us alone.
11 That's Indian way.
12 And I said -- And that's the conflict that we're
13 in. We're in one -- we're in one -- We're in one life and in
14 another life. We're Indian way, living Indians -- living
15 Indian way, and trying to be living American way. They're in
16 conflict.
17 And we're getting this new generation of people who
18 don't know Indian way. And Perez doesn't even want to admit
19 he's an Indian, saying, "I'm a Mexican."
20 So what have we got here?
21 And I'm just here to say, to the people, that we
22 need to -- we need to -- If we're Indians and this land is our
23 land, we need to preserve it for our children. We need to be
24 careful about the environment. We have the Sierra Club now and
25 all kinds of other clubs that are concerned with the

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1 environment.
2 I've got news for them: We had Sierra Club long
3 before they ever came along, because Indians didn't kill just
4 to kill. It wasn't a sport.
5 The Indians up north, they hunted buffalo. And
6 they used every bit of that buffalo for their -- for their
7 livelihood or whatever. They used the -- They used the hides
8 for tents, for clothing, for food. They used the whole
9 buffalo. They didn't go out there and just destroy it.
10 They did the same thing with other life. Deer,
11 they didn't go out there and kill Bambi's mother and kill
12 Bambi, too. They were concerned with wildlife.
13 They called the earth "Mother Earth," because
14 Indian way, Indian language, is expressive and they saw that
15 the earth provided grain, berries, rabbits, buffalo, deer, for
16 their food and for whatever they needed. The earth did that.
17 So that's why they called it "Mother Earth."
18 And they lived in harmony with their environment.
19 When those settlers came west and they saw the
20 buffalo and the beavers, all they saw were hides and money.
21 And that's the difference between the Europeans and the
22 Indians.
23 Our lives are different. We think different.
24 We're Indians. And -- and we live, many of us, just like our
25 ancestor did. And we've lost so much of -- of our way of life

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1 now.

2 My grandfather, when I was a little girl, our

3 little dog, Tuffy -- I still remember his name. It was a

4 little -- kind of, a little white dog with fluffy fur. That

5 little dog was running in circles, yipping and yapping, and

6 just wild. And we all stood there watching him, my brothers

7 and sisters and I.

8 And my grandfather was close by, and he saw that

9 little dog. He calmly walked over to the house and got a

10 pitchfork standing up against the building. He took that

11 pitchfork and he killed that little dog.

12 And I thought: Why are you doing this? Why are

13 you killing our dog?

14 And it wasn't until I went to high school and had a

15 science class and heard about rabies, then I knew why my

16 grandfather killed that dog.

17 And that was the way the whole Indians were.

18 They -- He didn't bat an eyelash. He saw the danger, and he

19 moved. He didn't wait an hour, 15 minutes, or the next day.

20 He took that pitchfork and he killed that little dog for the

21 safety of us children.

22 And that's part of what I know Indian way is like.

23 And that's why that I'm here, to say that there's still some of

24 us that are traditional. There's still some of us that know

25 Indian way.

1 And I won't bat an eyelash to say, "Take your

2 freeway and put it on the other side of the boundary."

3 That's what it's all about. Our Indian way is

4 different. And -- and we're in conflict. And our children are

5 not learning Indian way.

6 But there's some of us here that still -- we're

7 still traditional. We still know our ways.

8 And I'll tell you another story about my

9 grandfather. My father was in the United States Army. And he

10 came home. He was in Hawaii, and he came home. And I guess my

11 grandfather got his check and cashed it. And my dad found out

12 about it. I was a little girl. I was standing right there,

13 listening to all of this.

14 And my dad said to my grandfather, (Ms. Chase

15 speaks a brief phrase in Pima), "I'm going to put you in jail."

16 And my grandfather looked at him and said,

17 (Ms. Chase speaks a brief phrase in Pima), "Go ahead and do

18 it."

19 But he said, "These children" -- he said all of

20 this in Pima -- "these children are your children. It's your

21 responsibility to take care of these children. But you haven't

22 been doing it. I've been doing it. I've been taking care of

23 your children. And, yes, I took that check and I cashed it,

24 for your children, to buy them food, to buy them clothes, to

25 buy them what they need. I did it. Go ahead. Put me in

1 jail."

2 My dad, because he was an Indian, raised Indian

3 way, put his head down, turned around, and walked away.

4 Yeah, American way, my grandfather could have gone

5 to prison for forgery. But Indian way, he won. And my dad

6 walked away and didn't do that.

7 So that's the way Indian way is. That's what I

8 know about Indian way. It's different from the American way.

9 And that's what I'm here, to remind these people that want to

10 do this: No, don't do it. Do like my grandfather did. He

11 killed that little dog for the safety of his children. Think

12 about your children. Don't give away this land because what

13 are your children going to have? Nothing.

14 I have -- I have interest in my grandfather's land

15 now because he didn't give it away. He was poor. He didn't

16 have money. They were poverty-stricken. But he didn't sell

17 his land because in those days, those old people said, "Don't

18 sell your land. If you do, you're going to be walking down the

19 road with a bag of clothes. You're going to have nowhere to

20 live. You're going to have nothing. You save this land."

21 That's what we were told. That's how we were

22 raised. But some of our people don't know this.

23 This Joey Perez, he's not Indian way. All he's --

24 He's American way: Greed. Give me that money. Give me that

25 money. That's the way -- That's the way it is.

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1 And I'm here to say, I don't want the freeway on --

2 on Indian land. I like our buzzards. I like our jackrabbits.

3 An elderly man at an elderly-concerns meeting said,

4 "I saw -- I saw two eagles up there on South Mountain. What's

5 going to happen to them once that freeway goes in?"

6 Because Indians live with their environment. They

7 care about the roadrunners, the quail. They learn from it.

8 I used to go to the old-time Farmers Association

9 meetings and hear the stories that they told. And the stories

10 were about the animals, and they lived with the animals. They

11 didn't -- They only took what they needed. They didn't just

12 kill them. They didn't destroy them.

13 That's why I'm saying that they were here long

14 before Sierra Club came along, and all of these other wildlife

15 programs and projects.

16 We lived that life, and I don't want to see it

17 destroyed. I want to save it for -- for our people and for our

18 children.

19 And, as it is, we have all kinds of pollution now.

20 We get asthma. My little great-grandson has asthma. I get

21 asthma because of our environment and the -- and the pollution

22 of the -- of the air.

23 But people don't think of that.

24 We're dying from diabetes. 80 percent of our

25 population on Gila River have diabetes. In 1909 they only had

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1 one case of diabetes. Today, 80 percent of our population has
2 diabetes.

3 Diabetes causes strokes, heart attacks, kidney
4 failures, all kinds of failures in the bodies. Our legs are
5 amputated. Our arms are amputated. And then we die.

6 And now they say that Alzheimer's is connected with
7 diabetes.

8 So we're dying. We're becoming an extinct nation.
9 And that's bad enough, that we -- Now they want to put a
10 freeway through here and further pollute our air? No.

11 The people need -- Our people need to think about
12 all these things and to think of what they're doing and not
13 just be trying to grab that money because where is that money
14 going to go, anyway? It's not going to go anywhere. You're
15 not going to take it with you.

16 And you're just depriving -- These people are just
17 depriving their children of land, of a place to live. So
18 that -- that -- those are -- That was what I wanted to try to
19 bring out, and these points to bring out to the people. And --
20 and to try, both sides.

21 And those -- Those contractors need to be ashamed
22 of themselves because all they want is 30,000 jobs. They don't
23 care about the people here.

24 And when those jobs and that freeway is completed
25 and those 30,000 people are out of jobs, what are they going to

Page 20

1 do next?

2 It's just a temporary -- a temporary cure for their
3 insatiable desire for TVs and, you know, those phones, all
4 kinds of phones, and all kinds of computers and all kinds of
5 stuff like that. It's never going to end, their desire for
6 them, because that's the way that these Europeans are. They
7 did it in Europe, fought over land over in Europe. From bible
8 days, they fought over land.

9 But the Natives here in this country, we're
10 different. We don't -- We didn't fight over land. We had our
11 areas where we lived, but we didn't fight over land because
12 they believed that land was to live on. It wasn't meant for
13 personal ownership.

14 And this is one of the differences between the
15 Indians and the Europeans. They want their name on a tract of
16 land. And, when the West started being settled, the Government
17 gave -- I didn't write that down, the statistics on that -- but
18 gave a lot of land in the West, reserved for the Indians.

19 Then they passed -- I believe it was the Dawes Act.
20 They passed that Act. And what that Act did was they took the
21 land that they reserved for the Indians and sold it to the
22 settlers for 50 cents an acre.

23 And so this Government has been -- they've -- Their
24 intention, from the very beginning, was to kill all of the
25 Natives off, get their land and their buffalo and everything

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1 else they could get. And that's been -- That's been the
2 intent, all this time.

3 And they're -- And they're still doing it. They
4 already got all our reservation land. I mean, not our
5 reservation land but the -- what do you call it, the -- the
6 Native lands where the Natives lived. They already took that.
7 That's where we got the 25 cents an acre. They already got it.
8 But they're not satisfied with that.

9 Now they're coming on the reservation and wanting
10 our reservation land.

11 I fought more developers coming -- wanting to come
12 on our reservation and take our land, because they've developed
13 all of Chandler. They're up to our border now. Now our
14 reservation land is looking pretty good to them because
15 contractors, their mindset is: If they see a piece of land
16 that doesn't have asphalt on it, they're going to put asphalt
17 on it. They're going to put buildings on it. That's the
18 nature of the beast.

19 But that's not our way. We like our jackrabbits.
20 I live on a tribal home-site lot that's about an acre big. I
21 have rabbits. I have cardinals, doves, quail, all kinds of
22 birds, and owls that come to -- come to my lot because I
23 provide water for them. And birds love water; I've found that
24 out.

25 And they come to -- Even dogs, stray dogs, come to

1 my house looking for water. And -- and I have trees. And they
2 want the safety of my -- of my lot.

3 And I just found out we even have rattlesnakes. We
4 had found a little tiny rattlesnake on the porch. So even
5 rattlesnakes are coming to my house.

6 But -- but Indian way, these are all -- This is
7 part of my heritage, to live in conformity with nature. They
8 didn't -- They didn't kill animals just to kill them.

9 We had a -- We had a Gila monster one time by our
10 house, and my dad took that Gila monster and took it out in the
11 desert. He didn't kill it. And so but that's an example of --
12 of how Indian -- Indian way is, how Indian people thought and
13 how they lived.

14 And it's so sad for me to see that we're losing it.
15 For what? For money? For the greed of money?

16 And in the old days people didn't have money. They
17 didn't care about money. They put holes in nickels and made
18 necklaces out of them or put them on their shirts. You know,
19 that's what money meant to them. It was just a decoration.

20 And they were happy. I remember, as a little girl,
21 that we would go to Sacaton. And the church would take their
22 tamales and sell tamales. And they had -- They had baseball
23 teams playing against each other. They had rodeo. And people
24 were happy. People laughed and visited, and they were happy.

25 But it wasn't money that made them happy. It

1 was -- It was being social, getting together, relatives. We're
2 all related. And it was people getting together. And they
3 laughed and had fun.

4 I remember, as a little girl, that the girls used
5 to hold hands, and they would walk around the rodeo arena in
6 one direction. And the boys would walk around the arena in the
7 opposite direction. And then, when they'd come together,
8 they'd all giggle and laugh. The girls would giggle and laugh.
9 And -- and you used to be able to -- Girls would hold hands,
10 and nobody thought of them as being homosexuals. Now you don't
11 dare walk down the street holding a girl's hand.

12 But so those are the -- Those are the differences.
13 And being 75 years old, I've lived in that
14 generation. I know what it's like to be a Pima, what it's like
15 to be an Indian, and what it's like to live in the -- in the
16 Indian society, where that -- where that families, they live
17 together and work together and help each other. If somebody
18 needed a house, they all got together and built a house for
19 them. Somebody needed their grain to be -- to be harvested;
20 they all came and harvested the grain. They -- They lived
21 together. That's the way Indian life was.

22 Today, it's different because Americans don't live
23 like that. They put their grandparents in the nursing home
24 somewhere so they won't be bothered by them. Now we're doing
25 that.

1 So we're changing, and I don't think it's for the
2 good.

3 And all we've got -- If all we've got now is -- is
4 to fight for this freeway not to go through here, then we've
5 got to do.

6 And I'll just say, to that Pangaea, Joey Perez, and
7 all those people that are -- that are trying to put this
8 freeway in, that there's still some of us here, some of us
9 traditionals, that we're still here. And we're still Indians.
10 We're still Pimas.

11 And -- and those people that were at that Phoenix
12 meeting, they're a block that were opposed to the 202 Freeway.
13 They're a block. And, if Joey Perez and his cohorts want to
14 put that freeway in, they're going to have to go through that
15 block.

16 And we're still Pimas, like the old Pimas. We're a
17 formidable bunch. And you better look out because we're not --
18 we don't want it.

19 And -- and, as they said in the Marine Corps -- My
20 husband was in the Marine Corps. And there was a saying. It
21 goes: You feel froggy? Jump.

22 Joey Perez feels froggy? Jump.

23 So that -- Yeah, he's going to have to reckon with
24 some of us traditionals.

25 And that's all I've got to say.

1 Pangaea got another petition. And so they brought
2 it to the Council. And the enrollment or the secretary's
3 office, they looked at these signatures, and they weren't
4 right. And so I guess some of them were forged. They didn't
5 really say.

6 But so they had a -- So the Council had a meeting
7 on that. And Myron Scherers (phonetic) made a motion to clean
8 up the petition, go through all the signatures and make sure
9 they were all valid signatures. And the Council passed that
10 motion.

11 But Annette Stewart, a councilwoman from
12 District 5, didn't vote for it. And she gave her reason why.
13 She said: They should just redo the whole petition, not just
14 clean it up.

15 And -- and I'm in agreement with her on that, on
16 account of the petition is one document. It isn't just this
17 page and that page and all of the pages put together. It's all
18 of the pages put together making one document. And, if any
19 part of that document is fraudulent, then the whole document is
20 fraudulent.

21 They need to retake that petition and redo it.

22 And I'll go one step further, to say that the
23 people that carried those petitions and got those fraudulent
24 signatures shouldn't be allowed to carry another petition. And
25 in my anger I'll even say that those people should be excluded

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1 from the reservation. We have people that are excluded. What
2 that means is that, when people are so bad, they're -- they're
3 run off the reservation.

4 And that's what they should do to these people
5 because they're confidence people. And I don't know if they're
6 men or woman or who. But they take -- They get the confidence
7 of the people.

8 These people that signed the petition are believing
9 that everything is upright; everything is honest. And it
10 isn't. And so they signed the petition, believing that
11 everything is right when it isn't. And these people getting
12 the petitions, signatures, they're -- They're confidence
13 people.

14 And that -- What can be worse than to betray Indian
15 way again is to betray people that have trusted you to do
16 what's right. There's just no -- There's just no excuse for
17 it.

18 There isn't even -- We don't even have a law, I
19 think, about that because it's not our way. We don't have
20 people that -- confidence men that come in here and gain the
21 confidence of the people for their benefit and then turn around
22 and stab them in the back. That's not Pima way. So we don't
23 even have any laws that would cover that.

24 The only thing we have is exclusion. If -- if a
25 family or a person is so bad, then exclude them from the

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1 reservation. Throw them off.

2 So and I think -- I would have a tendency to
3 believe that, if we were living back in the seventeen, eighteen
4 hundreds, they would do exactly that. I think that, if they
5 found somebody that was so bad, and so immoral, so corrupt, I
6 think they'd -- they'd tell them, "Leave the reservation. Get
7 out of here."

8 I think that's what they -- that that would be the
9 remedy that they would have for that. So I would -- being --
10 Being somebody from the old ways, that's -- that would be my
11 opinion on that.

12 But, at least, what they should do is not allow
13 these people who carry these petitions and got fraudulent
14 signatures to go do it again. You -- When somebody robs your
15 house, you don't open the door and say, "Come on in, do it
16 again. You didn't -- You forgot my refrigerator."

17 So but okay. I guess that will be all.

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Linda Allen

Document Created: 7/20/2013 12:55:15 AM by Web Comment Form

Arizona Department of Transportation officials who are part of 202 planning were to have taken cultural awareness trainings put on by the Gila River Indian Community, as stated by Community Manager David White. When were those trainings conducted, what GRIC department conducted them, and what were the policy shifts, if any, that resulted from the cultural awareness trainings? What scoping comments from these trainings went into the DEIS?

Was the Section 106 process for South Mountain ever begun between the Tribal Historic Preservation Office and the Arizona Department of Transportation? If no, when can GRIC expect that process to start, in order to comply with the Religious Freedom and Restoration Act, as well as the National Historic Preservation Act? What outreach and scoping has ADOT done to the sister tribes of O'odham who also hold the South Mountain range as sacred, namely the Salt River Pima-Maricopa Indian Community, the Ak-Chin Indian Community, and the Tohono O'odham Nation? What outreach and scoping has ADOT done to the other tribes who have cultural affiliation to South Mountain, such as the Colorado River Indian Tribes and the Hopi Nation?

If the freeway were to be built, what type of assurances are there that air quality assessments for Gila River and Maricopa County will be kept separate? Gila River has been awarded a Clean Air Excellence award by the Environmental Protection Agency, and our community does not want any of our air quality measurements to fall under the Phoenix region, which has had sanctions from the EPA for withdrawing their clean air programs.

On January 19, 2011, the Environmental Protection Agency Regional Administrator signed the Gila River Indian Community's (GRIC) Tribal Implementation Program (TIP) into effect. The effect of this action was to make the TIP federally enforceable. The TIP regulates air quality within the boundaries of Gila River, and its purpose is to enforce air quality standards within the GRIC boundaries. The TIP contains ordinances that require GRICDEQ staff, tribal attorneys, and if needed, the GRIC tribal police, to assume civil and criminal enforcement actions against persons who violate clean air standards outlined in the TIP. If the E1 alignment is built, and air quality monitors in Gila River exceed PM10 and ozone standards, what will be the procedure for Gila River to prosecute federal agencies or persons whose actions violate clean air standards within the TIP?

On January 25, 2011 the State of Arizona withdrew plans for a State Implementation Plan (SIP) to meet particulate matter-10 standards in the Maricopa County PM-10 nonattainment area, thus failing to comply with provisions of the Clean Air Act. By withdrawing the SIP, the State of Arizona triggered a January 31, 2011 decision by the Environmental Protection Agency to begin a sanctions clock on Maricopa County, because the county's air quality plan does not adequately protect human health. What air quality permits will the Arizona Department of Transportation have to secure in order to begin construction on the E1 alignment in Maricopa County, especially in light of being under the sanctions clock by the

EPA?

Because of South Mountain's religious and cultural significance to the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, and the Colorado River Indian Tribes, building the E1 alignment will have an adverse impact on the exercise of Native American religious beliefs. If MAG, ADOT, and the State of Arizona continue with plans to build the proposed E1 alignment, these agencies and the state will be violating parts of the Religious Freedom and Restoration Act (RFRA), specifically as defined in 42 U.S.C. Amendment 2000cc-5. The proposed E1 alignment would introduce visual, atmospheric, and audible elements that would diminish South Mountain's cultural and religious significance. Many O'odham feel that South Mountain is in eminent danger from construction plans that will impact their sacred site for all time. There has been a lack of good faith consultation with O'odham traditional religious leaders, and almost a complete lack of diligence in the Section 106 process with GRIC. When will ADOT begin to consult closely with O'odham religious leaders, and to also inform them that the proposed 202 extension is also part of the Maricopa Association of Governments' plan to build the Sun Corridor between Phoenix and Tucson?

What type of government-to-government talks will ADOT disclose that they have done with Gila River tribal leadership to uphold the United Nations Declaration of the Rights of Indigenous People (UNDRIP), namely Article 7 of Convention No. 169 which states that Indigenous and tribal peoples have the right to "decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control over their economic, social and cultural development."? Maricopa County is within the territorial boundaries of the U.S. and is subject to the laws, both international and domestic of the United States of America, and since the U.S. is a supporter of the UNDRIP, Maricopa County officials also are obligated to the UNDRIP's articles and recommendations. Finally they U.S. Ratified the ILO Convention 169 (which is legally binding) and signed onto the ILO, which means they are legally obligated to its principles and conventions.

The cornerstone of Convention No. 169, on which all its provisions are based, is consultation and participation of Indigenous and tribal peoples. The Convention requires that Indigenous and tribal peoples are consulted on issues that affect them. It requires that these peoples are able to engage in free, prior and informed participation in policy and development processes that affect them. This means not just the Gila River Indian Community, but also Salt River Pima-Maricopa Indian Community, Ak-Chin Indian Community, Tohono O'odham Nation, Colorado River Indian Tribes and Hopi Nation, which are all tribes that have cultural affiliations to South Mountain. To ensure that the rights of these Indigenous and tribal peoples are protected and taken into account when any measures are being undertaken that are likely to have an impact on these peoples, scoping must be done by ADOT in those communities.

The proposed freeway is meant to be an I-10 commercial truck bypass to decrease traffic congestion on I-10 in Maricopa County. In the DEIS, the impacts of air pollution do not include vehicle emissions from commercial trucks originating from Mexico, which are fueled with diesel that does not meet the environmental standards adopted by Arizona. The air pollution models in the DEIS need to study the number of Mexican commercial trucks with destinations that pass through metro Phoenix, or whose destinations are in this geographic region. Those tons of air pollution need to be identified (what type of particulate matter it would be and the associated health impacts), quantified, and factored in to the analysis of air quality.

If living near a major highway adversely affects air quality, does it shorten the human lifespan, and if so, how much shorter is the human lifespan? ADOT or HDR has a legal and civil responsibility to bring in outside research and air toxicology experts to explain how poor air quality affects the body, as well as pregnancy outcomes and fertility rates. The 2005 JATAP study must be included in the FEIS, as well.

Aerial photography must be added to the DEIS to show how many homes in Gila River would be destroyed by the path of the proposed project, as well as the acreage of Indigenous TCPs that would be destroyed.

South Mountain is a sacred area not just to the Gila River Indian Community, but to the Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, the Tohono O'odham Nation, the Hopi, and to the Colorado River Indian Tribes. What type of scoping, community outreach, and hearings did ADOT perform in those communities?

What consultants from those communities were brought in to stress the protection of traditional cultural properties?

What types of protections are in place for NRHP-eligible resources in the South Mountain Park Preserves (SMPP)? Under Criterion A (association with an important event) and Criterion B (association with an important person) of Section 106 of the NRHP, the entire 16,600 acres of the SMPP is NRHP-eligible as a traditional cultural property. This means the No Build alternative is the only action ADOT can take to protect the South Mountains.

The DEIS describes a fence to be built around an O'odham cultural resource, as a mitigation measure. Culture cannot be fenced, and the freeway's direct and indirect impacts to this site must be brought back to the Gila River Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, Tohono O'odham Nation, Hopi tribe, and the Colorado River Indian Tribes (CRIT) before this resource is further impaired. Article 8 of the 2007 United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) prohibits the "forced assimilation or destruction of Indigenous culture." Further analysis of direct and indirect impacts to Site AZ T:12:112 is a basic human and civil right for the affected tribal stakeholders.

If the E1 alignment were built, there are eight O'odham TCPs that would be indirectly affected, including petroglyphs, artifact scatter, and prehistoric trails. The E1 alignment completely destroys another TCP element, as it is in the path of the proposed freeway. The City of Phoenix is currently undertaking an NRHP-eligibility determination study of the archaeological sites within SMPP. Civil rights and human rights within the UNDRIP mandate that an evaluation of the traditional cultural properties be performed with direct consultation of traditional O'odham leaders BEFORE any route of the proposed project can be selected. Article 7 of the UNDRIP states that Indigenous and tribal peoples have the right to "decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control over their economic, social and cultural development".

The City of Phoenix, under the provisions of the Phoenix Mountain Preserve Act, is not able to sell South Mountain Park Preserves land to ADOT. ADOT would have to condemn 31.3 acres of SMPP land before it could be used for the proposed freeway extension. Under the 1964 Civil Rights Act, Native Americans are a protected class, and intrusions on Native American religious practices are illegal. How does ADOT plan to condemn 31 acres of an O'odham cultural resource without consulting with traditional leaders of O'odham tribes, as well as Hopi and CRIT? Article 25, Section 3 of the UNDRIP says that "states shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned."

No action can be taken on the proposed freeway extension until the Tribal Historic Preservation Office responds to an August 17, 2011 document regarding NRHP eligibility of the South Mountains. Request that ADOT withdraw consideration of the South Mountain extension of the Loop 202 Freeway until all tribal stakeholders are directly consulted by the Tribal Historic Preservation Office about NRHP eligibility.

Because of the egregious lack of information in the DEIS, a revised DEIS must first be written by ADOT/HDR Engineering that adequately informs the public so that members of the public can make an informed decision about the proposed project.

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1 ***
2 THE REPORTER: Please state your name.
3 MS. JACKSON: My name is Renee Jackson, and
4 I'm a member of the Akimel O'odham tribe in Central
5 and Southern Arizona. I reside in the Va ki Village,
6 District 5. And there are several reasons why I
7 oppose the freeway. In addition to cultural
8 preservation and land preservation, there are several
9 discrepancies in the DEIS that I became aware of.
10 One of the most concerning omissions is
11 the lack of information about the trucks coming in
12 from Mexico. I understand that Mexican regulations
13 are different from those of the U.S., and those have
14 not really been talked about in the EIS. And I think
15 it's a huge, huge error to leave that information
16 out. I know that another reason -- I know that the
17 DEIS, or at least concerning the air pollution only
18 extends to about one-fourth of a mile from the
19 freeway itself. But as we all know, pollution does
20 not sit, especially air pollution, does not sit and
21 stay in this corridor of one-fourth mile from the
22 freeway.
23 And there is a huge concern about the
24 village of Komatke, located in the west side of Gila
25 River. There is almost a bowl that is created. The

1 valley between South Mountain, Moadahk, and -- South
2 Mountain, Moadahk, to the Komadk, which is also known
3 as the Estrella Mountain range, creates a bowl effect
4 and all that pollution sits between -- in that
5 valley.

6 Now, there's -- Komatke is one of the
7 biggest villages that we have here in the Gila River.
8 There's many children, schools, churches, Boys &
9 Girls Center, and many, many residential homes. Now,
10 there are already health concerns in our community,
11 and the added pollution that this freeway would
12 create is just adding to that problem. And I
13 understand the argument that it's because the
14 metropolis of Phoenix is growing, that we need to
15 have this infrastructure in place now. I believe
16 that money and effort could be put into the public
17 transportation systems, extended light rail, light
18 pass, et cetera.

19 What a lot of people fail to understand is
20 we live in a desert. We have limited resources, and
21 we have to think smarter about how we build. Another
22 freeway is not going to alleviate the air pollution,
23 as they state, it's merely going to -- it's merely
24 going to move that pollution to our community.

25 The other concern is that the lack of

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1 information and the lack of participation that ADOT
2 and MAG have given to the Gila River Indian
3 Community, outside of this public forum. There has
4 been little participation in getting information to
5 the people of the community. I believe that everyone
6 in the community has not had enough information about
7 this freeway, and the fact that that lack of
8 participation from the State to our community and the
9 fact that this time to comment is very short is going
10 to give it a skewed interpretation of how Gila
11 River feels.

12 There was not -- there's not enough
13 outreach to the community. There's not enough
14 availability for the community to give their concerns
15 other than these forums. I believe that this forum
16 itself, today, is another way to silence the people
17 of Gila River. There should have been greater
18 emphasis of having community members be able to speak
19 about how they feel about the freeway. Not just
20 about the environmental, the health hazards, but more
21 about culture and the significance of the mountains
22 to us.

23 The Gila River Indian Community passed a
24 resolution in 2007 declaring that Moadahk, the South
25 Mountain, is cultural property of our tribe. We find

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1 that mountain sacred and it is equivalent to a church
2 to us. Any disturbance to our church is still a
3 disturbance, whether as much as ADOT wants to believe
4 that they are trying not to displace wildlife or cut
5 into the mountain more than they have to, it is still
6 a disturbance to the mountain, and to our spiritual
7 well-being as O'odham people.

8 I believe that -- I know that this
9 freeway system is important not only to ADOT and the
10 people of Phoenix, but it is barely -- it is merely
11 just another project for them in their transportation
12 system. Whereas this, protecting the mountain, is
13 vital to our well-being as O'odham people. There are
14 various stories that come with the mountain that
15 we've been taught, and that we are relearning. And,
16 in fact, this fight for this mountain has reignited
17 that passion for protecting that mountain, but also
18 for sharing those stories as well.

19 There are many plants and animals that we
20 as O'odham people still hold sacred to -- that live
21 there in that mountain range. There are medicinal
22 plants that are available, there's "shegoi," there's
23 also other foods that we eat from the cactus, the
24 "hashem," these -- these plants are already being
25 affected by the pollution that's on the mountain

1 today. It's hard to find anyplace to find a clean
2 area to harvest these medicines that have not been
3 tainted with chemicals or air pollution. We have to
4 preserve those plants, not just as O'odham people,
5 but as people all of us collectively who live in
6 these deserts, these plants and animals are vital to
7 us.

8 Anybody who has a concern about
9 conservation of nature should know that this freeway
10 system, this mere project to the outside community is
11 going to be devastating for us all. This is not just
12 an O'odham thing. This is an everybody thing. We're
13 going to -- we're going to feel the effects of this
14 freeway system in our health and in our own
15 well-being.

16 This desert cannot support this many
17 people, and I know as we try and try and support and
18 accommodate for everybody, this society is eventually
19 going to collapse. It has been seen before,
20 historically, and it is going to happen again. This
21 place does not have the resources to house this many
22 people. Our aquifers, our groundwater is being
23 depleted. Our plants are being polluted. Our sacred
24 mountains are now being destroyed.

25 That's what I have to say.

1 THE REPORTER: Thank you so much.
2 (Proceedings concluded at 12:00 p.m.)
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Driver and Nix Court Reporters - (602) 266-6525
www.drivernix.com

5114

From: Projects
To: ADOT
Subject: FW: Loop 202 South Mountain Freeway Study
Date: Monday, July 15, 2013 2:03:42 PM
Attachments: Image001.png

Thank you,
Matthew Eberhart
Community Relations Officer

1655 W Jackson St. MD 126F
Phoenix, AZ 85007
602-712-2060

azdot.gov
ADOT
Communications

From: Jeanne Hart [mailto:mondayitisnomore@cox.net]
Sent: Monday, July 15, 2013 2:02 PM
To: Projects
Subject: Loop 202 South Mountain Freeway Study

LOOP 202 SOUTH MOUNTAIN FREEWAY STUDY

Reasons for a "**NO BUILD OPTION**" of the Loop 202 South Mountain Freeway are as follows:

- The highway will become the CANAMEX Highway from Mexico to Canada which will allow the transport of hazmat materials through our community. Chemicals such as sulfuric acid, gasoline, and especially chlorine gas would be disastrous. Evacuation would be extremely difficult and would have a health and death impact. In order to mitigate this catastrophe shelters would have to be built in the community. An accident on the highway is all that is needed for the release of these toxic chemicals. Let alone that the tax payers would be responsible for the cleanup.
- The highway is all about moving trucks through the valley from Mexico. They use high sulfur diesel fuel which is not allowed to be sold in this country.
- The highway will create dangerous air pollution due to transportation exhaust which is known to cause cancer. The Ahwatukee Foothills is at present one of the least polluted communities in the valley.
- ADOT spent \$43,000,000 buying property along only one route (59th Ave.) since 1988, and not any other route. This shows bias toward their opinion of the proposed route. The study and legal process should have been concluded before the purchase of property. They violated this legal obligation.
- Use of 2005 data in the study is not valid any longer. They did not use the most current, updated and scientific data that is required by law. What about

- omission of fact.
- "Due Process" was not afforded to the community by way of asking questions and getting answers. The technical substantiated information of the Environmental Impact Study was not provided at the libraries as promised.
 - Property devaluation is expected to be about 30%. This is an upscale community and the devaluation in property would significantly affect the state real estate revenues. The character of the neighborhood would change.
 - It would disrupt schools, churches, personal property and the lifestyle of the Foothills residents. Some schools and churches that the community attend are now in jeopardy of being destroyed. The children who attend the remaining schools, churches and the YMCA would suffer an environmental impact because of the close proximity to the highway.
 - The constant noise of the traffic would go against the reason citizens purchased property in the Foothills in the first place.
 - Crime is a real concern for those living here in this peaceful, quiet community and the appeal would be destroyed. More police presence would be required putting a burden on the state
- Jeanne Hart

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APPENDIX C-2

GILA RIVER INDIAN COMMUNITY PUBLIC FORUM

Appendix C-2, *Gila River Indian Community Forum*, contains documentation of the meeting held on the Gila River Indian Community to provide an opportunity for members to provide oral comments on the Final Environmental Impact Statement. The documents include advertisements for the meeting, a sign-in sheet from the meeting, and a transcript of the meeting.



PUBLIC FORUM

On September 26, 2014, the Arizona Department of Transportation (ADOT) and Federal Highway Administration (FHWA) released the Final Environmental Impact Statement (EIS) for the Loop 202 South Mountain Freeway Study. Currently the Final EIS is available for a 60-day review until November 25, 2014. You are invited to attend the public forum for the opportunity to provide oral testimony or written comment on the Final EIS. ADOT and the FHWA have been invited to participate and will have representatives present.

The Final EIS is available at:
GRIC Service Centers
Ira Hayes Library
Online at azdot.gov/southmountainfreeway

Boys & Girls Club - Komatke Branch
Saturday, November 15, 2014
9am-12pm

If you are not able to attend the forum, you can still participate and give public comment to the Final EIS up until November 25, 2014 via the following:

Mail: ADOT Loop 202 South Mountain Freeway Study
1655 West Jackson Street, MD 126F
Phoenix, AZ 85007

E-Mail: projects@azdot.gov

Phone: (602) 712-7006

We are Here!

FINAL REVIEWS
ADOT
FHWA
Cooperating Agencies
Legal Review

DRAFT EIS
90-day
Public
Review

Review and
address
comments

FINAL EIS
60-day
Public
Review

**RECORD
OF
DECISION**

Communications & Public Affairs Office

Phone: (520)562-9848 or 9715



PUBLIC FORUM



Boys & Girls Club - Komatke Branch
Saturday, November 15, 2014
9am-12pm



azdot.gov/SouthMountainFreeway

Communications & Public Affairs Office

Phone: (520)562-9848 or 9715

You Are Invited!

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We are Here!

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90-day
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comments

FINAL EIS
60-day
Public
Review

**RECORD
OF
DECISION**

Gila River Indian Community
Communications & Public Affairs Office
P.O. Box 97
Sacaton, AZ 85147

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Mail: ADOT Loop 202 South Mountain
Freeway Study
1655 West Jackson Street, MD 126F
Phoenix, AZ 85007

E-Mail: projects@azdot.gov

Phone: (602) 712-7006

Gila River Indian Community EIS Public Forum

November 14, 2014

District 6 Boys and Girls Club

Name	Phone	Email	Mailing Address
Harry Williams Jr.	480-285-5624	hswj123@yahoo.com	P.O. Box 371, Laveen 85339
Loferne Charles Baruch	602-241-9391		P.O. Box 111481, Mesa 852014
Ashunice Valdez	602-586-6239	nelson076@gmail.com	948 E. Foothill Ave #123, Phoenix 85006
Rick Nelson	480-362-3216	RedAntelope@gmail.com	P.O. Box 1474, Scottsdale 85253
CARMELITA RAPHAEL	550-2189		18780 S. Baseline Ave, Laveen 85339
RAY L. MILDA	480-334-9885	N/A	9095 E. Osborn Rd, Phoenix 85028
Yordan Ream	520-550-2343		SCOTTSDALE AZ 85258
Yordan Ream	520-550-0102		18943 SCOTTSDALE AZ 85258
Chloe Elyse	520-550-2814	jackietagblues@gmail.com	PAVERIA 85339
Valerie Soto	520-550-2814		P.O. Box 11163, Laveen 85339
Monika Hester	520-430-0005		P.O. Box 158, Laveen 85339
Josephine Fuchs	520-550-7814	N/A	7111 Baseline Rd, Laveen 85339
Aaron Lewis	520-550-2463	N/A	P.O. Box 150, Laveen 85339
Carla Hester	520-550-4236		12100 S. Baseline, Laveen 85339
Andrew Hester	602-914-4907	None	1802 N. 40th St, 85003
Leslie Hester	unpublished	lesliehester@gmail.com	
BRIAN THURMAN	520-550-2189		18829 S. Baseline, Laveen 85339
Melinda Johns	520-562-3623		P.O. Box 393, Scottsdale 85253
CHARLIE JOHNS	520-522-3420		P.O. Box 292, Scottsdale 85253
Joseph C. Hester	520-562-3626	hester067@yahoo.com	P.O. Box 1269, Scottsdale 85253
Georgina Robinson	602-552-4895		6614 W. Wolf St, Phoenix 85339
Thomas Carter	602-463-6466	gradolier74@yahoo.com	9200 N. Kivi St, Laveen 85339
Ronald Kuor	520-430-2223		9124 S. 79th Ave
Lisa D. Shields	520-550-2357	lshields@gmail.com	1458 S. 53rd Ave, Laveen 85339

Gila River Indian Community EIS Public Forum

November 14, 2014

District 6 Boys and Girls Club

Name	Phone	Email	Mailing Address
Connie Hester	480-802-7267	conniehster@gmail.com	1621 S. Curry Rd, Chandler 85226
Caroline Perkins	" " "	" " "	" " "
Delana Raphael	(520)550-1430		P.O. Box 143, Laveen 85339
Carmelita Webb	520-550-1430	webbCarmelita@gmail.com	P.O. Box 143, Laveen 85339
Wynne Nelson	(602)796-8146	Wynne Nelson, 34 Capital, 800 S. 1st St, Gilbert 85401	
Albert Peto	(602)810-0189	apeto@gmail.com	P.O. Box 6, Laveen 85339
Joseph M. Acez	602-793-9205	tfp@icloud.com	P.O. Box 458, Scottsdale 85253
Carol Schubert	520-610-3890	Carol.Schubert@phoenix-nsn.gov	
Berale Robinson	(520)315-2600		P.O. Box 10643, Phoenix 85041
BRIEN LEWIS	602-663-4697		
Kiella Tran	N/A		
ST. BONAVANTURE			
Phyllis Coppedge	520-550-0389		18521 S. Baseline, Laveen 85339
Phyllis Coppedge	520-450-0435	Cheryl.Coppedge@phoenix-nsn.gov	P.O. Box 707, Laveen 85339
Phyllis Coppedge	520-550-2225	davi-311@gmail.com	P.O. Box 703, Laveen 85339
Phyllis Coppedge	520-550-9700	Phyllis.Coppedge@phoenix-nsn.gov	1837 S. Baseline, Laveen 85339
Phyllis Coppedge	550-2458		
AL JACKSON	480-980-7313	Jacksona28524@yahoo.com	1043 E. Verde Ave, Mesa 85204
Robert Stone	520-610-1802		
Lari Kiddle	520-610-3405		

Gila River Indian Community EIS Public Forum

November 14, 2014

District 6 Boys and Girls Club

Name	Phone	Email	Mailing Address
Angela R Webb	480-772-5709		PO Box 42 Laveen AZ 80304 412 Laveen AZ
Shante Blasingim	520 602 527		P.O. Box 11321 Phoenix AZ 85121
Anika Dawn	480-738-1145		P.O. Box 11003 Phoenix AZ 85121
Shawn Burnett	(602) 576-2905		Phoenix AZ 85121
ERIC HADON	480-580-4433	alicia_inez13@yahoo.com	637 N. Vineyard Mesa AZ 85121
Alicia Morales	(602) 576-2963		Phoenix AZ 85121
Ammon Lewis	520 840 0849		
Karina Niles	(602) 576-2963		
Lashanna Lewis	602 483-9013	rlodale9@yahoo.com	
Robert Stala			
John Stala		ammon.d.morgan@gmail.com	PO Box 1236 Scottsdale AZ 85257
Michelle Morgan			151 S. ESTANISLAO AVE APT 114 8000 S. 1ST AVE APT 114 Phoenix AZ 85039
LaRae Meadows	1-520-505-0209	Dansarquisara@yahoo.com	
Agnele Thomas	520 430 4688		
Peter Jackson	520 232-7124	frankson1@gmail.com	

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SOUTH MOUNTAIN PUBLIC HEARING

(Public comments)

November 15, 2014
9:00 a.m.

Boys & Girls Club - Komatke
5047 West Pecos Road
Laveen, Arizona 85339

REPORTED BY:
Charlotte Lacey, RPR
AZ Certified Reporter No. 50859

Page 1

1 MS. KISTO: Good Saturday. Good morning.
2 My name is Zuzette Kisto. I'm the communications and
3 public affairs director for the community. For those of
4 you that don't know me, I am from Sacaton, Arizona, where
5 I was born and raised and I currently reside. I -- again,
6 a member of the community. Just happy to be here to serve
7 as your moderator today.

8 At this time we'll go over a few ground
9 rules. So if I could have the lights turned down, please.

10 Okay. Some of the ground rules I'd like to
11 discuss before we get started is, first of all, I'd like
12 for everybody to have mutual respect mutual, courtesy, and
13 patience over -- are the event guide and principles to
14 make everyone feel comfortable and welcome, regardless of
15 their position on the study as we follow the ground rules
16 listed below. The study video area -- the video will be
17 shown later on in the agenda. And we are asking that
18 while watching the video, please remain quite, and please
19 turn off your cell phones. Put them on vibrate. And if
20 you you're going to have conversations amongst one
21 another, we ask that you leave the room and have them out
22 in the lobby so it's not distracting to the other people
23 that are watching the video. And we also ask that you
24 refrain from interrupting conversations between the study
25 team members and group attendees.

Page 2

1 I think that is probably it.

2 We also do have an informational booth back

3 in the corner. And the information has the final

4 environmental impact study booklet. We also have facts

5 sheet.

6 We have court reporters here in the left

7 corner to take individual comments, and then we also have

8 one here up front.

9 The restrooms are down the hall to your

10 left.

11 And I think I covered everything as far as

12 the ground rules are concerned. So you can turn the

13 lights back up.

14 I would like to talk a little bit about the

15 background. At Gila River Indian Community's request,

16 representatives from ADOT and -- I'm sorry -- Arizona

17 Department of Transportation and Federal Highway

18 Association (sic) are here to listen to your comments

19 about the proposed Loop 202 South Mountain Freeway.

20 Comments heard today will be recorded and documented in

21 the record of decision. The final decision-making

22 document prepared by the Federal Highway Administration,

23 the record of decision is expected to be available for

24 public review in early 2015.

25 So we will begin the day with the welcome by

1 Governor-Elect Stephen Roe Lewis. So I'll have him come

2 up at this time.

3 GOVERNOR-ELECT LEWIS: Thank you, and good

4 morning everyone. It's good to see everyone here. And

5 I'd like to thank both the Komatke Community, District 6,

6 and the Boys & Girls Club for hosting this.

7 And on behalf of the -- the Gila River

8 Indian Community, you know, I think it's important that,

9 by council action, that we -- council chose to hold this

10 hearing in conjunction with -- with the -- our -- the

11 counterparts up on the State side, the Arizona Department

12 of Transportation, because this is such an important

13 issue.

14 And, of course, you know, we've had a prior

15 vote on this, which was no build. And -- and so you

16 have -- and you can access the community stats, because we

17 have documentation for that as well, those of you

18 community members who want some background on exactly like

19 where your community stands on this and a little bit of

20 the history behind this.

21 So I think it's important that we, as a

22 community, weigh in on this last public comment period,

23 which was referred to as the Final Environmental Impact

24 Statement. And so this is right -- it's right before the

25 final record of decision that will be made. So those of

1 you who are here and you are serving and giving comments,
2 you know, you're serving a very important service, not
3 only for your community but for your families and for the
4 future of the Gila River Indian Community. I see past
5 leaders. I see elders here, and all, you know, important
6 members of our community.

7 So, again, you know, I'd like to thank all
8 of you for coming. We have a full agenda. And I just
9 wish all of us to -- just to have a -- a respectful moving
10 of this agenda forward and -- 'cause I know that we all --
11 we all know that this is such an important issue or else
12 we wouldn't be here. So, again, thank you very much.

13 MS. KISTO: Thank you, Governor-Elect Lewis.
14 At this time we will have a blessing from Reverend Johns.
15 If you could please come up and provide a blessing over
16 the meeting that we're having today.

17 Oh, you want to do it there? Yeah. Come on
18 up.

19 While he makes his way up, you are welcome
20 to have continental breakfast. We have fruit. We have
21 pastries, coffee. Please feel free to help yourself to
22 the back of the room.

23 REVEREND JOHNS: Let's pray.

24 (Prayer led by Reverend Johns.)

25 MS. KISTO: Thank you, Reverend Johns.

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1 At this time I'll have the representatives
2 from the Federal Highway Administration and Arizona
3 Department of Transportation come up to the microphone and
4 introduce themselves. We'll start with...

5 MR. SAMOUR: Good morning. My name is
6 Robert Samour. I'm a senior deputy state engineer from
7 the Arizona Department of Transportation.

8 MR. ACEVEDO: Good morning. My name is
9 Carmelo Acevedo. I'm the senior project manager with
10 ADOT. Thank you.

11 MR. BARNHART: Good morning. My name is
12 Brock Barnhart. I'm assistant communication director with
13 Arizona Department of Transportation.

14 MS. YEDLIN: Good morning. My name is
15 Rebecca Yedlin. I'm the environmental coordinator for the
16 Federal Highway Administration.

17 MR. HANSEN: Good morning. I'm Alan Hansen.
18 I'm with the Federal Highway Administration. And I'm a
19 team leader for planning, environment, right-of-way, and
20 air quality.

21 MS. KISTO: Next we'll have introductions
22 from the Arizona Department of Transportation.

23 You already did? Everybody did? Rob, did
24 you come up? Everybody?

25 Oh. I'm so sorry. Okay. We'll go ahead

Page 6

1 and move on.

2 Right now in the agenda we will be watching

3 the aerial flyover presentation. And before we begin

4 that, the video is -- as part of the Draft Environmental

5 Impact Statement process, a video simulation of proposed

6 freeway was prepared. The video is a simulation flyover

7 of the proposed freeway route.

8 At this time, if the lights can be dimmed,

9 we'll go ahead and view the video.

10 (Video playing.)

11 MS. KISTO. Okay. So that's the end of the

12 video. At this time -- I forgot to introduce -- do we

13 have any members in the audience from the Gila River

14 Technical Transportation Team other than Governor-Elect.

15 Would you like to come up and introduce

16 yourself, Mr. Villarreal.

17 COUNCILMAN VILLARREAL: Good morning. I'm

18 Councilman Villarreal, present from District 6. And I'm

19 representing on the technical transportation --

20 AUDIENCE MEMBER: Could you speak up,

21 please, because we can't hear you back here.

22 COUNCILMAN VILLARREAL: Good morning,

23 everyone. Can you hear me okay.

24 AUDIENCE MEMBER: Yes.

25 COUNCILMAN VILLARREAL: My name is Anthony

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1 Villarreal. I'm a District 6 council representative. I

2 am a -- I serve on the technical transportation team. I

3 had to ask our CPAO if we even still existed, and I guess

4 we still do, according to resolution, as it's been some

5 time now since we've met.

6 But I'm glad to be here to hear all your

7 folks' comments. Thank you.

8 MS. KISTO: Thank you, Mr. Villarreal.

9 At this time we'll go ahead and open the

10 floor to the public testimony forum portion of the agenda.

11 But before we do that, I'd like to go over some ground

12 rules in regards to the format that we'd like to have

13 established.

14 At this time, if you would like to provide

15 testimony, please raise your hand, and we'll have Adeline

16 and Shannon come around and give you a card. And what is

17 on the card is a number. And it will be pulled out. And

18 at the time that your number is pulled up, we will call

19 you to the microphone to provide your testimony.

20 And then you can also go to the two court

21 reporters in the left back corner if you feel you want to

22 just have a one-on-one conversation with them. Or the

23 court reporter here will take the public testimony that's

24 here at the microphone.

25 So please raise your hand at this time if

Page 8

1 you would like to make a comment.

2 She has a question. Go ahead.

3 (Question by audience member.)

4 MS. KISTO: Okay. Great question. The

5 question posed was, is this questions to the

6 representatives here, or is it just public testimony.

7 At this time it's only public testimony.

8 Questions that you may have for the representatives can be

9 done so face to face, but not in this format. So if you

10 want to go back to the room and talk to them, you're more

11 than welcome to do that.

12 Okay. While you guys are deciding if you

13 want to make a public comment or not, I'll go ahead and

14 have the council people that are here come up to the mic

15 and introduce themselves so everybody gets a chance to see

16 the councilmembers that are present today.

17 So if you'd please come back -- come up.

18 Councilwoman Schurz, I see you.

19 Councilman Pablo, would you like to come up?

20 COUNCILWOMAN SCHURZ: Good morning,

21 everyone. I'm Carol Schurz from District 2, Hashen Kehk,

22 and I'm happy to be here to listen to testimonies and what

23 our community has to offer in regards to what we're here

24 to do today. Thank you.

25 COUNCILMAN PABLO: Good morning, everyone.

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1 My name is Albert Pablo, District 6 council

2 representative. I'm glad to see we have a turnout here.

3 And we're waiting to hear your public comments on this --

4 this final impact statement. So feel free to give your

5 statements. Thank you.

6 MS. KISTO: So, again, does anybody want to

7 make a comment? I do have a gentleman here, and we have

8 received one card. But if there's anybody else, please

9 feel free to raise your hand.

10 And I'd like to address a comment that was

11 made by one of the attendees. She's feeling confused,

12 which some of you may be feeling confused in regards to

13 not being able to discuss question and answer with the

14 representatives here.

15 That was actually afforded in the

16 Environmental Impact Statement period, which has since

17 passed. And right now we are in the Final Environmental

18 Impact Statement phase, which we are affording

19 opportunity, per council motion, to allow the community to

20 provide public comment only in regards to the record of

21 decision which will be completed in January 2015.

22 (Question by audience member.)

23 MS. KISTO: They are here just as a courtesy

24 to hear your comment, to be in attendance.

25 (Question by audience member.)

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1 MS. KISTO: Yes. The tribal council did
2 make a motion in regards to the press release when
3 everybody voted, and they still stand by the members of
4 the community's vote.
5 (Question by audience member.)
6 MS. KISTO: Lieutenant Governor-Elect, do
7 you know -- or any of the members of transportation team
8 know if the community made a comment to the environmental
9 statement?
10 GOVERNOR-ELECT LEWIS: Can I refer this to
11 my attorney? We have the attorney here, Javier Ramos.
12 And a comment will be made on behalf of the community.
13 But this will be done by council action.
14 So Javier Ramos from the community's law
15 office is here for the benefit of all the community
16 members. So if you have any legal questions -- not
17 personal legal questions, but questions regarding the 202,
18 he's -- he's here to -- to answer all -- all those
19 questions and -- and procedural questions as well.
20 Because a comment will be filed on behalf of the community
21 and will be done by council action.
22 Mr. Ramos, is that correct?
23 MR. RAMOS: That is correct.
24 GOVERNOR-ELECT LEWIS: Thank you.
25 MS. KISTO: Okay. At this time we'll go

1 ahead and open the floor.
2 We are getting the card that was dropped off
3 at our table, the one card, but we'll go ahead and afford
4 Mr. Wayne -- and I never remember his name. I remember
5 his first name.
6 MR. NELSON: Nelson.
7 MS. KISTO: -- Nelson to go ahead and
8 provide public comment.
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1 MR. NELSON: Good morning. My name is Wayne
2 Nelson. I live here, and I'm a -- I'm a landowner in the
3 area around 32nd Street and around 48th Street. My
4 family -- my family owns probably about 60 to 80 acres
5 there.

6 One thing that -- my comment really goes to
7 our community. You know, back in 1998, the council that's
8 present warned councilmembers at that time, the council
9 that made this decision to halt or hinder the alignment
10 and the borderland study process is really, in my opinion,
11 a disrespect to the past council.

12 When they made the borderland study, it
13 was -- it's a resolution. And it's still a standing
14 resolution today. It hasn't been rescinded or amended.
15 And this borderland study, this alignment was made by the
16 past council because they knew this day would come on
17 saving the mountain, whether to have the mountain
18 disturbed or have an alignment that went south of it.

19 For this council presently, within the last
20 five to six years -- and I was a member of the council
21 from 2004 to 2007. And I've been going to meetings like
22 this since 1998. And at that time, in 1998, this district
23 was on board with this borderland study. Mr. Villarreal
24 was a member of the community here that was in favor of
25 the borderland study and this alignment that came to the

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1 community. And then all of a sudden, it gets thrown out
2 the window, and they're going to fight against it.

3 This -- and this -- this issue here has
4 never left us. But now I read in the newspaper that
5 there's direction to fight this? The State and the
6 Federal Highway? I mean, can we really afford that after
7 the issue with the TO casino?

8 I mean, my -- in my opinion, that land there
9 lays docile, and it's been laying docile for 40 years.
10 And our past council and our past economic development
11 director -- do we have an economic development department
12 today? There's no plan for investing in the community's
13 own people, the landowners.

14 And, you know, with respect to the governor,
15 you want to make a statement on behalf of the community?
16 That doesn't include the landowners. The landowners try
17 to push to have a fair vote again, but it was dissected.
18 It was torn apart. That's not fair. That's not the voice
19 of all the people.

20 I mean, who -- who is making these decisions
21 to have our attorneys start this action? Is it all 17
22 council? Is it a handful? I mean, I don't see that in
23 the -- in the newspaper. I see the action sheet, but I
24 don't see who makes these motions.

25 So my -- and -- and for my testimony is that

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1 what happened to the borderland study? Do we believe in
2 the borderland study? Does any of the council know what
3 the borderland study entails for that area? Economic
4 development.

5 And until economic development, not only on
6 the tribal side but for the -- a lot of landowners. But
7 you never hear that. You only hear the tribe, the tribe.
8 The tribe's going to make a statement for the landowners,
9 for the community. The tribe's going to make a statement
10 for the tribe.

11 You know, my mom -- my grandma used to get
12 this land here, back in the '70s, the most she would get
13 was \$700. Why did Pima put a 96-inch water line in the
14 area? There's a water line running right between -- right
15 down that, all that allotted land, to get some water
16 there. But yet there's nothing there. There's a storage
17 unit, and that's it.

18 I mean, when are you going to start
19 investing in your own people? That's my question. The
20 freeway was seen and discussed and approved by this
21 community. Do they know that? I did.

22 But I had to be kind of impartial when I was
23 sitting at the -- some of them wouldn't let me vote. And
24 I respected that. And I respected the decision when it
25 was just a no and not I wish. When there was -- when

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1 there's a vote, it's either yes or no. There's no I wish.
2 I wish was put in. I wish the freeway would fly away.
3 That's what they voted for. Is that going to be a
4 reality? I don't think so.

5 But that's how I feel when I see these
6 things, when I see that land over here. And then all
7 you -- all we hear, as landowners, is, oh, you're just
8 money hungry.

9 I mean, stop investing in sports stadiums
10 and all these other things and invest in your people,
11 because mark my word, it's going to come. You want to
12 throw some more money in making it come, I guess you guys
13 can do it, sitting up there in those 17 chairs. You make
14 that decision. You make everybody else suffer 5 percent
15 of the budgets, taking the children's clothing allowance
16 away.

17 I just wanted to share that, because that
18 document is there. The document is still active. If you
19 really want to see it, go to the council secretary. It's
20 on a sheet of paper. It's right there. Free. You
21 community members can have it.

22 I just wanted to share that, because I'm
23 hearing all these things about a statement for the
24 community. It took me almost a year and a half to get
25 into the transportation technical team. And when I got in

Page 16

1 there, I heard everything going through, everything going
2 through. But -- might seem unreal.

3 So that's my testimony as a landowner, as a
4 community member, is that when are we going to respect the
5 wishes of those who have gone on that made that decision
6 in 1998? Because they knew that we would be here today.
7 I see that as very disrespectful.

8 Thank you.

9 MS. KISTO: Thank you, Mr. Nelson.

10 Again, if you'd like to provide public
11 testimony, please raise your hand, and we'll bring you a
12 card.

13 Next I'd like to call up Mr. Harry Williams.

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1 MR. WILLIAMS: Good morning.

2 It's kind of difficult to even try to say
3 what you really want to feel because it's already
4 happening. They're at the final stages of what we're
5 looking at that's going to be your future, or our kids'
6 future, the grandkids.

7 The problem I'm having here with -- is
8 dealing with what we're going to look at as far as
9 preservation of the area that is going to be cut on along
10 the mountain range, as well as what they call the common
11 point. The common point involves some tribe -- allotted
12 land on District 7. And the way you saw the aerial video
13 kind of gives you an impression that the cloverleaf is an
14 expanded cloverleaf that's going to be broadened out and is
15 going to take quite a bit of acreage. Now, what is the
16 compensation here if there's any? Do we know? Does
17 anyone know?

18 See, the other thing is when you look at
19 that, you also look at -- because the common point or --
20 the common point is right at Elliot and 59th Avenue. If
21 you go from there all the way to 51st Avenue, we're just
22 below the entryway of the casino. In that area there
23 south of -- west of that 51st Avenue is also allotted
24 land.

25 Now -- you know, you -- you -- I don't -- I

1 really don't favor that. I really don't favor what's
2 going on right now. But it's not on our land. But we do
3 have some tribal antiquities up there. My question is,
4 too, is how far did they look into the archaeological
5 study to develop the EIS beyond the area of the -- where
6 they say the road is going to be built? How far into the
7 mountain did they look? How far into the mountain did
8 they say that they looked to say that there was no tribal
9 antiquities of any sort, pictographs, what have you?

10 Well, we only know of one is what has
11 already been identified by our elders. Okay? But what
12 extent beyond that?

13 Now, they talk about showing those
14 rattlesnake or snake whatever. The thing of it is, what
15 other animals did they look at? They always look at that
16 as like it's a protected snake. Well, I think -- and I
17 believe you'll follow my -- my point here is that all
18 animals that -- as natives, are God's creatures. And they
19 are protected. We only use them when we're in need of
20 them. That's why they're put there.

21 So what real designs are we going to really
22 look at of the highway that goes through the mountain? Do
23 we know? Does the council know? Does our new elected
24 governor know? Does the lawyers know? We won't know
25 until way later.

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1 But the thing of it is, you have to consider
2 the fact that it's here. But the thing of it is, we do
3 need to look at and be concerned about it. These are the
4 issues that impact not only our environment, not only our
5 air, not only our area, but also other things that are on
6 the side, like the compensation of each of the areas that
7 involve allotted lands or tribal lands. What are they
8 doing? What is that all about? I have no clue. Do any
9 one of you do?

10 So I'm really not in favor of it, of this
11 going -- even though it's off our reservation, it still
12 impacts us. But the thing about this all is that we're at
13 this final stage. And my comment is to say to you that we
14 need to be more vigilant as far as what needs to come to
15 pass to protect our animals, to protect our artifacts and
16 antiquities, pictographs, whatever on that mountain, and
17 be well aware of it and continue to drive the forces that
18 gives you to say that we are Native Americans of this land
19 and that we protect our own land and that we carry on from
20 there.

21 That sounded good, didn't it?

22 Anyway, these are things that we are -- need
23 to be concerned of. It is here. And I -- you know what?
24 I'm going back to the common point. Common point at
25 the -- at the Elliot and 59th Avenue area. If anybody

Page 20

1 knows that area, is really -- one side is non --
2 nonmember, and then the other side is the tribal land, or
3 the reservation. With one side, there's, you know, the
4 family place there. There's two of them, really, along
5 the ditch line.

6 And when you see that aerial thing there,
7 it's like if they're going to cut into those people's
8 lands, and I bet you ten to one they get tons of bucks
9 before we get a dime out of our allotted land, you know.
10 But what do I know?

11 But my question is why didn't they make the
12 common point at Baseline at -- what is it? 59th -- about
13 59 to 67th Avenue? You know, why wasn't the common point
14 there at 59th? But when I looked at the drawing and I see
15 where that all kind of points into where it is right now.

16 Anyway, that is my comment. And that is my
17 input to you. But I would like to encourage you and
18 emphasize the fact that we do need to be vigilant in
19 trying to make sure that they follow the -- whatever it is
20 after this, you know, aggressively so that -- make sure
21 that we protect ourselves and the animals that we have on
22 our reservation. Okay?

23 Thank you very much. Appreciate that.

24 MS. KISTO: Thank you, Mr. Williams.

25 Is there anyone else that would like to

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1 provide a comment?
2 Ms. Riddle.

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1 MS. RIDDLE: Can everybody hear me?

2 I wasn't prepared to do this right away, but

3 I think I got all the information in my head anyway, so...

4 So I don't have to tell anybody in this room

5 except for ADOT representatives how important this

6 mountain is to us. I don't have to tell anybody how

7 important our culture and our history and our background

8 is except to you guys.

9 I agree with Mr. Williams about taking a

10 closer look at the other animals and studying those other

11 aspects. I don't like the fact that our sacred mountain

12 is going to be cut into. This is ancestral land, and

13 we -- gosh. I'm just really...

14 For me, it's about everything, like

15 environmental. How is this going to impact our people?

16 The exhaust and the fumes and things dripping off the

17 vehicles, how is that going to impact our people?

18 Personally, I grew up on a Superfund site.

19 I know what it feels like to be involved in contamination.

20 I know what it feels like to be exposed to toxic

21 materials, to see my child growing up with nosebleeds

22 almost every day or pus oozing out of her ears. I don't

23 want that for our community.

24 We talk about financial stability for our

25 future generations. But what do you think they want? Do

1 you think they want the money, or do you think they want

2 their health? Which is important?

3 As a person coming to you with a lot of

4 health issues, I would say my health is more important

5 than the almighty dollar. I would say yours should be

6 too. That money is only going to last you so many years,

7 a short time. It's just a drop in the bucket. Your

8 health is way more important. Your children's health is

9 way more important.

10 The borderland study, I've already told the

11 tribal leadership that this -- this is an outdated

12 document, that there was no environmental issues addressed

13 in it. It needs to be revamped. It was started in the

14 '70s, when industry was big and heavy. But now that we're

15 finding out and -- how bad certain things are to our

16 health, that needs to be revamped with green technologies,

17 with green plans.

18 So like I said, I'm not -- I wasn't really

19 prepared, at this time, to speak. I know that there's

20 going to be plenty of people that are going to speak that

21 want the freeway on this reservation. But I'm going to

22 tell you, it's not good for the reservation. It's not

23 good for Ahwatukee. It's not good for Laveen. And we

24 won't realize it till it's too late.

25 Once that freeway goes in, it's going to be

1 twice as wide as the I10 in Gila River. And nobody
2 realizes the impacts of those. I've seen the studies.
3 I've seen the impacts. I've seen what it can do to our
4 children, our future generations. And that's just the tip
5 of the iceberg.

6 So I know I don't have a lot of time, but
7 I'd like a lot of other community members to come up and
8 speak about this issue, because it is important to our
9 people and our community. I would have liked to see more
10 people fill up this room, but I know there's a lot of
11 funerals going on today. And I feel for those families.

12 But just look inside your hearts, and
13 hopefully ADOT will eventually look to our nos from
14 District 6, our nos from our community council, our nos
15 from our people, our nos from our future generation.
16 Think about it.

17 Thank you.

18 MS. KISTO: Thank you, Ms. Riddle.

19 I was just informed that we do have some
20 council representatives in -- that just came in the door.
21 If I could have Sandra Nasewytewa come up and introduce
22 herself, as well as Lieutenant Governor-Elect Monica
23 Antone.

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Page 25

1 LIEUTENANT GOVERNOR-ELECT ANTONE: Good
2 morning. I'm Councilwoman Monica Antone from District 4
3 and the Lieutenant Governor-Elect for the community. And
4 I'm here to listen, and I'm grateful that the community
5 council had passed this resolution to have this open mic
6 hearing for the community members to understand. And we
7 need to hear what the people -- the voices of the people
8 are as far as what's happening with the freeway. And I'm
9 just here to listen and, would like to think, a little
10 more researching.

11 But I do know that the council -- and I'm
12 grateful that the council banded together to have this
13 meeting today, to have the people speak their voice and
14 their opinions about this freeway and what the impacts
15 would be to our community.

16 Thank you.

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1 MS. NASEWYTEWA: Good morning. My name is
2 Sandra Nasewytewa. I am a District 6 council
3 representative. I am from Co-op Village. My mother is
4 Pat Smith. My father is Marion Smith -- the late Marion
5 Smith. My grandparents -- my maternal grandparents are
6 the late Leonard Hill and the late Eva Brant Miles Hill.
7 I want to welcome you to our community. And
8 I'm thankful we have this opportunity to voice our
9 opinions. So thank you.
10 MS. KISTO: Okay. Is there anyone else that
11 would like to provide public comment at this time? Again,
12 for those of you that just arrived, we offer court
13 reporting services back in the left end of the building.
14 And that's more one on one, face to face if you choose not
15 to come up to the mic. But if you choose to come up to
16 the mic, then you'll be recorded by a court reporter here
17 at the front of the auditorium. So you're more than
18 welcome to come up.
19 Does anyone else like to come up and provide
20 a comment?
21 Ms. Shelby, please come on up.
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1 MS. FRANCISCO: Good morning. My name is
2 Shelby Francisco, and I'm a resident here in District 6.
3 I grew up with a asthmatic child, so I know
4 what it is firsthand to have sick children. I don't think
5 the community really realize that this freeway will have
6 such an impact on our health that it's -- it's not a good
7 thing.
8 You know, it's convenient to jump on the
9 freeway and go wherever we want to go. But it comes with
10 a price. And our community has to remember that. And,
11 you know, I'm sorry that the allottees are having trouble
12 with expanding their services, but they should be afforded
13 what services they want to produce on their lands. I,
14 too, am an allottee in Queen Creek. You know, and if I
15 wished to pursue it, I would.
16 But I do not support the building of this
17 freeway. Our district here put a resolution in place to
18 not support it. So all the people that attend the
19 district meetings, you're the ones that have the power.
20 Go to your meetings. Be involved. Take that
21 responsibility on yourself. There's nothing wrong with
22 being on opposite ends of the spectrum. But if you want
23 to make a difference, you need to be in your community
24 meetings to do that.
25 So I do not support the build. You know, we

1 the people, have spoken. We even did it by vote. So I
2 expect my council to fight it as hard as they can with
3 whatever expenses they need to, to fight it, because we
4 have spoken, and that's what this community wishes.

5 MS. KISTO: Thank you, Ms. Francisco.

6 Ms. Lopez, please come on up.

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1 MS. LOPEZ: You know me. I'm going to say
2 something. But first thing I object to is if they're
3 going to do a presentation with the public here, I would
4 think that the tribe, with all of its money, could afford
5 another mic to where it could go back there and have the
6 people hear what is going on, because when you're sitting
7 back there, you can't even hear. And I'm sorry to say
8 that a lot of you, we didn't get your names or your
9 positions. But, you know, that is not your fault. But
10 I'm just thinking about the community.

11 What I want to ask is that -- what I'm
12 hearing is most of the -- this meeting was set up by the
13 council. So I guess my number one question is what was
14 the intent? You've heard over and over and over, the
15 councilmen, the wishes of the community. We kept saying
16 no. How many elections and how much money was spent on
17 these elections when the community was saying no? So to
18 the councilmen, especially those who are representing
19 District 6, you know what the answer was.

20 So the other thing is that the councilmen
21 are coming in. I would think that you would be courteous
22 enough to sit up in the front so those who don't know who
23 you are could at least say, oh, those are our council
24 people and how many have taken the time to come over here.

25 But I'm really confused as to why the

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1 meeting is. And maybe one of the councilmen -- some of
2 the councilmen from our area could tell me. What I'm
3 understanding is that you want to hear the public
4 comments. So I would ask again, how many times do you
5 have to hear the public comments to -- to know the wishes
6 and the -- of the community?
7 So other than us gathering and coming
8 together, that's my question to the council people. What
9 is the intent of this meeting? 'Cause we're kind of mixed
10 up as to what we can and can't say. And we can't ask any
11 questions to our guests here. And I'm sorry that you have
12 to hear these things, but this is the true feeling of what
13 our community feels. And -- so I'm kind of confused, just
14 like a few of them, what -- what is expected out of this
15 meeting? What I'm hearing is the comments, public
16 comments.

17 Where's Zuzette?

18 And -- but, again, the committee knows it.
19 Our community knows it. We've had the vote. And you may
20 not be aware of it, but it's come to community from
21 reservation -- from District 1 all the way to District 7.
22 And we -- every time it was no, no, no. We don't want the
23 freeway.

24 And it's -- again, just some answers as to
25 the intent. We're supposed to be making public comments.

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1 We can't ask our guests any questions. But the team
2 already knows the comments, the pros and the cons.
3 So that's my question. I don't know. Maybe
4 one of the councilmen can explain.

5 MS. KISTO: Thank you, Ms. Lopez.

6 Would anybody from the -- thank you,
7 Councilman Villarreal. He's on his way up.

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1 COUNCILMAN VILLARREAL: Thank you. And I
 2 want to thank Ms. Lopez for asking for clarity on this.
 3 My understanding is that when this was
 4 brought to our attention, it was -- it was asked that we
 5 have another public comment hearing because it was -- they
 6 weren't allowed to speak at the last one that they had.
 7 This is an opportunity for you all to come up, whether you
 8 support it or do not support it. This is a -- this is
 9 your opportunity. This is your time.

10 And I'll read to you a motion that was made
 11 at the community council as bringing this forward if I
 12 may. This is -- this was on a regular council meeting
 13 held October 15th, 2014.

14 Councilwoman Jennifer Allison stated, "I
 15 make a motion that we move forward and have a
 16 council-provided public forum joining with ADOT for a --
 17 for our community members to provide oral testimony on the
 18 FEIS, Final Environmental Impact Statement." Seconded by
 19 Devin Redbird, councilman from District 7.

20 Second motion, Councilman Anthony
 21 Villarreal, Sr., stated, "I make a motion that the
 22 community council directs the law office to begin
 23 identifying a budget to support litigation in delaying or
 24 stopping the proposed 202 South Mountain Freeway after the
 25 second of -- after the record of discussion is finalized.

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1 The general council will authorize, along with the
 2 treasurer, to take necessary steps in carrying out this
 3 motion on behalf of the community." Seconded by
 4 Councilman Devin Redbird.

5 So, again, the opportunity is here for you
 6 folks to -- to have your time to express your concerns or
 7 express support or express against it or have it on the
 8 reservation, what -- however you want to come up and
 9 speak. This is your time. We, as council
 10 representatives, are -- are available to answer any
 11 questions that you may have.

12 I'm sitting in the back, first of all,
 13 because I know it's going to be a distraction to you all
 14 if somebody comes up and continues to corner me or ask me
 15 for questions or want discussion regarding specifics of
 16 this. So just out of respect to you all, I will be in the
 17 back to answer any questions or be able to be available to
 18 you if you need anything from me.

19 Thank you.

20 MS. LOPEZ: While you're at the mic -- while
 21 you're at the mic, can I ask you, when you're saying that
 22 you want this meeting to be as a final push, I guess, for
 23 the council to -- to allocate some money for litigation,
 24 based on the first comments of when we first started to
 25 say no, no, no, shouldn't that have been done then.

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1 COUNCILMAN VILLARREAL: Well, yes, since I
2 am up here, I'll go ahead and answer that.
3 Well, in the beginning, when that -- when
4 that was made and -- to the referendum as a no, it was
5 never stated that there would be a budget set aside for --
6 to defend the decision of the community. That had to --
7 that required us going back, taking a look at it,
8 examining this, and to see how this approach would be
9 made. And we have done that. This is a part of that.
10 Thank you.
11 MS. KISTO: Thank you, Mr. Villarreal.
12 Does anybody else want to provide...
13 Ms. Rene.
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1 MS. BAREHAND: How about if I just talk from
2 back here, and I think everybody can hear me.
3 I'm just commenting. I think this -- this
4 public forum is a little -- a little bit too late, you
5 know. The decision is already made for us through
6 council. And we all heard who made the motion and
7 seconded it.
8 I would urge all our voters from Gila River
9 that vote to remember who was on council, who made these
10 after your own wishes were ignored. We all voted against
11 this. I don't know how many times it had to go through.
12 And still they kept trying to push it through. And now
13 it's going to be through. It's going to be a reality.
14 And then they have the nerve to tell us that
15 we want to come over here and ask questions, yet we can't
16 ask any questions of the ADOT people? What good is this
17 going to do? It's going to be recorded by court
18 reporters? And then where's it going to go? In the
19 archives? On microfilm? Who's going to know we're making
20 these comments?
21 Your council -- your governor-elect is here.
22 The councilmembers are here. These people are the ones
23 that we elected to represent each one of us. And yet do
24 they at the district level?
25 And it's up to us too. You all should be

1 going to your district meetings. If you don't vote, then
2 you're doing a dissatisfaction to your children, your
3 grandchildren, and your great-grandchildren. We all sit
4 here and say, well, look at us. They're pushing us around
5 again. They're doing this. You know, all white people
6 see is desert land. It's nothing to them.

7 Land is the most important thing that we
8 have for our own people besides water. And you all know
9 that. And where is our water? We don't even have any
10 water anymore in our rivers. Go by -- go over Salt River.
11 You go over all the rivers, and they're all dry. And
12 where is that water going? Who is it benefitting? Not
13 us -- not us Native Americans.

14 So I would say that you remember who voted
15 on this, who passed this measure. And it's just sad
16 because we are against this, and yet it's going to happen
17 to us anyways, just as it has for years past, centuries
18 past. We're still getting -- I hate to use this
19 expression, but we're still getting the shaft. And it is
20 not through our own doing. It's through our council
21 representatives that represent us. What are they doing?
22 They're representing what they think is best for us.
23 Well, sometimes, I mean, it's sad to say that they don't
24 know what is best for us. We can only say that ourselves.
25 And that's all I have to say.

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1 MS. KISTO: Thank you, Ms. Barehand.
2 Anyone else like to provide a comment at
3 this time?
4 Sir, come on up.

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1 MR. MORAGO: Good morning. My name is
2 Joseph Morago. I'm a resident of District 3.
3 I have been opposing this freeway for many,
4 many years, mainly because of the environmental impact
5 that it will have on our community. I have worked in our
6 community for almost 20 years with the elders, with
7 inmates, with the elderly. And in that 20-year period, I
8 have seen an increase of asthma, heart disease, diabetes.
9 Diabetes are now -- is now being related to environmental
10 impacts.

11 This freeway will not help our community.
12 It will not help the community off the reservation. It
13 will not help anybody. We are destroying our future. We
14 are destroying our kids. We're going to be like countries
15 around the world that have to wear masks in order to be
16 out where -- outside because of the pollution and the air.

17 Those of you that live in this area, in
18 District 6 and 7, and us that live on Gila River, we know
19 how the winds blow out here. We know how dusty it's going
20 to be. We know what happens with the weather. It's not
21 going anywhere. The swamp and everything, the pollution
22 that's going to be coming from all the cars, the millions
23 of cars that are going to be traveling on this road, is
24 going to stay within these mountain regions. It's going
25 to impact all of us. It's going to -- I have a

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1 two-month-old granddaughter. I heard her coughing this
2 morning. What's going to happen to her when this freeway
3 comes up? How is she going to be able to breathe?
4 What about the people that come -- the kids
5 that come and play in this building? The freeway is going
6 to -- they're going to see the freeway when they walk out
7 this door. What about the Head Start that's over here?
8 What about the school that's down the road? And these
9 are -- these are just the people that are affected. The
10 elders that lead over here at the service center here,
11 they're going to see it. What about the new service
12 center in 7? All of them are going -- our own hospital,
13 when they go to be treated for these diseases, is right
14 here, and they're going to be looking at this freeway.
15 Those that are on dialysis, those that are having all
16 these issues, are going to see it.

17 Not to mention the cultural effects of our
18 mountain. Us O'odham. All believe that this mountain is
19 sacred to us. That is part of our Huhugam. That is part
20 of our life.

21 You know, we worry about all the animals,
22 about the wild horses. Our own casino is named Wild Horse
23 Pass. This is an area for the horses. What about them?
24 What about all the other animals? They're already saying
25 that the Mexican jaguar can't even come and migrate this

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1 area because of the wall on the border that they're trying
2 to put up. U of A has studied about the cactus that are
3 dying, hashan that have lived for centuries in our desert
4 are dying because of the pollution and the stuff that are
5 impacting.

6 I look at -- you talk about economic
7 benefits. And I see it, when the freeway comes. I looked
8 at your video. There is no access to that freeway from
9 our community. There is no frontage road that they're
10 planning on putting on from -- until it gets to 59th
11 Avenue until it gets to the freeway. This is by ADOT's
12 own video. They're telling you what they are going to do
13 to our community. We are not in their plans. We are not
14 involved. It doesn't matter they're not even putting it
15 on our reservation. They're putting it less than a mile
16 off. They're putting it a few feet away. Yet we are
17 going to feel the impacts. With no frontage roads and no
18 access, what happens if we have an environmental accident?
19 What if we have an environmental spill? Where do we go?
20 Where does Ahwatukee go?

21 I went to a meeting in Ahwatukee last month.
22 I almost got lost because there's no way to get out of
23 there. If anything happens, people are going to die.
24 Pure and simple. The emergency response can't get there.
25 Nobody can be there. Evacuations are going to happen. If

1 it happens during rush hour -- we've all been on a freeway
2 during rush hour. Nobody moves. Nothing happens.

3 You know, they talk about -- and the other
4 thing that they talk about is these drainage ditches and
5 stuff that I see in their video. Look what happened in
6 South Phoenix when all the rains came this summer. Yes,
7 they may say that's a hundred-year storm, but it's going
8 to happen again. It will continue to happen. Who's going
9 to be able to save our community? We need to stop this
10 freeway.

11 You know, I don't take the attitude that
12 there's nothing we can do. I've stood before MAG. I've
13 stood before all these groups. I've stood before council.
14 I will fight this freeway all the way. I will continue to
15 fight. I understand how we feel about stuff. I
16 understand how the landowners feel. I understand
17 everything.

18 Show me a plan that works. That's all we
19 need is something that works. This is bad for our people.
20 This is bad for our children. And we cannot let this
21 freeway go through.

22 Thank you.

23 MS. KISTO: Thank you, sir, for your
24 comment.

25 Anybody else like to come up, provide public

1 comment?
2 Sir, come on up.
3 MR. ESCHEF: I can talk from here.
4 MS. KISTO: Okay.
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1 MR. ESCHEF: Hi. For those of you that
2 don't know me, my name is Stewart Eschef. I'm from Salt
3 River.
4 And I just want to commend all you guys that
5 are saying --
6 THE REPORTER: I can't hear him. I can't
7 hear him.
8 MS. KISTO: Excuse me, sir. Can you speak
9 up a little bit louder, because our court reporter is
10 getting your testimony, and she can't hear you.
11 MR. ESCHEF: Hi, you guys. My name is
12 Stewart Eschef. I'm from Salt River. I see a couple of
13 you I know among the O'odhams.
14 And I just want to say, you know, I commend
15 you guys for speaking up, because we have the same issues
16 back home, you know. Not a lot of people get involved
17 with community information and things going on in the --
18 in the community. Then we -- you know, we have council as
19 well. And, you know, the councilmembers, they're there to
20 be the voices of the people. So if the people are
21 actually saying no already, then the council has no other
22 way to go but say, well, my people want it this way, you
23 know, this is how we should do it, or this is how we
24 should go, you know.
25 This ADOT and everything, like, you know,

1 over there on our rez, now we're starting to get
2 sidewalks. And I was like -- it's cracking me up, because
3 I'm like, dang, now we're going to have sidewalks.
4 We're -- we're a rez, you know -- but, you know, so -- you
5 know, from our O'odham over there to over here, you know,
6 I just want to commend every one of you guys that are
7 standing up for what you believe is right for your
8 community and your land, you know. That's awesome. I'm
9 proud of each and every one of you guys.

10 MS. KISTO: Thank you, Mr. Eschef.

11 Anybody else? Please come up, make a
12 comment. You're more than welcome to.

13 Ms. Riddle is on her way back up.

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1 MS. RIDDLE: My apologies. Our legal rep
2 has -- gave me this document that they have prepared for
3 us. I wanted it to go into the record.

4 So "Preliminary overview of comments on the
5 South Mountain Freeway Final Environmental Impact
6 Statement in Section 4(f) Evaluation issued September 2014
7 regarding impacts to cultural resources.

8 "November 15, 2014. The agencies are
9 noncompliant with the requirements of the Section 106
10 review process. The FEIS confirms the process is
11 incomplete and only affirms partial proposed mitigations
12 with no complaint. Pragmatic agreement at this late phase
13 of the project, the agencies are noncompliant with the
14 Handbook For Integrating NEPA and Section 106, March 2013,
15 by CEQ, Office of the -- Office of the President, and the
16 ACHP because they have not issued a Section 106 compliance
17 agreement.

18 "In addition, the agencies confirm that
19 there will be adverse effects and -- to -- would affect
20 two sites South Mountain traditional cultural property,
21 and one site contributes to the SMTCP.

22 "Did not sufficiently consult the tribes
23 early nor consistently through the project, did not,
24 therefore, have the input to properly spoke and identify
25 cultural resources and TCPs missed or ignored as a

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1 substantial part of public comment and our tribal input,
2 as evidenced by comments within the FEIS.

3 "Ignored the community's position for a
4 no-build option inside of this election as to why they
5 must cause irreversible harm to Muhadagi Do'ag.

6 "Propose access to sacred sites by foot
7 under the highway without assessment of the quality and
8 hindrance of such mitigation proposal, for example,
9 View Scape.

10 "Have ignored volumus (sic) comments that
11 have validated the mountain beyond the land itself, the
12 View Scape, and therefore have not properly assessed the
13 full TCP.

14 "Claim that they have received no
15 information about the value of air, ground, or water
16 attributes during the consultation phase with tribes, so
17 did not weight these values in its assessment and now
18 claim Section 106 review and these components is now not
19 required.

20 "The statement evidences the agencies'
21 shortcomings in consultation and the devastating and
22 inaccurate effects of noncompliance with Section 106.

23 "Argues that a fraction, 0.3 percent of the
24 total area and two-tenths of the total mountain range, is
25 impacted. But such a fraction only considers land and not

1 other attributes missed in the faulty and incomplete
2 Section 106 review process, thereby neglecting a true and
3 accurate impact.

4 "Suggests that the mitigation managers will
5 continue to reduce effects on the mountains, however, such
6 measures are not secure. No timelines, other than up
7 until the record of decision, the last day, is cited.

8 "Because the Section 106 process is not
9 complete, faulty, and the records show that the agency now
10 possess volumes of data to better assess and identify
11 sites, the agency should immediately revise and execute
12 full TCP studies for the many aspects they missed, correct
13 the inadequacies of the reports, and avoid harm to
14 Muhadagi Do'ag."

15 Thank you.

16 MS. KISTO: Thank you, Ms. Riddle.

17 I see we have some new attendees that showed
18 up. So I'd just like to give a brief overview of what we
19 are doing here today.

20 On October 15th, the community council made
21 a motion to have a public forum and include
22 representatives from the Federal Highway Association as
23 well as Arizona Department of Transportation. This public
24 forum is to allow community members to provide public
25 comment. You are more than welcome to talk to the

1 representatives, but that will be done not in a
2 question-and-answer session but more in a face-to-face
3 session.
4 And if those of you -- we ask that you be
5 respectful to all parties here in the building. If you
6 wish to have comments or you want to talk amongst
7 yourself, we ask that you do that out in the lobby, and we
8 ask that you also don't interrupt any one person that is
9 making a public comment. Allow them to finish with their
10 comment.

11 And at this time we're welcome to take
12 anybody that would like to come up and make a public
13 comment. There's no time limit. So please raise your
14 hand if you'd like to come on up.

15 Okay. Ms. Spring and Mr. Tashquinth.
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1 MR. TASHQUINTH: (Speaking in native
2 language.)
3 Good afternoon. I welcome you from ADOT or
4 from the State or wherever you come from. I welcome you
5 to the land of our people, the Akimel O'odham and the
6 Pee-Posh. You are guests here. You have come to our
7 lands again to bring this EIS study. We have told you --
8 in this district, District 6, we have told you no.
9 You come here, and you want to talk of this,
10 and those mountains are already marked up. That's what
11 you do all the time. You say you want to come smoke the
12 pipe, sit down and talk, let us hear what you have to say.
13 But you don't want to hear what we have to say.
14 We have been here for thousands and
15 thousands of years. Our grandfathers, our
16 great-grandfathers helped all of the American settlers
17 coming through here, from the time the Spanish came, to
18 the Mexicans, and to the Americans. Chief Antonio Azul
19 made a handshake deal with the lieutenant that came
20 through here. He asked to hold our horses. He did it.
21 The Spanish government didn't like it. They came up and
22 demanded those horses. Antonio Azul said no. I made a
23 handshake. I made a man's promise. I'm keeping them. If
24 you want them, come and take them. He had over a thousand
25 warriors dressed and painted and ready for a fight.

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1 After that time, our allegiance and our
2 loyalty no longer belonged to the Spanish Government or to
3 the Mexican Government. We gave our loyalty and our
4 allegiance to the American Government. We protected you.
5 We helped your 49ers cross through here. Mercy patrols
6 ran through the desert looking for your people because
7 they were lost. We protected Phoenix. We protected
8 everywhere from the Apaches and the Mojaves and the Yumas,
9 all of the war-like tribes. We protected you. We took
10 care of you.

11 And yet you come here. You want to know
12 what we said? All the people that walked in with me? We
13 all say no build. We all say we don't want that through
14 here. You walk out that door. Look around. Look around.
15 Look around from Muhadagi Do'ag to the Estrellas. We live
16 in a bowl. If you put that freeway through here, you're
17 going to kill us off.

18 You better make sure that what you're
19 writing down right now, you write down this. The State of
20 Arizona will exterminate the Gila River Indian Community.
21 The State of Arizona and the federal government will
22 exterminate a tribe, an indigenous people, people that
23 have been here for thousands of years and have taken care
24 of you. And this is how you repay us.

25 We never went to war with you. We never

1 signed a treaty with you. We gave you our word. We gave
2 you our promise. Many of our grandfathers and
3 great-grandfathers served in the service, whether they
4 were in the Army, the Navy, the Marines, the Air Force.
5 They joined up. They fought alongside many of them, the
6 black, the white, Mexicans, Chinese, Japanese, all the
7 other peoples. And yet you treat us like this. You
8 disrespect us like this.

9 We already have a resolution that says no
10 build. Our council representatives, our governor, our
11 lieutenant governor, the newly elected ones and all those
12 past and present. That's us. We are the people. We have
13 spoken in that vote. 720 people have spoken and said no
14 build.

15 And yet you don't listen to us. You don't
16 hear us. You don't care about us. You want to eradicate
17 us. You want to exterminate us.

18 My question is why? Your Christian God
19 tells you to love one another. Your Christian Bible tells
20 you to take care of your brothers and sisters, not to
21 steal, not to lie, not to cheat, not to covet your
22 neighbor's lands and goods. And yet here you are, coming
23 back to us when we, the people, the Akimel O'odham and the
24 Pee-Posh people, have told you and told you, especially
25 here at District 6.

1 We will continue. We will always say no
2 build. We don't want it. We are a sovereign nation. We
3 are a sovereign people. That sovereignty was given to us
4 by your government as a federally recognized tribe. You
5 disrespect your federal government. You disrespect us as
6 a people.

7 What's wrong? Are you greedy? Is it true
8 that the white man is the devil? Did you come here to
9 want to steal our lands? You bring other people to come
10 and try to get our people to sell the land?

11 I grew up always understanding. I grew up
12 hearing from the old people, the Kukuert, you never sell
13 the land. The land doesn't belong to you. Elder Brother
14 gave us his land to take care of, to live with it, to be
15 here for us. If we understand and you understand, we take
16 care of this land, this land will take care of us, because
17 it has always done that for thousands and thousands of
18 years.

19 But if you want to kill us off, you make
20 sure you make the history books right. You make sure you
21 write it in your history books that you, the American
22 Government, you, the State of Arizona, you who are not in
23 this, who are not Native Americans, who are not indigenous
24 people, you're the ones that got rid of us, because all
25 the other tribes that are out there will remember us, and

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1 they will put it in their stories and their songs, and
2 they will sing about what we used to be and how we were at
3 one time.

4 All of the people that walked in here with
5 me, we have always said that.

6 Everybody, what do we say? No build.

7 AUDIENCE MEMBERS: No build.

8 MR. TASHQUINTH: What do you say.

9 AUDIENCE MEMBERS: No build.

10 MR. TASHQUINTH: What do you say.

11 AUDIENCE MEMBERS: No build.

12 MR. TASHQUINTH: Who are you.

13 AUDIENCE MEMBERS: Akimel O'odham.

14 Pee-Posh.

15 MR. TASHQUINTH: Who are you.

16 AUDIENCE MEMBERS: Akimel O'odham.

17 Pee-Posh.

18 MR. TASHQUINTH: There you go. We're Akimel
19 O'odham and Pee-Posh. That's who we are. Write that
20 down, that all the people that are here are Akimel O'odham
21 and Pee-Posh. And if there are other tribes that are here
22 or if there are any other supporters that are here with
23 us, then they back us up and support us, because we are
24 people. We are the children of God.

25 That's all I have to say. Right now.

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1 And I want to be able to have someone read
2 to me what's being said. Because I know you are only
3 going to print lies and half-truths, only what you want to
4 hear, because that was what was in that EIS. I had it
5 read to me. It had nothing to do with us. You disrespect
6 us. You dishonor us.

7 Well, you know what? Understand this. If
8 it comes down to a fight, we will fight. If we have to go
9 through the legal court system, we will get through the
10 legal court system. But if it comes down to a fight, I
11 guarantee you, children, you, adults, elders, we will all
12 stand at that northern border, and we will stop you. We
13 will lay down our lives, because we know if we die, we
14 will be there in our Heaven, because that is the home of
15 Elder Brother, our creator.

16 Write this down and listen to all the people
17 here. We have all said no build. Listen to us. We are
18 Akimel O'odham and Pee-Posh.

19 Thank you.

20 MS. KISTO: Thank you for your comment,
21 Mr. Tashquinth.

22 Ms. Spring will be up next to provide her
23 comment as well.

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25

1 MS. SPRING: I don't know how to follow that
2 up, but I'll try.

3 I would like to tell you that this FEIS is
4 incomplete. It does not speak to the Gila River Indian
5 Community people. It does not take into regards any of
6 our people. It doesn't have any statistics from our
7 community. It doesn't say how many people live in 51st
8 Avenue. It doesn't say how many people live in the
9 circles. It doesn't say anything about our clinic being
10 right there, our dialysis center being right there. It
11 doesn't say anything about the new school that's going to
12 be built there. It doesn't say anything about this Boys &
13 Girls Club, how many people attend this Boys & Girls Club.
14 Has no numbers, no figures. They could care less.

15 That's why we say that you're racist. And
16 that's why we say that you don't care about us. And
17 that's why we say that you're disrespecting us. Not
18 because we just think that, but we read your book. And
19 your book doesn't say anything about us. You could care
20 less about us. Certainly doesn't say anything about our
21 culture, you know. How could you understand our culture?
22 You don't even listen to anything that we say, at any time
23 do you do that.

24 We are still here. We still visit our
25 mountain. We still give thanks to our mountain. We

1 thank -- every day I wake up and pray in the direction of
2 that mountain, to my God, Jesus Christ, to that mountain.
3 And everybody, you know, that's affiliated, we all do
4 that -- I don't know about all of us. But a lot of people
5 do.

6 We lived around this community hundreds of
7 years. I think if your FEIS was going to be anywhere near
8 complete, you would take into consideration the air
9 pollutants that are going to come into this community not
10 for 10 years, not for 5 years, not for 20 years. Because
11 that's probably how long you people have lived out here.
12 But our people, we have lived out here since the beginning
13 of the United States Government. So if you're going to
14 stick any numbers out there, you need to at least forecast
15 another 500 years, 'cause that's how long we intend to be
16 here, we hope to be here, if you don't try to kill us off
17 with this.

18 We do consider it -- I myself consider it to
19 be genocide on our people, building that freeway right
20 there. Don't -- I mean, can't you see the landscape here?
21 The South Mountain is right there. The Estrella Mountain
22 is right there. Our own Gila River CEQ said -- and it's
23 not in your study. I know you guys could care less. But,
24 you know, they said that South Mountain protects us, at
25 this point, from the pollutions that's going there.

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1 And anybody that lives around here, I mean,
2 you should know, if you look out your window, down towards
3 the Phoenix area, nothing but clouds of smoke all over the
4 place. And so South Mountain protects us from that.

5 And if they build a freeway, which they
6 anticipate -- I don't know -- 150, 200 vehicles per day
7 coming in here -- and that was one of their justifications
8 for building it, so that 17,000 vehicles wouldn't travel
9 to 51st Avenue. But, no, we'll just allow 150, 200,000 to
10 come through, you know. That's no justification.

11 Anyways, that all of that smog, all that
12 smoke will be trapped here. And you know where you live
13 at. You should know that you live in District 6 of the
14 Gila River Indian Community. That means the river runs
15 south. It goes down south. Everything is sloped down
16 south. Everything comes this way. So it will be a big
17 bubble, and it will just go straight down.

18 And then it won't just stop there. Maybe in
19 a hundred years, your grandkids -- think about that. Your
20 grandkids, our grandkids, the ones that will be our future
21 generations, they'll have to live with this now. All the
22 smog that's trapped down here, it will start going,
23 creeping up towards your own districts, if you live in
24 District 4, if you live in District 3, 2, 1. I mean,
25 where else is it going to go? There's no place else. And

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1 if you really read the statistics in there -- which they
2 really don't put in there. So that's why we say that you
3 guys have no concern for us.

4 And we definitely believe that another
5 reason that you're racist is because in this FEIS, you say
6 that you have respect for the Litchfield area; you have
7 respect for the Buckeye area and how they said they didn't
8 want the freeway coming through their land. Yeah. I'm
9 sure they don't. But when it comes to our -- our
10 sovereign nation, you refuse to acknowledge the fact that
11 we have a no-build resolution, a no-build vote.

12 I mean, we had to take it to a vote for the
13 people to come out. And they still said no build.
14 Everybody says no build. And nobody -- no, you guys don't
15 seem to consider that and care about that, you know.

16 But we are people, and we are here. And
17 we're not stupid, and we're not ignorant. We're not just
18 going to let you do that.

19 Not only that, but I don't see anywhere in
20 here, when I talk about the statistics of the people that
21 live on 51st, the housing back there, nowhere does -- I
22 mean, you're going to blast the mountain. That's obvious.
23 It's in here. It says you're going to blast the mountain.
24 You have the dynamite sites that you're going to blow it
25 up.

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1 We just came from there. We were all just
2 there. We ran from over there -- well, I didn't run, but
3 my friends did. And it's all taped off. It's all yellow
4 taped, black taped off right where you're going to blow up
5 the mountain, you know, build your little freeway for
6 people --

7 Oh, if you didn't know -- and I don't know
8 who has read this FEIS. I'm sure not too many people.
9 But let me enlighten you that it says that they'll save
10 20, 24 minutes at the most on their commute from Phoenix.
11 Which has nothing to do with us. We don't have -- that
12 has nothing to do with us. 24 minutes. That's the
13 commute saved time. That's how much this means to them.
14 That's what they want to do.

15 Anyways, as I was saying, blasting up the
16 mountain, where's all that dust going to go, all those
17 particles going to go? Huh. I don't know. Maybe towards
18 51st Avenue and all over us. I mean, you're going to be
19 breathing in those toxins. Your kids are going to be
20 breathing in those toxins. Your little grandbabies are
21 going to be breathing in those toxins. They're going to
22 be out here playing in their little field, thinking
23 everything's okay. The whole time, they're getting
24 poisoned, 'cause, you know, carcinogenics from the
25 freeway, from the emissions, those travel. They're little

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1 tiny little particles. They get stuck in your lungs and
2 your everything, and they cause cancer, you know,
3 bronchitis, you know, asthma, all those types of things.
4 Your kids, your grandkids.
5 They don't care. They don't live out here.
6 They could care less. They have no concern. It's not in
7 here. Believe it. If you don't believe me, here. You
8 can read our book. You know, I'm sure they have some out
9 here. You can ask them. They don't talk about it. They
10 could -- no. They don't care. Just letting you know.
11 Protect the animals? There's protected
12 animals in that mountain, our sacred animals that have
13 been around for way longer than any of us have been
14 around. They mention them. Oh, too bad for them. Pretty
15 much what it says. They're not going to have a habitat,
16 especially for the wild horses that run wild. They're not
17 going to be able to have -- be in that place.
18 Not only does it say that, you know, the
19 wild -- the turtles, the eagles -- there's eagles that
20 nest around here. I'm sure many -- well, many of you
21 might not know that, but they are. They're not going to
22 have -- this all affects their wildlife habitat. It's in
23 here, but they just say, well, that's just one of the
24 things that happens when you build a freeway. So too bad.
25 That's just how they are. And that's how

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1 they feel about us. We're just one of those things that
2 happens while they build that freeway. Too bad for you.
3 Thank you.
4 MS. KISTO: Thank you, Ms. Spring.
5 Anybody else?
6 Roberta.
7 And then -- I'm sorry, but your Facebook
8 name is popping in my head. What is your real name?
9 MS. JACKSON: Renee.
10 MS. KISTO: Renee. Then Renee. So we'll do
11 Roberta and then Renee.
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1 MS. TACALLA: Good morning. My name is
2 Roberta Tacalla. I come to tell you guys that, you know,
3 I'm against this freeway.
4 AUDIENCE MEMBER: Can't hear you.
5 MS. TACALLA: One of the main reasons --
6 AUDIENCE MEMBER: Roberta, pull it down, the
7 mic.
8 MS. TACALLA: Can you guys hear me now.
9 AUDIENCE MEMBER: Yeah.
10 MS. TACALLA: My name is Roberta Tacalla,
11 and I'm a Tohono O'odham, and I come from the Village of
12 Santa Rosa, but I was born and raised here in -- well,
13 born and raised in Phoenix but grew up in Sacaton.
14 I'm familiar with this area because of the
15 O'odham territory that extends within the boundaries
16 beyond -- if you were to -- you know, if you were to take
17 away the boundaries, this land would expand all the way
18 into Phoenix.
19 But I'm against this freeway just because of
20 the fact of how many times have we seen so many drug
21 cartels coming through from Tucson to Phoenix? It opens
22 the door again to our families, the violence, the crimes,
23 the pollutions.
24 And I'm against this. I'm against this
25 because I have -- standing here is my grandchild, which is

1 from this district. And it means a lot for me to -- to
2 represent and be strong for him. I'm his voice. And many
3 others within my family -- I have four grandchildren. I
4 have a mother that lives here in this community but not in
5 this particular one. She's from District 4.
6 And so I come up here, again, it's because I
7 want you guys to think about the pollution, the crime, the
8 statistics that are not in that book.
9 I haven't read through it, but at the same
10 time, I'm hearing stories, and I see it. I see it
11 firsthand coming from Tucson. I see what this -- this
12 drug cartel has done. And this opens the door from their
13 end all the way up to Canada. And a lot of people don't
14 know that.
15 I come straight from the border, and I see
16 this every day and what it's doing to my community, the
17 pollution. I mean, you guys may sit there and not think
18 about the negative. But there are negatives. And, again,
19 I come because I want you guys to understand that my
20 children are being affected and what this, our land, our
21 elders have always said; do not sell your land.
22 And this is the land that we have, what
23 little we have. We have politicians in here. We have
24 government in here. They need to -- they need to
25 understand for their people and what this means to their

1 generations in due time. And for me, land. There's no
 2 money in the world that will ever buy this land. None.
 3 And I want you guys to understand, as well as the State.
 4 I am State employee. And I know what you
 5 guys do. I've been there. In fact, I work for the
 6 Department of Revenue. I'm an auditor. So I see the
 7 money that's coming into this. But, again, this is my
 8 children. This is my future. My legacy. And I want the
 9 community out there to understand that -- the negatives,
 10 because if you guys haven't and you guys think that you
 11 can brush it away, it will come, but, again, our elders
 12 did say never sell this land.

13 Thank you.

14 MS. KISTO: Thank you, Ms. Tacalla.

15 And next we'll have Renee come up and give
 16 her public comment.

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1 MS. JACKSON: Everybody hear me? All right.
 2 Good morning. It's still morning.
 3 I want you to know that a lot of us have
 4 been awake and been planning and been preparing for this
 5 day for at least the last week. The runners, all of us
 6 who have come through here had a journey this morning
 7 while you were probably still in bed or getting dressed.
 8 We started at the -- at where the proposed blast site is.
 9 We rode in a pickup truck there, dusty, and got blessed.
 10 And we heard about the mountain, and we heard -- we sang a
 11 song, and we were blessed by Mike here.

12 And then very brave men, women, young girls,
 13 elder women, they ran for you. For you. All the
 14 community members that are in here. Not to be too
 15 disrespectful, but I don't really care about what these
 16 people are here for. We're here to talk to you, because
 17 you're going to stop it. We're going to stop this
 18 freeway.

19 So we could come in, and we could reference
 20 the FEIS all we want. But let's be honest, they don't
 21 care what we have to say. Our comments about Elder
 22 Brother, about Muhadagi Do'ag, that doesn't mean anything
 23 to them.

24 We can talk about the pollutants. We can
 25 reference their wildlife, and -- we can reference all the

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1 discrepancies in the FEIS. It doesn't matter. Because
2 when the ROD, the record of decision comes, they're going
3 to build it. They're going to try to build it. And let
4 them try.

5 But what I came here to tell you is about
6 what happened this morning. So that group, they set out,
7 and they covered the route on our community, but the route
8 where that freeway will be coming through. Some fell
9 behind. Some were -- it was tougher than a lot of them
10 had anticipated. Some of them aren't runners. Some of
11 them are seasoned runners. But they helped each other.

12 We have people here from all over the
13 community who came to run today. All just within the last
14 four days we decided to do this run, to do this, to be
15 here with you. Last minute these good people came
16 together. Yesterday they sat underneath the tamarack and
17 made signs. Read those signs. A lot of their children
18 wrote those signs. They made those signs. What could be
19 more pure and more important than the voice of a child
20 saying that we want clean air, the voice of a child saying
21 we don't want to destroy our horses. We want to live in a
22 clean environment.

23 So that journey began, and those people
24 helped each other. And it wasn't necessarily a long run,
25 but it was a memorable one, and it was a journey for us

1 all. We all stayed together. We all remember what we're
2 doing, why we're doing this. And when we were coming in
3 here, we knew we were in a better place and we were in a
4 stronger place to come and speak to you today.

5 So while I do -- of course I do encourage
6 you to make those statements at the court reporter and
7 look at the FEIS, see the discrepancies. See how minimal
8 attention our community gets in that big report. And then
9 also think about this. And I will say it. Our community,
10 our own community, our own tribal leadership should have
11 done a better job of dissecting this information and
12 getting it to the people in a way that we could all
13 understand.

14 And I don't mind saying it, because I went
15 to the table and had a meeting with our tribal leadership.
16 And I was one of the few who were there. There are things
17 that are supposed to be in this form that we agreed on
18 that aren't here. The resolutions were supposed to be
19 blown up so you could all see. The motion that was made
20 in the past by the elders concern committee where they
21 said we, as elders, stand against this freeway and to
22 protect the mountain. They have said that.

23 And it's not here. We are the voice. And
24 we have to go through every one of you and tell you, be
25 strong. Be brave. Be courageous. We can do this.

1 Look, we don't get any compensation. I'm a
2 landowner. My parents are a landowners. We have land in
3 that freeway corridor. That land doesn't belong to them,
4 my parents. It doesn't belong to me. And it doesn't
5 belong to my children. It is for all of us.

6 Never have I been so upset at the lack of
7 respect that these people have for us. We've been doing
8 this for several years now out of pocket, on our own time.
9 I want you, community members, to look at these people.
10 We are not troublemakers. We are not all these things
11 people want you to think we are. We are just simply
12 people that said no.

13 Look around our indigenous communities,
14 everybody standing up. Everybody has their own battles.
15 Everybody's fighting those battles; elders, young people.
16 This is our battle. This is our battle. That is our
17 sacred mountain. You need to stand up. Don't be afraid.
18 'Cause when it comes down to it, where do you want to be
19 in the side of history? Where do you want your family's
20 name to be? Do you want your family to be a family that
21 stood up and fought, that helped?

22 Now, I don't -- I am simply just a community
23 member. I'm simply a mother, student, somebody who works
24 and really cares, has deep love, deep love for her people,
25 a person that just woke up one day and said, no, I'm not

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1 going to give in to the things that are all plaguing our
2 community; drugs, alcoholism, poverty. I'm going to do
3 something. We all did do something.

4 And if this is it, then do it. Make a
5 statement. Speak up. Start talking to your people. This
6 isn't over.

7 And I told my daughter, who did run the
8 whole -- who ran all day today for us, for our family.
9 And I told her one day when we were driving home -- which
10 I will also mention that my children have always gone to
11 school in Ahwatukee. We've lived in Ahwatukee for a
12 while. I have a lot of concern for that community as
13 well.

14 But I told her that one of these days, maybe
15 in 15 years, you're going to still be fighting this.
16 Remember what we did. Remember who was there. Remember
17 what your elders said.

18 Don't give up, everybody. Don't give up.
19 What they don't know is what's coming. This is just the
20 beginning. We're not going to stop. We're going to keep
21 fighting.

22 And that's all I want to say.

23 MS. KISTO: Thank you, Ms. Jackson, for your
24 comment.

25 Anybody else like to come up and make a

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1 comment?

2 We're coming on the 11 o'clock hour. This
3 is closing -- the meeting will be closing up at noon.

4 So, Mr. Pedro, would you like to come on
5 over? And then next Ms. Shelby.

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1 MR. PEDRO: (Speaking in native language.)

2 Thank you guys for all coming out today, and
3 thank you for everybody in support of us fighting the
4 freeway.

5 And like everybody said before -- I'm sorry
6 if this seems very repetitive, but ADOT is racist. They
7 hold up resolutions. It's in the FEIS. They hold up
8 resolutions for other surrounding communities where
9 they've gone, but not for the Gila River Indian Community.
10 That definitely shows their amount of bias towards us. I
11 mean, we voted, and there's been district resolutions.
12 Council passed resolutions that they don't want the
13 freeway anywhere, not on the reservation or not off the
14 reservation. And the last time they were here, they had
15 signs that didn't even have the right information. And
16 then they told us that, well, it's correct, but it just
17 depends on how you understand it.

18 Now, we have -- Muhadagi Do'ag is sacred.
19 It's a sacred mountain to us. But not only that, there is
20 a lot of Huhugam and Hopi O'odham sites there. There's
21 pottery scattered. There's whole villages there. There
22 are two main villages in the pathway of the freeway. And
23 in the FEIS, they are called Pueblo del Alamo and Villa
24 Buena. Now, those are ancient villages of our ancestors,
25 the same people who looked upon the mountain, who prayed

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1 upon the mountain, just as we do today.

2 And yet they have no concern of that. They
3 say they'll mitigate on how to not impact it. But when
4 you're -- you know, when you're bulldozing a site, you
5 know, that's already affecting it.

6 And also, this is not only part of -- the
7 Loop 202 is not only part of the Arizona system, but also
8 the south corridor is the future of capitalism in Arizona.
9 And capitalism is not paid in favor of indigenous people.
10 We are here today, in the reservation, because our lands
11 have been stolen by Miligan. And they --

12 You all live on stolen O'odham land. If you
13 live in Arizona, Southern Arizona, from Phoenix down on
14 into -- deep into Mexico, you're on occupied O'odham land.
15 And you need to understand that, because this is our
16 place. And we are all indigenous people. But where are
17 you indigenous from? And you're not giving the respect
18 that we deserve from our area. And you get respect from
19 your own area. We are all indigenous people. But where
20 are we from? You've got to remember where we're from.

21 Now, the Loop 202 is a -- is a part of a
22 system to enhance trade, international trade between the
23 U.S., Canada, and Mexico. It's called the CANAMEX
24 Corridor, and some even call it I-11, that it will -- I-11
25 will go all the way from Canada into Mexico. And do you

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1 know they -- this helps facilitate trade and -- through
2 border militarization? This helps them facilitate in
3 trade.

4 And like Roberta said earlier, drug cartels
5 use these same roads and affect the same people. We're
6 all here. And we all said no. And I've told all of you
7 people -- I've seen every last one of you at all of your
8 meetings before. And whatever it takes, by any means
9 necessary, we will stop this freeway.

10 MS. KISTO: Thank you, Mr. Pedro, for your
11 comment.

12 Next we'll have Ms. Shelby.

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1 MS. SHELBY: Hi. I'm Lisa Shelby from here
2 in District 6 community.

3 I guess I didn't really want to say
4 anything, but just hearing the other comments being made
5 and also from what I've seen in the video -- and that was
6 kind of my question, which would have been to DOT. But
7 the -- by the fact that, in viewing the video and the --
8 showing the -- the route for the freeway, I saw like --
9 like a yellowish line alongside that freeway. And I'm
10 thinking that's our borderland. So, in fact, it would
11 be -- the freeway would be on the Ahwatukee side, meaning
12 off reservation. And it flows all the way up to here,
13 where we are -- basically through South Mountain. So it
14 was saying to me that the freeway isn't on our land.

15 And I think that was the main issue in the
16 beginning, because in the beginning, we were shown two
17 options or three options. One was off; one was on. And
18 we all got excited because of the freeway showing on our
19 reservation.

20 And I'm also hearing today that DOT is not
21 listening to us. But, you know, they did by the fact that
22 the alignment is on the other side of the border. It's
23 not on our land.

24 And what was bothering me is the fact that
25 we aren't being listened to. But, yes, we are. And also

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1 by the fact that the EIS statement didn't make reference
2 to Gila River. Well, that's because Gila River isn't
3 involved. It's not on our land at all. So what comments
4 could be made if they were going to be affecting --
5 directly affecting Gila River? And it isn't.

6 Overall, we do have those impacts, yes,
7 coming from the freeway. It's going to be rough, I think,
8 because, personally, I -- I see that it's coming whether
9 we like it or not. But that's also because that's what
10 progress is called. I mean, we have to wake up to that
11 fact.

12 And what -- what I also saw was the fact
13 that the impact that -- without -- without that freeway,
14 the impact would have been on 51st through Beltline
15 through Riggs. That traffic would have tripled within ten
16 years, had not this bypass been created.

17 And even today, I don't like the traffic on
18 that -- on this route today. The only time that -- it
19 made me remember when I was a child, the traffic that we
20 had through there was when we had to close off 51st to
21 Maricopa Road on the same road because of the fire we had
22 back in -- near Maricopa. They closed off the roads
23 because they had the looky-loos come through. And it was
24 such a quiet road, that it just took me back to my
25 childhood.

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1 But you have to -- but today it's not
2 that -- it's not like that anymore. It can't ever be that
3 way anymore. And I think that's just something that we
4 have to all realize. We can't have it the way we had it
5 before. It just -- it just isn't -- it's just something
6 that can't happen again. I think we just have to be --
7 have those memories as good memories, you know, 'cause
8 that was such a good time for me driving on that road with
9 just me on it.

10 But with the impact to our -- to our
11 mountain, yes, we can fight it with litigation. But do we
12 realize that that litigation can last for years? Do we
13 have that money for it to last 50 years maybe? Honestly,
14 it will cut into our per cap. But that's the other part
15 too. Litigation, if we want to stop it, that's what it's
16 going to take.

17 Thank you.

18 MS. KISTO: Thank you, Ms. Shelby.

19 Anybody else want to come up and offer a
20 comment?

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1 MS. ORTIZ: Hi. My name is Anna Ortiz.
2 My -- I'm kind of nervous.
3 My -- my mom's people come from the village
4 right here in Santa Cruz. My dad's people come from Tijo.
5 I've been here all my life.
6 I wasn't going to say anything. And I just
7 heard a lot of things -- a lot of things that I have
8 something to say about.

9 When you guys came, did anybody offer you
10 something to eat? Something to drink?

11 Everybody can point fingers and say, you
12 know, it's because this; it's because of that. But this
13 is our home. Yeah. Our people, we're here from way
14 before. But what are we now? When the lady was saying
15 you don't have to say why it's important; you don't have
16 to tell what the story is. I know the story. But my
17 little girl sits back there, at 12 years old, and I've
18 never told it to her.

19 How many of you guys and your kids and your
20 grandkids know the story?

21 The councilman came up, and he said there
22 wasn't a budget to defend what we proposed. But our tribe
23 gave how many millions of dollars to name a stadium after
24 us. Really?

25 And how many times do you read in the paper

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1 they're giving away money to outsiders, people that -- for
2 what? I'd like to know for what. I've never asked. And
3 maybe I shouldn't.

4 When we're all talking about it, when these
5 things come up in our houses, in our families, between one
6 another, we have things to say. I know I do. When it's
7 just me and my mom or me and my sister or me and just
8 somebody I can be rude with, I have a lot of things to
9 say. But I've never, given the opportunity, stood up and
10 said anything about what I feel about how things are and
11 the way that we take care of each other.

12 Our kids, yeah, we could talk about our
13 kids. But how many of us send our kids to school every
14 day regardless? How many of us -- is it so important --
15 I -- I was wondering that just before all these kids came
16 in. Where are all the kids at? Why -- why didn't anybody
17 bring their kids? How many -- how many people younger
18 than me know what's going on and what it's going to cause
19 and all these issues?

20 For us -- well, for me, I don't trust a lot
21 of people. And it's hard to send my kid to school where I
22 can't pick and choose, okay, yeah, you can be her teacher;
23 no, you can't be her teacher.

24 But in our community, we have a choice.
25 We're supposed to be all related, and we're all supposed

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1 to help each other. And we're talking about what's going
2 to happen to us. It's not up to anybody else but us what
3 happens to us.

4 And our future, yeah, it -- it's up to our
5 kids. And I worry. I worry. Because I've worked with
6 kids from the time -- from 2002 to right now. The class
7 that I have, there's only one kid -- one kid -- they were
8 eighth graders when I was working there. And there's only
9 one that is now pursuing higher education. Just one out
10 of all those years that I worked with the school.

11 And just like that, when we vote for our
12 council and... I -- I stopped voting. I used to be
13 dedicated to the cause and go. And I used to go to Santa
14 Cruz. They used to have us go vote in Santa Cruz. But
15 for some reason, something that I never understood,
16 something that made me mad was they didn't have them
17 vote -- the villagers in Santa Cruz, they didn't vote
18 there. We had to come to District 6. And for why ever --
19 I don't even know why it made me mad. But I didn't want
20 to come vote somewhere else that wasn't where I could
21 vote.

22 And all these outsiders, it's scary. When I
23 was younger, they used to take us to the community
24 meetings where we used to have to ask them for money when
25 we were doing something or -- and I haven't been to a

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1 community meeting in I don't know how long. It just -- it
 2 just seemed like no matter what people said, no matter how
 3 many times, just like that, they voted, and yet still, it
 4 doesn't matter.

5 The council, whatever votes do, they're
 6 going to do what they're going to do. And you get enough
 7 people -- and that number he used -- Mike used, it was,
 8 what, 720 people? There's more than 720 people in this
 9 community. Where was everybody else?

10 I don't know what the future has. I don't
 11 know what we're all looking towards. I know -- what I do
 12 know is that my responsibility is to my child, my
 13 children, all my nieces, all my nephews, all the kids that
 14 I come across, to tell them and explain to them why it's
 15 important to get a good education, why they need it, and
 16 why it's going to help all of us in the end, not just our
 17 families, not just them and them and them, but all of us.

18 It's -- it's hard to put everything together
 19 in my head the way it's running through my head.

20 But I worry. I worry about what's going to
 21 happen. Yeah, if -- if that freeway comes through and --
 22 I don't want it. No way. No way. Everything that comes
 23 of it and because of it, the health -- we're -- it's up to
 24 us. The same thing with our health. We have to make sure
 25 that our kids aren't eating McDonald's and junk just

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1 because. We have to tell them, you know what? You
 2 pick -- you dropped that trash, you pick it up. You see
 3 trash, you throw it where it belongs. The things that we
 4 teach our kids and the things that we want them to know,
 5 it takes us to be those good people to make sure that they
 6 come up behind us and they have the same beliefs and they
 7 do the same things that we do.

8 It's hard. But I trust that if there's
 9 enough people -- all you guys, you guys are here, and you
 10 cared enough to be here. And that says something about
 11 all of you. And I thank you all for letting me see that,
 12 because I thought, when I came here, I was going to see
 13 like five, six people. And this is way more than I
 14 thought I was going to see.

15 And it's my fault for -- for not coming and
 16 trying to know what's going on myself. But I can talk a
 17 lot of stuff about the things that I think without knowing
 18 anything.

19 Thank you for the education. Thank you for
 20 the true facts that I heard that I didn't even know
 21 myself. Thank you for making me angry enough to want to
 22 do something about it.

23 I hope that all these kids, the ones coming
 24 up, even the babies, find it in themselves to feel
 25 something and do something. The people that can. 'Cause,

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1 yeah, you get enough voices -- and it does make -- it does
2 make it harder.
3 Thank you.
4 MS. KISTO: Thank you, Ms. Ortiz.
5 Next we'll have Ms. -- we'll just have you
6 come up now. You're familiar. I remember. But the name
7 is not coming to me.
8 Oh, yes. This is Ms. Connie Hunergardt.
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1 MS. HUNERGARDT: Thank you, Zuzette.
2 Can everybody please hear me? Thank you.
3 First of all, as I sat here and listened to
4 everybody speak, I hear you with heavy hearts. My heart
5 is heavy too. I heard Ms. Shelby speak long ago about the
6 progress. Times have changed. She's so right.
7 I remember coming back home, as a child,
8 over 50 years ago -- I'm going to just say over 60 years
9 ago, so you can figure out my age as I stand here.
10 But as a child, I remember seeing that Gila
11 River run. I remember seeing it go bank to bank. I
12 remember seeing my grandparents -- I'm a Perkins from
13 District 1. I'm also -- those are my paternal
14 grandparents. And my maternal grandparents are Ellas from
15 across the river.
16 But what I want to say, I remember, many
17 times, my grandparents, we'd go visit one grandparents;
18 we'd go visit the other. My grandfather would wade --
19 he'd take a walking stick way out in the middle of the
20 river to see, can we cross the river. Sometimes he would
21 take a child on his back to see if he could get to the
22 other side. And many times -- and I could not understand.
23 But his faith was so strong. Those rapids and the water
24 would be just twirling around.
25 And the water was clean in those days. It

1 was not dirty. It was not brown. It ran pure in those
 2 days. We even drank out of it. That was our drinking
 3 water. We even bathed -- I used to watch my grandmother
 4 go get the little buckets and build the fire and bathe
 5 each and every one of us. And thank God, the one who got
 6 in first, they were lucky, because there were seven of us
 7 children. So my grandmother -- I am truly blessed. And
 8 some of you may know what that means. I see a lot of
 9 smiles, but they're not laughing.

10 But anyway, what I want to say, stand up
 11 here, you know, you're all right. Every one of you.
 12 Every -- every one that spoke tonight, you're all right.

13 I also had the opportunity, growing up -- I
 14 worked on both sides of the world. And I wanted, part of
 15 me -- those that are people that are Anglo, white people,
 16 I had an opportunity to go on the other side of the world
 17 and on this side. My late father was a World War II
 18 veteran. And I know there's many veterans here tonight
 19 too -- or today. And I just want to thank every one of
 20 you guys, because you know what? You guys didn't have to
 21 go serve. You were not even United States citizens. But
 22 you guys served. You did. You took that oath. You took
 23 that oath, and under God, the greatest creator of all, our
 24 living God, our Heavenly Father, and you heard words
 25 talked about right now, about the creator, our Father.

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1 I also would like to -- and due respect to
 2 ADOT. I had the opportunity to work for the Arizona
 3 Department of Transportation, a great department, many,
 4 many years ago. And I want to tell you, when it came to
 5 the reservation, they were at heart. They met with many
 6 reservations, and they would check what those studies
 7 would be. They checked the lifestyle. They checked the
 8 water. They'll check -- somebody had so many horses,
 9 well, what's going to happen to my horses if you come on?
 10 They did all their homework. They wanted to make sure
 11 that road went through or went by their house. They
 12 crossed their T's and dotted their I's, ADOT did.

13 But then I heard this one lady speak up a
 14 while ago. And she said she went to her council
 15 representative -- and please, please go to your
 16 representative. You guys elected your representative at
 17 each council. And I go to mine. I had a problem this
 18 past year. I'm also a landowner. But you know what? I
 19 really don't own that land. It's allotted land. It
 20 belongs to the U.S. Government. We're only there in name
 21 only. That's it. And that's what we forget about. But
 22 most importantly, the land belongs to God, not to us. Not
 23 to us.

24 And another thing I want to tell you, she
 25 even spoke about council. You know, maybe, if all of

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1 you -- or all of these issues that you're talking about
2 could have been aired out at your council meeting, or go
3 to your council community meetings also. It just takes
4 that one vote. One vote to change everything. So please,
5 please remember that. Go vote. Go speak up.

6 A lot of you spoke up now. You go do that.
7 You have that right, every single one of you.

8 And thank you very much for hearing what I
9 had to say. And I'd like to say God bless each and every
10 one of you. And what happens, it's in God's hands. It's
11 in God's hands. And so I ask, you pray for what this
12 decision is going to be.

13 Thank you very much.

14 MS. KISTO: Thank you, Ms. Hunergardt.

15 Come on up.

16 And after the young lady, we will have
17 Darius come up to the microphone.

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1 COUNCILMAN VILLARREAL: Just real quickly, I
2 think there may have been some misunderstanding what
3 this -- this motion that was made. What this does is
4 authorizes a budget to defend the community's position in
5 a no-build of the freeway. I wanted to make that clear,
6 because it sounded as if we were just letting this go to
7 deaf ears.

8 I'm a District 6 representatives. You have
9 District 6 representatives in the room. You have
10 councilmembers. They all are in support of defending the
11 community and defending the health of this community.
12 Whether the record and discussion is made, this is the
13 position of the community that we're going to take.
14 Whether those folks that are coming up here and are up
15 in -- in support of that freeway, it doesn't matter at
16 this point. The decision has been made by this community.
17 They did speak through their vote.

18 So I want to make that real clear. So we're
19 going to defend you no matter what. And the defense fund
20 has always been there. But this authorizes a budget
21 solely to defend the decision of this community. I wanted
22 to make that clear to you all.

23 And we're still here for you. We're going
24 to be here even after this meeting to answer any
25 questions, clarifications, whatever it is that you may --

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1 I know there's probably other issues. And this is the
2 time to grab us. That's why we're here.

3 Thank you.

4 MS. KISTO: Thank you very much Councilman
5 Villarreal. Next we'll have Carmelita Webb.

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1 MS. WEBB: Well, good morning, all. We all
2 heard -- well, we all heard the voice of our elders and
3 people -- people older than me. And I am a child of
4 District 6 community, 13 years old.

5 And -- well, I'd like to say the -- even if
6 it's on or off the reservation, the pollution, the air and
7 everything is going to come towards us. And I myself --
8 and we like being -- I like being outside. I like taking
9 walks every day. I wake up every morning to get ready for
10 school. I look up to the mountains, and I pray every
11 morning, once I get up, to have a good day.

12 And I hear other teenagers talking about
13 going out and leaving their families. Now, even if it's
14 on or off, the bus route still goes through here, so
15 they'll have a bus that takes probably close to -- close
16 to the freeway. And they might go out, get into trouble,
17 do something bad for themselves, which causes probably
18 more trouble for teenagers nowadays. They may want to go
19 out and do whatever.

20 But -- yeah. And I just wanted to come up
21 to say I listened to all you -- all -- everyone who speak,
22 I listened to all your comments. And it just gave me the
23 courage to come up here and say what I wanted to say. If
24 I were to legally vote, I would vote no. But now we have
25 no choice. The choices already have been made. And if we

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1 all had a choice, we'd probably all vote no. Everyone
2 standing would say no, when, before, we could have all had
3 a choice. But we all weren't here to make the decisions.
4 And -- and -- yeah. That's all I have to
5 say.
6 MS. KISTO: Thank you, Ms. Webb.
7 Next we'll have Darius Enos. Come on up.
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1 MR. ENOS: Hello. My name is Darius Enos,
2 and I'm from Santa Cruz Village, well, actually, between
3 Gila Crossing and Santa Cruz, at that cul-de-sac.
4 My dad is building a -- like a mud house.
5 And it's a very good example of sustainability that I
6 don't -- I'm not sure if the tribe has looked into when
7 fulfilling our housing needs. But it's for sustainable
8 purposes. It's going to keep our -- our family cool in
9 the summer, and it's going to keep us warm in the winter.
10 And it's going to be a reproduction of how homes were
11 built prior to what we call so-called progress.
12 And I know that's been a theme that's been
13 discussed is progress; it's coming. Well, did you know
14 that with progress, it -- comes all these -- these bad
15 statistics for our community? We say that manifest
16 destiny's coming. It's happening. But all of these --
17 these things, these diseases, these -- alcohol abuse,
18 domestic violence, violence against women, the
19 sexualization of women. We -- we don't really value who
20 we are as O'odham and as -- as a people, as spiritual
21 beings and -- that was placed in this desert.
22 Why we don't really necessarily question why
23 we're here, because we're participating in the economy.
24 We're trying to feed our families. And yet originally, we
25 had the water to -- to make our own gardens, to provide

1 for our own families. And we also had lawyers to defend
 2 those -- those gardens, whether it be from the Apaches,
 3 whether it be from Spaniards, whether it be from the
 4 Miligan.

5 And -- and I want to commend the runners. A
 6 lot of you that are from here -- especially if you're from
 7 here, I'm very proud of you guys. Especially if you're
 8 young. You could be anywhere else. You could be watching
 9 cartoons. If it was me at that age, I'd be watching
 10 cartoons.

11 The Dineh, Eric, thank you for being here.
 12 If you're from any other tribe. I think there's even a
 13 non-native running.

14 So this particular issue, there's people
 15 that aren't even O'odham that are fighting this freeway.
 16 So it's not necessarily just an O'odham issue. But for
 17 the purposes of this forum, it is. But I just wanted to
 18 tell you guys that little tidbit and give you guys hope
 19 that, you know, it's not just us that are in opposition to
 20 this freeway.

21 And the main thing I wanted to say was --
 22 was this quote, these statistics from this book called
 23 'Bird on Fire: Lessons From the World's Least Sustainable
 24 City.' And it's by a man named Andrew Ross. So -- so one
 25 of the quotes that -- that stood out -- I barely have,

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1 like, an example copy of the book. I haven't purchased
 2 the whole thing yet. So there's a lot more information
 3 on -- in this book, I'm pretty sure, that I haven't even
 4 tapped into yet.

5 But one of the statistics was from 1990 to
 6 2007, Arizona added fossil fuel pollutants faster than any
 7 other state. The rate of increase was more than three
 8 times the national average.

9 And if you guys think about what this
 10 freeway, what kind of impact does that have on our
 11 pollution? I think -- I'm not too sure Gila River has air
 12 quality awards for really good air quality, but what is
 13 that going to do to our -- our health?

14 And there's also other -- by 2005, the
 15 Valley's infamous brown cloud was drawing the lowest
 16 national grades from the American Lung Cancer Association
 17 for air quality in both ozone and particulates. And in
 18 2010 we claimed the number one spot for dust pollution.

19 So I don't know if that's something that's
 20 in the FEIS. But it's definitely something to consider.
 21 And I'm not sure why there isn't a FEIS for different
 22 communities, whether they be on reservation or off
 23 reservation. I don't have -- I don't -- honestly, I don't
 24 know if anyone has time to look at, you know, Buckeye's
 25 FEIS or Laveen's FEIS or Ahwatukee's FEIS. Our main

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1 concern is -- is our community. And why couldn't there be
2 a separate FEIS for us to look at, whether it be on or off
3 the reservation?

4 So with that being said, that is -- I think
5 that is a form of blatant racism. We're a marginalized
6 community as it is. We -- like the elder, Mike
7 Tashquinth, said, we've given a lot, in our history, to
8 the non-natives. And we continue to do that today with
9 casino revenue.

10 So I think we're a very important
11 population, and -- and -- we are. And I hope that people
12 consider that when they're making their decisions, whether
13 it be like the political vote or a political speech. But
14 there's things that you can do that doesn't involve
15 politics, like -- like Renee does or -- or Mike or the
16 runners. They took their time out of their day to make a
17 statement. They ran from Muhadagi Do'ag to here along the
18 freeway and the potential freeway lines route. And I just
19 wanted to give you guys hope, and remember that we did --
20 we do continue to give a lot to the state of Arizona.

21 And, you know, I've been here before. I've
22 talked in front of people. I've been to a few council
23 meetings. And I'm glad that Councilman Chris Villarreal
24 stepped up and said that. I think a lot of us are
25 wondering what is council -- what their position is with

1 the freeway, because they've -- you know, they've come up
2 here, and they've said it's -- it's -- they're just fine
3 listening to everybody, and they're not ready to make a
4 decision. They've said that here today. And so I'm glad
5 Council Villarreal said that -- that the position is to
6 defend our air quality. And I think we're all -- we'll
7 all hold you up to it.

8 And so thank you.

9 MS. KISTO: Thank you, Mr. Enos.

10 Anybody else?

11 Ma'am. Next we'll have Monique Rodriguez.

1 MS. RODRIGUEZ: Good morning, everyone. My
2 name is Monique. And I'd just ask you to open your hearts
3 today and listen.
4 I'm here just to share my reason why I'm
5 against the freeway. That mountain is sacred to us. It's
6 our creator's home. I've shared so many prayers on that
7 mountain. I run through that mountain four to five times
8 a week.
9 I'm sorry I'm crying, but it just hurts,
10 because I've shared my heart with that mountain so many
11 times.
12 One of the most personal prayers on that
13 mountain was about my grandma. Coming through that
14 mountain, my creator told me what was going to happen
15 here. And I knew. And as I was finishing, I got the call
16 and found out that she was going. But I told -- told them
17 I knew.
18 But I'm just asking that you try to
19 understand that it's not just a mountain. It's -- it's a
20 part of us. And if you -- even if it's not going through
21 our community, our boundaries, it's still our mountain.
22 It's still a piece of us. I ran across the whole mountain
23 and just being on the other side, I didn't feel that that
24 wasn't a part of our mountain. The minute that I stepped
25 on that mountain to the end, finishing here, it was still

1 our mountain. That's our creator. That's a part of us.
2 And I'm just here just to say to try and
3 open your hearts and try to understand and put yourself in
4 our shoes and just open your heart and try to understand.
5 If you were us, if you were me, how would you feel? Just
6 try. You might get lost in your job and money, but let it
7 go and open your heart and try to understand. Close your
8 eyes and just try to feel it.
9 That's all I have to say. Thank you.
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1 MS. LEWIS: Good morning. I'm Edwardene
2 Lewis. I'm from District 5, but I've been living here
3 for, like, 18 years. Actually, I wasn't even really going
4 to stay here. It was just, like, for the time being. I
5 lived in Casa Grande for many years.

6 And -- so I'm against this 202 building.
7 Just like they say, you know, I've gone to the meetings
8 and asked you for your opinion, which I try to. And it's
9 just, like, oh, you know, they don't want to hear it. It
10 doesn't make a difference. Whatever we have to say, it
11 doesn't matter. Our voices don't matter. What they
12 want -- anybody that has the right to make the choices,
13 what they want to do, that's what they're going to do.
14 And, you know, they're not listening to the people.

15 Anybody has something to say -- and just
16 like Lisa had said, yeah, when we're talking about change
17 and stuff like that, you know, and talking about there's
18 not enough money for the budget on this, and it's going to
19 cut into the per cap. That's okay. That's fine with me.
20 I don't care. Because per cap, all that just has all the
21 people, the young people here, all they're using the per
22 cap is drugs, alcohol. They're -- they don't think about
23 their families. So that's money for everybody, per cap.
24 That's fine.

25 I could stand here and say, yeah, I want the

1 202. I'm getting told I'm going to be going soon anyway,
2 you know; it's not going to affect me. But it's going to
3 affect all our grandkids, great-grandchildren. And that's
4 something that everybody needs to think about. If we only
5 think about ourself, we're just being selfish. If means
6 money for us, okay, yeah, let's do it. You know? That's
7 not right.

8 Our land, you know, it -- we were connected
9 to Salt River. We're not connected to Salt River anymore.
10 As you all know, there's Phoenix, Scottsdale. We were one
11 whole big -- you know, our tribe was really big at one
12 time. And slowly, they're getting into, you know, taking
13 land here and there. Slowly it's happening. And you guys
14 are not even aware of it.

15 And I'm kind of ashamed to, you know, think
16 about the people that are making these choices. I'm
17 ashamed for -- I'm not them, but it's -- it's a shame,
18 because they're not thinking about our people.

19 If you -- there's people that they say that
20 they're -- that they are into prayer, the elder people,
21 into prayer, and that they're -- that they're really --
22 what's the word I'm trying to look for? Like know the old
23 things. Then why are they making the bad choices? This
24 is what I see.

25 And, you know, it's saddening because our

1 children are getting sick. You guys don't understand it.
2 You don't see it. And it will be worse if that freeway
3 goes through here.

4 I recently started running. And we do run
5 that mountain. And, you know, we've seen the lines that
6 are out there. And, you know, running is not an easy
7 thing to do. I can tell you that right now. But, you
8 know, it -- it helps. If you're a runner and you pray,
9 you'll understand what I'm talking about. And when we do
10 this, we always pray for -- when I'm out there, I pray for
11 my family. Sometimes when we -- you know, I'm out there,
12 I pray for our community.

13 I'm not from here, but I've been here for a
14 lot of years, so I kind of figure myself as being from
15 here. And I pray for everybody that lives in this
16 community.

17 I was in the women's run. Every village we
18 went through, I prayed for that community. I didn't pray
19 for myself. There was a lot of women that went through a
20 lot when we did that run.

21 And I just hope that, you know, a lot of you
22 here, if you have anything to do with it, you know, I just
23 hope you guys make the right choice.

24 That's all I have to say.

25 MS. KISTO: Thank you, Monique and

1 Edwardene.

2 Is there anybody else?

3 I believe it was the gentleman there, and
4 then you're next after this gentleman.

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1 MR. JACKSON: Good morning. My name is
2 Alvin Jackson. I'm from District 1 original.
3 And I just want to remind everybody to get
4 out and vote. Because you don't realize how important
5 that is.
6 Some lady here had commented before about
7 how this has come up for group discussion and election,
8 votes, about what the community wants. But still we're
9 talking about it? You've got to remember that you are all
10 citizens. You're all citizens of the state of Arizona and
11 of the United States. You need to get out and vote. Let
12 those people know what you want.
13 Politicians, the only thing they understand
14 is a vote either for them or against. That's all they
15 understand. No politician has ever probably run for
16 office just one term and then given it up.
17 I would ask that the current governor-elect
18 of our community draft a letter to Doug Ducey to see what
19 his stance is on that -- this matter is. And you have to
20 let him publish in our tribal paper and then have his
21 response printed in the paper also so when he comes to us
22 for reelection -- 'cause I'm pretty sure he will run
23 again -- that he will know how the members of this
24 community will vote.
25 The master elections are coming up. You

1 need to get involved. You don't think that stuff. Your
2 vote counts. Currently, in Southern Arizona, one of the
3 offices has to go for a recount probably because it's that
4 close. You have to vote.
5 On the way down here, driving down Riggs
6 Road -- you know, we've got the border patrol running up
7 and down Riggs Road. And that affects everybody within
8 the community. There's a notation over here saying that
9 this thing's coming up for funding in the year 2015.
10 Those monies, which could have gone towards all this
11 border enforcement and stuff like that probably could have
12 been used for funding for a lot of this freeway stuff we
13 wouldn't have to be paying for.
14 You need to know or research which one of
15 the parties or the people running for the office, what
16 their stances are, and then vote for whatever the best
17 for -- not only for this community but for this country.
18 Sorry. Just get out and vote. That's all I
19 ask.
20 MS. KISTO: Sir, go ahead, if you'd like to
21 come up and comment.
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1 UNIDENTIFIED SPEAKER: Good morning,
2 everyone. Or good afternoon in Indian time.

3 I hear the people, the elders. I hear two
4 worlds, the white man world and the Native American world.
5 Many years ago, this -- this is our land to this day.
6 We're not the only Native Americans in Arizona that are
7 fighting the white man. We've got a lot of nations, the
8 Palos, the native tribes all over, and even the Mexicans
9 across the border. We forget who we are sometimes when we
10 look at running for office or government to see what we
11 need for our people.

12 Sometimes we look at the money for our land
13 and our homes and our people and our elders. All that
14 land, we can use it. We can make profit of our own tribal
15 lands. We can put hay on it, farm on it, vegetables,
16 something that we can use.

17 These casinos where the white man works,
18 they're destroying our family and our nation. These
19 casinos is about money, property. Who's going to get so
20 and so. The money was supposed to be vested in our
21 people, to education for schools, benefit for things that
22 we need for our elders, things that -- try to look on the
23 bright side. But every time we look at it, it's about
24 land, the freeway, the new casinos coming.

25 To this day, Navajo Nation, a lot of the

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1 tribes are still fighting the white man. The white man
2 can say what they want. What do we get? Little bit. Not
3 as much.

4 It is true what the elders said many years
5 ago, before Christianity came in. The medicine men, they
6 already knew what was going to happen around the world.
7 They already knew what was going to happen. To this day,
8 they said our young people today may go and graduate and
9 learn the white man's way, to be educated, come up here,
10 and protect our people.

11 It is true South Mountain is very sacred
12 land from the south to Salt River to this day, that's in
13 the Navajos and the Hopis. There's a story behind that
14 South Mountain. It's very sacred. And also the Man in
15 the Maze, that's his home.

16 White people want to destroy. You talk
17 about land. Look at all the land that you guys want to
18 use. We can do a lot of things with that land. We can
19 get the water running through there, do some crops,
20 harvest it. People that have cattle and horses, we can do
21 hay on it. There's a lot of things that we can do.

22 But it's us. The laziness. And that's how
23 the white man's going to look at it. But screw the white
24 man. Their fathers, their great fathers -- General Custer
25 took all the land, pushed all the Native Americans from

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1 the north to the south to the west. Because the land, the
2 oil, and the copper.

3 We get in these casinos. These casinos are
4 supposed to be benefit for our people, to give them jobs,
5 you know, to better their lives. But we're still fighting
6 with these casinos because there's more non-Indians in the
7 casino. It was a lot better when it was still under Gila
8 River Gaming Enterprise. But now, when the new company
9 came in, everything went downhill.

10 We're losing our young people. We're losing
11 our people that are supposed to help benefit our tribe.
12 To this day, many of our young people that are working the
13 casinos, there's a lot of misunderstanding in the
14 politics. Our budget, money-wise, our benefits, our
15 401(K).

16 To this day, what I think, and to all the
17 nation, you open a one-step freeway, we forget who we are.
18 We are the Gila River people. We're the third-largest
19 tribe. I think so. They say there's two largest tribes
20 that's going to take over, going to wipe out the
21 reservation, the Navajo Nation and the Tohono O'odham
22 Nation. They want their land back. All these years
23 they've been put through.

24 That's why they want another casino. The
25 monies, the fundings, our per cap should get a little bit

1 more instead of being selfish and putting new things for
2 the state. Some of our elders need transportation.

3 Tomorrow, there are things that we need to be done on the
4 reservation. It is true.

5 But our elders have spoken. The Great
6 Spirit -- before the white man had came in this world, the
7 Christianity began in the long ago, the old people said.
8 The Old Man in the Maze said there was somebody more
9 powerful than him, stronger than him that we're going to
10 hear a lot. We're going to lose our language. Everything
11 is going to die. It is true. It is written.

12 To this day, we -- we -- as we look at
13 ourselves, we still don't trust anybody, especially
14 Christian people. Our government, the President, don't
15 understand the history, how we became and how we united.
16 But long ago, there was a tribe called the AIM. They
17 fight with what they believe in. To this day, there's a
18 lot of American Indians that are still fighting. They
19 want what's best. But with the politics, the council, the
20 government, it's about money.

21 There's something you can do with these
22 lands. Our agriculture, our farming. All the culture and
23 farming was taught many years ago to our people up the
24 Gila River. All this was all green, farmlands, people.
25 Horses and cattle and grain on it, or corn or squash. But

1 today, it's a modern life. We want the easy way out of
2 life.

3 But as we go through that in life, we're
4 still forgetting who we are. But the ones that know the
5 Indian way of life, we're never going to have problems,
6 because we know -- we know how to survive the white man's
7 world. To this day, we're as one. This freeway, our
8 mountain, our sacred is very valuable to our elders. The
9 wars that we fight, it's not our war. Our war is -- we
10 fought for what we believe in. That's our war.

11 And it seems like we're fighting these white
12 men because they don't understand the Indian way of life.
13 Same as we live in the white man's world. We live off the
14 reservation. We're still trying to teach the white man
15 how to do things like they were trying to teach us long
16 ago.

17 Just look at it, everything that we do. We
18 don't trust anybody nowadays, especially our own
19 government, especially the President. But as -- that is
20 us. We are the people with all nations.

21 You know, we had a good size per cap a
22 couple years back, 500. Now it's down to 200, 300. This
23 freeway, if it does go through, if it doesn't go through,
24 it is said, the white man's still coming. But we can
25 outsmart the white man. We can outsmart -- this is our

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1 land. We're going to farm on it. We can do things with
2 it to teach our kids, their grandchildren about what the
3 river did to the people that used to live here. And we
4 still live here.

5 The river meant to us a lot of things. A
6 lot of people don't want to hear the truth because they
7 don't want to hear the truth. They want to go -- they
8 want to understand and believe. There's voting. Our
9 council, our governor.

10 Our governor, he should understand where
11 they come from and how we believe in. But no. It's about
12 money. We've got to stop and think. What would be best?
13 Don't sell your land. We can use it.

14 That's all I've got to say. Thank you.

15 MS. KISTO: Thank you, sir.

16 We have time for one last comment before
17 closing. Anybody?

18 Rolinda Perez will be next. And after
19 Rolinda, then we'll have the closing by Lieutenant -- I
20 mean Governor Lewis Elect (sic). And then we'll have a
21 blessing. And we have lunch provided for all the
22 participants that showed up today for the event.

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1 MS. PEREZ: Hello. I've been on this
2 reservation over 35 years. And I moved off of it to go
3 into Phoenix. Myself and my children ended up having
4 asthma. And it was really bad, to where they had to have
5 medication, the machines at home to breathe on every four
6 hours, inhalers.
7 And we finally got a house down here, moved
8 down here, going to be ten years ago. My children are now
9 off the medication. They no longer take machines. Their
10 inhalers are only used only during the dust storms that we
11 have here. And they do sports. They're doing things that
12 they couldn't do before. And my worry is if the freeway
13 comes in, what that's going to do to us again, having
14 asthma, and to all of you who have asthma.
15 Thank you.
16 MS. KISTO: Thank you, Rosalinda.
17 At this time I just want to thank everybody
18 that came out and participated and helped to put this
19 forum together. Just, again, thank you for your time.
20 I'll have Governor-Elect Lewis come and do
21 the closing.
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1 GOVERNOR-ELECT LEWIS: As is our custom,
2 I -- if an elder wants to speak, we're going to keep the
3 mics open for as long as we want. So I'm going to have
4 one of our elders come up and speak. Also, she's one of
5 my relatives too, so I'm going to have to have her speak.
6 Thank you.
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1 MS. ROBINSON: I'm glad for the opportunity.
 2 I could not have gone away today without having said my
 3 words.

4 First of all, I would like to say that I'm
 5 very glad for this meeting that took place today for many
 6 reasons, one of them, first of all, no matter how harsh
 7 the words today for the ADOT representatives, they needed
 8 to hear this once again and maybe in a more powered way
 9 that was displayed here today.

10 One thing you learned in all of this,
 11 together, learned today as a community, is that we have a
 12 voice, that we are empowered. We can say what we feel
 13 without fear.

14 And also, we hope -- one thing I regret that
 15 did not happen today is that we did not have our council
 16 representatives. And you are the ones we should be
 17 speaking to today. You are the ones who are going to make
 18 this final decision. That's what should have happened
 19 before we had the ADOT people come in today. I believe
 20 that. Because we are community, we are empowered to
 21 discuss and re-discuss things among ourselves and to do it
 22 in a productive and constructive way.

23 The young man over here talked about
 24 marginality this morning. I'm a retired teacher, and
 25 that's one of the things that I learned in education.

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1 When we go on to become educated, we learn that we can
 2 assume marginality, which means that you are empowered to
 3 live within two worlds. But we have the power to choose
 4 those -- those things in life that affect us in a
 5 productive way. And we can leave those alone that do not
 6 affect us, those negative things. We have that power.
 7 That's marginality.

8 And we go to the movies when we want to. We
 9 come back home, and we're among our family and do the
 10 things we want to do as Native people. We go to the
 11 different places, restaurants to eat, and we run into each
 12 other down in Chandler, different places, and enjoy the
 13 other things in life. But yet we come back home, and
 14 we're a community, and we're all family.

15 And we -- you know, like my sister was
 16 saying, there are seven of us that had to share the same
 17 tub. And we didn't like it -- want to be the last one
 18 either. But in those -- well, you older folks who know
 19 about that, you know what that's all about.

20 The river was our lifeblood, as an Indian
 21 community, because we were a farm nation. You know -- and
 22 you see the river today. So I'm telling you today, as
 23 Native people and community members, you know, look into
 24 your hearts and trust, you know, your beliefs and go with
 25 your decision and do it for yourselves, because you know

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1 in your heart what's best for you and your families.
2 And I hope that the people here today
3 listened with open minds, open hearts, and didn't take
4 anything personally that was said but took it in a way
5 that should be taken, constructively.
6 Thank you.

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1 GOVERNOR-ELECT LEWIS: Thank you. And I
2 can't say anything better than those words, just that I'm
3 so proud of my community.
4 I'm proud of the young people that are here.
5 I'm proud of the elders that are here. I'm proud of the
6 veterans that are here. I'm proud of everybody that's
7 come together, our leadership here. And, you know, it's
8 incumbent upon us, as leaders, to keep on listening to the
9 people. 'Cause our government only protects us and its
10 legitimacy when we do right by the people, when we listen
11 to the people, when it's the people's best interest that
12 are served, our community as a whole are served by our
13 government. And so we have to -- that's -- that's our
14 responsibility. That's our charge. And we have to keep
15 on. Keep on. It's a hard -- but it's easy. And it's so
16 easy, as well, to listen to the people's wishes.
17 You know, I'd like to, you know, end this in
18 a good way as well. It's our custom that we -- we end
19 with a meal. And a couple of -- of housekeeping.
20 One is we're recording this, and so you see
21 the camera in the back. And that's -- that's the
22 community's equipment. So this will be recorded for
23 posterity's sake. And, you know, we'll -- this will be
24 able to be accessed by our community members.
25 Also, you know, there was a -- referred to

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1 are these four resolutions, one in regards to the -- our
 2 four O'odham tribes that work together and that protect
 3 each other's interests and support each other in times
 4 such as this. There's a resolution -- there's a
 5 resolution by -- by our tribal government. There's a
 6 resolution by our elderlies. So there's four resolutions
 7 that should have been up. And I apologize for that on
 8 behalf of our community government. But we'll make sure
 9 that those will be posted on our community's website.

10 And also, you know, if you leave your e-mail
 11 and your address, we'll get copies of that -- the public
 12 affairs and the community council secretary's office,
 13 we'll get those -- we'll get those -- those copies to you
 14 as well. So please leave your contact information on the
 15 way out as well.

16 And so at this time, though, I'd like to
 17 bring up an elder from District 6, St. John's, Komatke,
 18 Mr. Urban Giff, an elder, a veteran, and one of our
 19 illustrious community managers who has served our
 20 community for -- for many years.

21 Mr. Giff.

22 MR. GIFF: Thank you very much.

23 For those who may not be aware, I'm from
 24 here. That's why I get the honor of -- of this -- this
 25 moment. I was born in Santa Cruz, grew up in Santa Cruz

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1 in Komatke. My parents grew -- were born here and grew up
 2 here, my grandparents as well, and their parts as well.
 3 So we're from here. So I'm home.
 4 So as is customary, I see that District 6
 5 still prefaces that we invite and we welcome anybody and
 6 everybody that's here. And that's what this group is
 7 like. It's not just special for Arizona Department of
 8 Transportation or the Federal Highway Administration or
 9 whoever else staff is here to share this morning with us,
 10 to hear the comments from the people that have spoken.
 11 But it's for everybody.

12 And so the people that spoke, thank you very
 13 much for sharing your feelings, your emotions, your
 14 thoughts, your ideas, because that's what makes us who we
 15 are, strong people, because we're able to say things and
 16 speak things. And we're also able to listen and
 17 understand.

18 So with this time, because it's past the
 19 noon hour, I've been asked to say the prayer. And I
 20 forgot to ask him whether it should be a long prayer or a
 21 short prayer. So I'm going to use a prayer that some of
 22 you may know that I learned from my parents and from the
 23 missionaries here when I went to school.

24 So please let us, at this time, turn our
 25 hearts and minds to the Creator, to the Great Spirit, to

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1 Joish.
2 Bless us, oh Lord, and these, thy gifts,
3 which we are about to receive from thy bounty through
4 Christ our Lord. Amen.
5 Thank you.
6 MS. KISTO: Again, please feel free to leave
7 your name, e-mail address at the table as you exit the
8 door. And help yourself to a lunch bag.
9 Again, thank you so much for coming. Really
10 appreciate your attendance.
11 (TIME NOTED: 12:08 p.m.)
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1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF MARICOPA)
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6
7 I, CHARLOTTE LACEY, Certified Reporter No. 50859 for
8 the State of Arizona, do hereby certify that the foregoing
9 printed pages constitute a full, true, and accurate
10 transcript of the proceedings had in the foregoing matter,
11 all done to the best of my skill and ability.
12
13 WITNESS my hand this _____ day of _____
14 2014.
15
16
17
18 CHARLOTTE LACEY, RPR
19 Certificate No. 50859
20
21
22
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24
25

APPENDIX D

RECORD OF DECISION SUPPORTING DOCUMENTS

The documents provided in **Appendix D**, *Record of Decision Supporting Documents*, are referenced in the responses to public comments on the Final Environmental Impact Statement. They include:

- Internal Federal Highway Administration memorandum, *FHWA Validation of Alternative Screening Process for the South Mountain Freeway* (D1)
- E-mail from the U.S. Environmental Protection Agency, Region 9, regarding the project-level conformity determination (page D5)
- Two historic planning documents from the City of Phoenix: *Phoenix Concept Plan 2000* (page D6) and *Phoenix Urban Village Model, General Plan 1985-2000* (page D28)
- Letter from the U.S. Army Corps of Engineers related to the strategy for Clean Water Act permitting for the project (page D45)
- E-mail from the Gila River Indian Community Department of Transportation with comments on the project’s Initial Location/Design Concept Report (page D46) and meeting notes from a comment resolution meeting (page D47)



Memorandum

Subject: **FHWA Validation of Alternatives
Screening process for the South
Mountain Freeway.**

Date: September 25, 2014

From: Alan R. Hansen
Team Leader
Planning, Environment and Realty
Phoenix, Arizona

In Reply Refer To:
202-D(ADY)

HAM-AZ

To: Karla S. Petty
Division Administrator
Phoenix, Arizona

In order to confirm the information contained in the Technical Memorandum prepared by the Arizona Department of Transportation (ADOT) by the consultant HDR regarding Validation of Alternative Screening Process at the Final Environmental Impact Statement (FEIS) stage of the South Mountain Transportation Corridor study, the FHWA Arizona Division carried out an independent review of the alternatives that were eliminated through the screening process. In addition to the subject Technical Memorandum, the Division also used the various documents reference in the Technical Memorandum and particularly, the 2012 and 2014 versions of the Traffic Overview. The Traffic Overview documents are important because the 2012 version is based on an extrapolation of modeled traffic data that was used in the early screening process, and the 2014 version is the modeled traffic data that was updated with the Maricopa Association of Governments (MAG) revised traffic and socioeconomic information based on the 2010 census data. Both of the Traffic Overview documents were reviewed by James Colyar and Ed Fok, who are traffic experts in the FHWA Resource Center, and they found the modeling used to be consistent with established FHWA recommended practices.

**Elimination of Transportation System Management (TSM),
Transportation Demand Management (TDM), Transit, Arterial Streets
and Land Use** – This analysis looks at whether other modes of transportation could be used as opposed to a freeway alternative to meet the purpose and need of the project. The supporting documentation for this discussion is in the

DEIS. There is not a lot of quantification in the DEIS with regard to these alternatives, however a few key points are that the projected traffic for the freeway is 175,000 vehicles per day (vpd), and the modal alternative that would be able to handle the greatest amount of that demand is a light rail transit system. The existing Phoenix metro light rail transit system, which is built around areas that have greater demand centers, currently handles around one quarter of the projected demand. Based on this, I agree that the modal alternatives alone would not be able to meet the purpose and need of the project. Since the projected traffic for the project that I used is from the 2014 Traffic Overview and the Phoenix metro usage is based on the City’s numbers, I believe this analysis to still be accurate.

Elimination of Corridor A – this alternative was eliminated very early in the process because the ADT maps showed that this alternative would serve the least amount of traffic. The alternative would serve approximately 30% less traffic than any of the other alternatives. An alternative that serves such a significantly lower volume of traffic is less responsive to the regional transportation demand component of the purpose and need and was therefore eliminated.

This screening was done in 2003, so the question is whether the Corridor A alternative would still lack viability given the updated traffic projections. However, since Corridor A was eliminated early in the process, it was not carried forward in the modeling using the updated MAG Traffic and Socioeconomic projection and it is not possible to do a direct comparison of ADT maps. However, it is possible to review the base factors that would have influenced the modeling done in 2002 and determine whether there were any changes to those factors and thereby change the outcome of the model if it were recreated today.

The first factor is the population within the service area of the freeway. Referring back to the Traffic Overview documents, Corridor A is located in the southwest regional population center. It is expected that users of the transportation facility are generally from the regional population center that is served by the facility. In comparing the 2012 Traffic Overview, which is extrapolated from the 2000 census, to the 2014 Traffic overview which is based on the 2010 census, table 4 of the Traffic Overview’s show that the population for 2035 in the southwest region dropped from 808,800 with the model based on the 2000 census to 521,000 with the model based on the 2010 census. This demonstrates that the growth for the region directly served by Corridor A has seen a 36% reduction in projected population, and has been significantly affected by the economic downturn that started in 2007. This factor is a good indicator that Corridor A would be even less viable of an alternative based on the updated traffic and socioeconomic information.

The second factor is the modeled ADT volumes, which are included in table 8 of the Traffic Overview, on the roadway network in the area of the proposed freeway. The modeled roadway most relevant to Corridor A is I-10 (115th Avenue to 107th Avenue). This segment of I-10 shows an increase in traffic of

around 7% between the two models. Since the gap in the traffic served was originally around 30%, a change of 7% would not be enough to change the screening process results.

The final factor worth considering is out of direction travel. Roadway users who wish to continue North on SR-101 would be subjected to approximately 5 additional miles of out of direction travel over any of the other alternatives. This factor has not changed from the original analysis.

Based on the above factors, I conclude that validation offered in the alternatives screening Technical Memorandum is accurate and that Corridor A would still be less responsive to the regional demand component of the purpose and need and should be eliminated. The project team also uses the local government general plans to show that the local governments planning efforts do not contain an alternative for Corridor A. The local planning efforts are primarily a factor from the standpoint that the local governments in the Corridor A and B regions are opposed to having the freeway within their jurisdictions due to the impacts that it would have in their communities. Further, had Corridor A moved forward, it would have been eliminated due to other factors such as traffic operational problems associated with having two system interchanges less than three miles apart, costs associated with right-of-way (ROW) that would be needed to construct a longer project, and the above mentioned local government planning efforts.

Identification of Technical Alternatives – this was a process of taking the large number of alternatives that were originally proposed and combining them into a reasonable number of alternatives to carry forward. The basis for the validations offered in the Technical Memorandum was that, while there had been changes to population and housing growth, the physical environmental constraints, design criteria and engineering feasibility had not changed. I agree with that position. I think it is further of note, that the project team added more alternatives for screening that came up during the development process. To my knowledge, there are no proposed alternatives that were not considered as part of the screening process.

Elimination of Corridor H – Corridor H consists of alternatives on the Gila River Indian Community (Community). The project team’s validation is that there has been no change in the Community’s opposition to constructing the freeway on their land. We have now been working with the Community for a number of years on this and my observation is that the Community continues to be divided on the issue. There are a fair number of Community members who see the freeway as having a negative impact on their culture, through things like increased traffic, noise and visual impacts. There is also a strong contingent of Community members who see the freeway as bringing economic development opportunities. The overall Community perspective on the freeway was and is constantly changing, however I believe the decision we must abide by is the referendum by the Community members in 2012, which is also a tribal resolution, stating that they do not support the freeway being located on Community land. So based on this I agree with the elimination of

this alternative.

Elimination of the Riggs Road Alternative – I agree with the validation offered in the Technical Memorandum. As noted in the elimination of Corridor H, the Community is opposed to alternatives on their lands. Riggs Road also has substantial out of direction travel and would not meet the projects purpose and need. I would further note that the Community is already unhappy with the amount of non-Community traffic (primarily trucks) currently on 51st Avenue. I believe that their opposition to a freeway on the Riggs Road Alternative would be even greater than their opposition to the Corridor H alternatives.

Elimination of the SR-85/I-8 Alternative – I agree with the validation offered in the Technical Memorandum. This alternative is so far out of direction that it would not meet the regional transportation demand portion of the purpose and need for the project. Not mentioned in the screening process is that this alternative lies outside of the MAG region, which means that the project could not be funded using Proposition 400 funding (a major source of funding identified for the project) and in order to fund it there would have to be changes to the funding distribution set out in the Casa Grande Accords with regard to Federal funds. This is important from the standpoint that the project would not meet fiscal constraint.

Elimination of T05, T07, T08 and T09 – I agree with the validation for elimination of alternatives T05, T07 and T08, which were all screened out based on location of system to system interchanges within 3 miles of each other. The Traffic Overviews also show that the freeway traffic volumes, even with the updated MAG Traffic numbers, would still be great enough that having system to system interchanges so close together would cause traffic operational failure of the freeway mainline. This is primarily caused by weaving sections that are created when major freeway ramps are located in close proximity. I concur with the analysis that the system to system interchanges should be located more than three miles apart in order to avoid the reduced traffic operational characteristics, such as delay, congestion and increased crashes, associated with heavy weaving areas on the mainline. However, using this reason for validation of T09 is not appropriate. T09 actually ties back into I-10 at SR-101 and would not be within three miles of another freeway system to system interchange. So I do not concur with using system interchange spacing as the validation for T09.

However, in considering the other factors that are discussed in the Technical Memorandum associated with the T09 alternative, it does appear that it should still be screened out. Of particular note is that poor roadway geometrics in the form of sharp curves that would be required to bring the freeway from its location one mile to the west, back to where it would need to tie into I-10 at SR-101; the greater impact on Tolleson, which was opposed to the freeway in their town; and the greater cost of construction and ROW associated with this alternative.

In summary, I concur with the validation offered for the T05, T07 and T08

alternatives screening which eliminated those alternatives from further study due to system interchange spacing. I do not agree with the system interchange spacing validation being applicable to the T09 alternative, however I do believe that the original screening criteria used is still accurate and it is appropriate to screen the T09 alternative from further development.

Elimination of the Ray Road and Chandler Boulevard alternatives – The validation of the elimination of these two alternatives is due to the system to system interchange spacing and to the impacts to the Ahwatukee community, specifically the increased number of residential displacements needed for this alternative over the E1 alternative and splitting of the community. As noted above, I concur with the system interchange spacing reasoning due to negative impacts to the traffic operations, I further agree that since the residential areas near or within these alternatives were built out prior to the 2003 screening, the land use in the Ahwatukee community has not significantly changed so this impact would still be present. Based on this, I concur that the validation for the screening of these alternatives is accurate.

Elimination of US 60 Extension alternatives – The validation for the screening of these alternatives is that they do not support the regional transportation demand part of the purpose and need. They would also not address the projected capacity deficiencies associated with the existing facilities. FHWA is well acquainted with the regional transportation demand issues in the I-10 corridor between SR-202L Santan and SR-143, including around US-60. These segments are the most congested in Arizona and relieving the congestion is one of the components of supporting the regional transportation demand portion of the purpose and need. As is evident in the Table 26 of the Traffic Overview, the South Mountain Freeway would relieve over 30,000 vehicles per day from these segments of I-10. Further in the review of the table 3 in the Traffic Sensitivity Memorandum that analyzed the US-60 alternatives, it shows that these alternatives would increase the traffic on all existing segments of the regional freeway system. Based on this, I concur with the validation that the US-60 extension alternatives would not meet the purpose and need of the project. Also noted in the analysis and the validation is the much greater impacts to residences, businesses and community character that would occur. In general, I concur with that greater impacts to the residences, businesses and community, however it is not well quantified in the analysis. Because of this, the focus of the FHWA evaluation of these alternatives is on the lack of support for the purpose and need based on not addressing the regional transportation demand issue.

Elimination of the Central Avenue Extension Tunnel - This alternative would extend Central Avenue south out of the downtown Phoenix metropolitan area and under the South Mountains. The validation for screening this alternative is that it does not meet the purpose and need of the project since it does not meet the Regional Transportation Demand needs identified. This alternative would not address the capacity deficiencies on I-10 around the Broadway curve because it would only serve localized traffic from the

Auwatukee community to the downtown area. Regional traffic trying to make the east-west movements would still have to use routes such as I-10 to get across the urban area. Based on this I concur that this alternative would not meet the purpose and need for the project and should be eliminated.

Design Options – The next section of the memo describes the validation of the screening of design options. They represent more design refinement and tweaking of the alignment to address localized impacts, however they do not represent screening of entire alternatives. The one exception is the Elimination of the Community Alignment, which was actually screened out in 2003 as part of the Corridor H discussion above, however it was revisited at the request of the Community in 2010 during the Tier 5 screening so that effort is captured in the design options section.

Elimination of the Bridge and Tunnel Options – The bridge and tunnel design options were both generated to look at alternatives that would not impact the South Mountains which is a Section 4(f) eligible resource. The validations includes two discussion points, the first is that both of these options would directly impact the South Mountains and therefore are not avoidance alternatives, and the second point is that both alternatives would be much more expensive so they would not be prudent and feasible. Based on a review of the memo associated with these options, there are multiple options for tunneling. I believe the most viable of those is the low profile option, since that would keep the freeway profile closest to level, and would balance the lowest tunneling and bridge needs. With that option, tunneling using the SEM/NATM method (the cheapest form of tunneling) would add around \$215 million to the project cost, which is roughly 5 times more expensive than an open cut. So based on these factors, I concur that the tunnels not only do not avoid the Section 4(f) resources but also are not prudent due to the upfront construction cost and long term maintenance costs. The only option which has only bridge elements to cross the South Mountain Ridges is the high profile option. The bridge cost associated with this option is \$307 million, but would eliminate the need for the open cut estimated at \$40 million, so overall the bridge option would increase the cost of the project around \$270 million. In addition, the memo discusses eliminating consideration of the bridges based on incident management, constructability and maintenance issues. I agree that cost, incident management, constructability and maintenance are all valid arguments, but I continue to see the overriding discussion point to be that the tunnel and bridge options do not avoid impacts to the South Mountain Section 4(f) eligible resource and they would not be prudent due to the other issues.

System Interchange Options Carried Forward or Eliminated – This phase of screening included alternatives considered for a direct connection to SR-101L at I-10 as well as later consideration of design concepts around the W55 and W71 alternatives. This effort was primarily a refinement of design options. This also includes the screening of the W99 alternatives as part of the W101 alternative. I concur with the validation offered in the Technical Memorandum for eliminating these design options.

Elimination of Depressed Profile Option to the E1 Alternative – This alternative was essentially an evaluation of the costs and feasibility of depressing the freeway below grade. The validation is that the design criteria and legal requirements have not changed and therefore the screening of this design alternative is still valid. Specifically this design option would result in higher construction costs of \$470 million and would result in the need to acquire at least an additional 150 residences due to the larger footprint needed for a below grade facility. An additional major concern would be the need for pump stations to facilitate the movement of stormwater drainage, which would have both a higher initial cost as well as long term maintenance costs.

Elimination of the Utility Easement Options for the E1 Alternative – This design option considered moving the utilities that are currently located right at the southern limits of the City of Phoenix, to the North so they would be located directly next to the Ahwatukee Community and then have the freeway run next to the southern limits of the City. This option would essentially use the power line utility easement as a buffer between the freeway and the residential area. There is also concern about relocating 500 kilovolt power lines next to a residential community. The validation for elimination of this design option is the ROW costs and cost of relocation, in addition the increased cost of relocating the power lines underground also continue to be cost prohibitive. I concur with this validation.

Elimination of the Arizona Parkway Concept – The Arizona Parkway Concept is essentially an urban parkway that does not allow direct left turns. Instead the driver must go past their intersection and make a u-turn, followed by a right turn in place of the left turn. The validation for eliminating this concept is that it would not be able to handle the high volumes of traffic projected for the corridor. An Arizona Parkway would have a maximum capacity of 105,000 vpd, which is well below the projected 175,000 vpd in the MAG models. I concur with the analysis and finding that an Arizona Parkway would not be able to handle the projected traffic for this corridor.

Elimination of the Ten Lane facility – ADOT and MAG were looking for alternatives to bring down the cost of the project. The original project concept was to build a six lane freeway, with an additional four lanes constructed when needed, this would be a 4+1 lane facility. MAG instead wanted to reduce costs by constructing an eight lane facility, 3+1 lanes, from the start. Typically each lane is estimated to carry 40,000 vpd. So a 3+1 lane facility should be able to carry around 160,000 vpd. Although the estimated traffic volumes on the freeway, using the updated traffic projections show 175,000 vpd in the design year, MAG and ADOT agreed to build the eight lane facility, rather than the ten lane facility. While FHWA continues to believe that it would be more appropriate to construct a ten lane facility, we do recognize that this is a design option on a non-Interstate route we therefore believe this is a local decision to be made by ADOT in conjunction with MAG.

Shift to the W59 from the W55 alternative – this was essentially a shift of the freeway to connect with I-10 around 59th avenue, rather than the originally

proposed 55th avenue. This shift is also a design option that contains comparable impacts with both alignments. The validation offered is still acceptable.

Elimination of the Community Alignment – This follows along with the elimination of Corridor H earlier in this memo. Although, the Corridor H alternatives had been screened out in 2003, the GRIC Community Governor came forward in 2010 and re-opened the past discussions to allow the study of an alignment on Community lands. While ADOT did attempt to move that alignment forward, the Community ultimately sponsored a vote by their members in February 2012, and they re-affirmed their opposition to an alternative on Community lands. Based on this, the validation offered is still accurate, there is no prudent and feasible alternative on Community land.

Evaluation of Alignments Through Laveen – The original alignment was proposed to travel along 63rd Avenue through Laveen nearnd Dobbins Road. Unfortunately, the City of Phoenix had zoned a hospital to be built in the path of the freeway. The City asked to have the alignment shifted to the east along 59th avenue in order to not conflict with the hospital, however the 59th avenue alternative would take a historic farmstead that was deemed eligible for the National Register of Historic Places and might be afforded protection under Section 4(f). At the conclusion of the evaluation, it was determined that the best alignment for the freeway was along 62nd avenue which would avoid both the Section 4(f) property as well as the hospital. I concur with this validation.

From: [meek, clifton](#)
To: [Yedlin, Rebecca \(FHWA\)](#)
Cc: [Hansen, Alan \(FHWA\)](#); [Houk, Jeff \(FHWA\)](#); [Dunning, Connell](#)
Subject: Conclusion of the PM10 conformity consultation between FHWA and EPA for the South Mountain Freeway project
Date: Thursday, August 21, 2014 4:50:27 PM
Attachments: [South Mountain Air Quality Response to Comments.xlsx](#)

Hi Rebecca-

I spoke with Alan Hansen this morning regarding the additional air quality comments EPA had sent on both 8/19 and 8/6, and he confirmed that all of the comments are being addressed by FHWA, and the Air Quality Technical Report revised accordingly. With that information, this concludes the PM10 conformity consultation between FHWA and EPA for the South Mountain Freeway project. We’d like to thank FHWA for working so closely with EPA to address our concerns, and we look forward to reviewing and providing comments on the Final EIS when it is circulated for review.

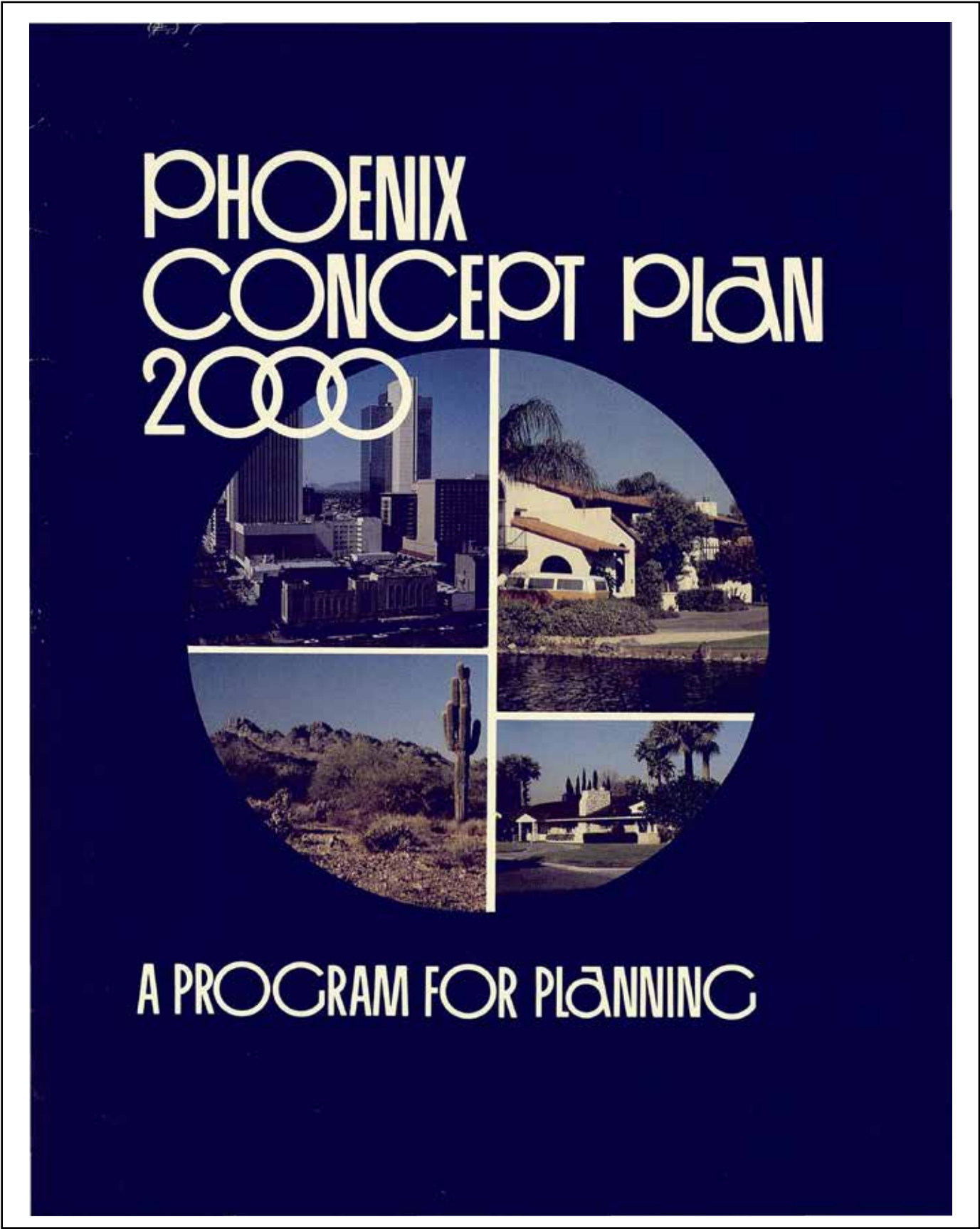
Please see the attached spreadsheet for a summary of the consultation (comments and responses) that has taken place between EPA and FHWA since we received the Air Quality Technical Report on 6/2/2014. If you have any questions or notice any revisions that should be made to the summary, please let me know.

Thanks,

Clifton

Clifton Meek, Life Scientist
U.S. EPA, Region 9
Environmental Review Section - Transportation Team
75 Hawthorne Street, ENF 4-2
San Francisco, CA 94105

phone: 415-972-3370, fax: 415-947-8026
meek.clifton@epa.gov



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Ken O'Dell, Vice Mayor		Calvin Goode
Howard Adams		Barry Starr
Joy W. Carter		Jim White
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Marvin A. Andrews		
Development Services Manager		
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Sherman Bendalin		Larry Ludden
Larry Chavez		Lorey Roberts
Planning Director		
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Barbara A. Jarvis		

RESOLUTION

NO. 15227

A RESOLUTION ADOPTING THE PHOENIX CONCEPT PLAN 2000.

WHEREAS, the Phoenix City Council directed the Planning Commission to undertake a study of alternative urban forms and their ramifications for application in Phoenix, and
WHEREAS, the Planning Commission proceeded with a seminar for community leaders and the appointment of over 200 citizens to the Urban Form Directions Committee, and
WHEREAS, the Urban Form Direction Committee has worked diligently studying the social, economic and environmental aspects of alternative urban forms, and
WHEREAS, the Urban Form Directions Committee has involved all segments of the community in its planning efforts and has gained broad support for its recommendations, and
WHEREAS, the central focus of the Phoenix Concept Plan 2000 — the urban village — represents a dramatic yet achievable advancement in guiding growth in Phoenix, and
WHEREAS, the plan is intended as a conceptual guide to development rather than a rigid map of the future, and
WHEREAS, the goals of the plan are statements of desired results toward which efforts are directed but are not commitments for full achievement, and
WHEREAS, the City of Phoenix will support appropriate agencies working toward achievement of those goals which are not within the city jurisdiction, legal authority, or policy limits, and
WHEREAS, the Phoenix Concept Plan 2000 is only the beginning of the development of a general plan for Phoenix and plans for each of the villages and areas identified in the plan, and
WHEREAS, the plans should be reviewed and updated every five years to adjust to the changing needs of the citizens of Phoenix,
NOW, THEREFORE, BE IT RESOLVED that the Phoenix City Council hereby adopts the Phoenix Concept Plan 2000 as contained in the attached text and map and identified by the signature of the Mayor, which text and map are by this reference incorporated herein and made a part hereof,
PASSED by the Council of the City of Phoenix this 31st day of July, 1979.

Margaret T. Hance
MAYOR

ATTEST:
Dorothy L. Hinton
City Clerk

APPROVED AS TO FORM:
G. Wade Jones
City Attorney

REVIEWED BY:
Maurice A. Andrews
City Manager

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SUMMARY

The Phoenix Concept Plan 2000 defines only the conceptual intent for future land use in Phoenix and is not intended as an inflexible statement of allowable zoning districts in any area.

The unifying element of the 2000 Plan is the concept of urban villages containing a mix of housing types, a variety of jobs and shopping, recreation and education facilities. These villages would help satisfy the psychological need to belong to an identifiable community with a sense of control over its environment. An urban village will have a clearly identifiable core and boundary. Its core will contain the most intense land uses and will be the aesthetic and functional focal point of the village.

The 2000 Plan consists of four major parts:

Goals

Goals are the ultimate accomplishments toward which the city's actions should be directed. They deal with many aspects of city life including land use, transportation, housing, air and water quality, energy, life-styles, economic stability and government responsiveness.

Urban Village Map-2000

The map is a graphic representation of the urban village concept in Phoenix and is intended primarily to identify the areas to be planned by urban village planning committees.

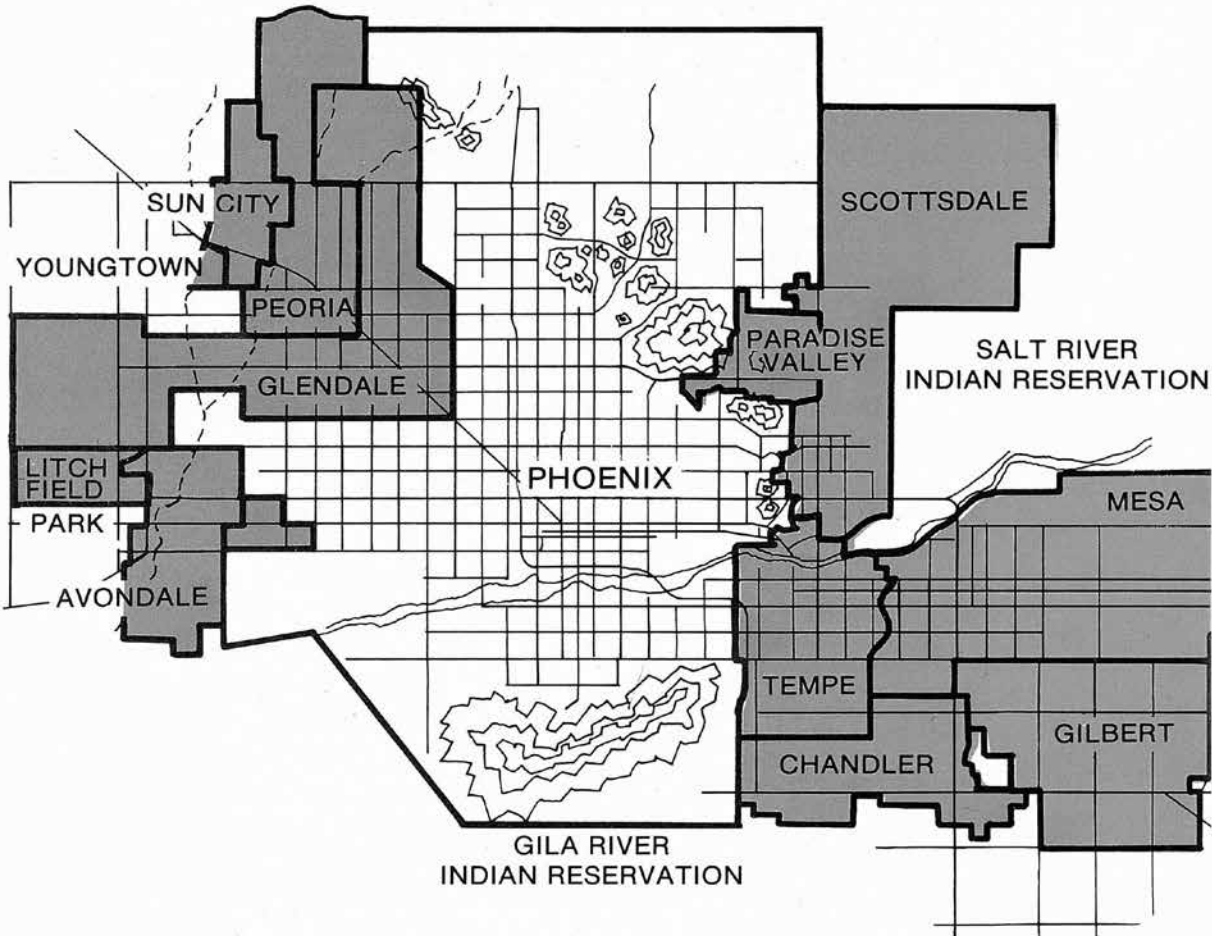
Policies

Policies are intended to provide guidance for making decisions about the way the city should grow through the year 2000. They will provide direction in both initiating programs and controlling proposals.

The first policy directs that growth be structured into a system of urban villages with the timing and location of new growth to be directed in accord with the village concept and the infilling of central city areas. Other policies for example, support the Rio Salado project, discourage development north of the Central Arizona Project until after the year 2000, encourage significant residential infilling in the central villages and direct the development of a planning and implementation program to bring about the goals of this plan. The planning and implementation program would include preparation of the nine general plan elements required by the State and the preparation of a plan for each village by 1985.

Charge to Urban Village Planning Committee

This part requires that village plans be prepared which work toward implementation of the 2000 Plan and include necessary land use and circulation elements.



PHOENIX PLANNING AREA
AND
SURROUNDING COMMUNITIES

INTRODUCTION

This document includes the four components of the “Phoenix Concept Plan 2000: A Program for Planning,” and appendices outlining the basis for selection of the plan. The plan is intended to help public and private decision makers shape Phoenix into the city we want it to become by making the most efficient and equitable use of resources.

Even full adherence to the plan’s map and policies will fail to fully achieve all of the goals of the plan. What is important is progress toward the goals which can be measured. After extensive analysis of alternatives, the Urban Village Map 2000 and the policies of the plan were selected because they provide the best compromise toward meeting all of the goals without overemphasizing some at the expense of others. The 2000 Plan which defines the conceptual intent for future land use in Phoenix is not the total comprehensive plan but is the first step toward the development of one. It is not intended as an inflexible statement of allowable zoning districts in any area.

The 2000 Plan also fits into the metropolitan context as its components are in accord with and support the **Guide for Regional Development**, adopted by the Maricopa Association of Governments on January 4, 1978.

Urban Village Concept

The Urban Village Concept is the unifying element of the plan and the best means for achieving its goals.

Within Phoenix, an urban village is an area that provides for a variety of the physical land use needs of its residents. It contains a mix of housing types; a variety of jobs; and shopping, recreation and education facilities. It helps satisfy the psychological need to belong to an identifiable community with a sense of control over its own environment. Urban villages will not all be the same. Some might be rural or suburban in character while others might be highly urban. Types and amounts of housing, jobs, office space, and stores will vary. While urban villages will provide for most of the needs of their residents, they will also be a part of metropolitan Phoenix and will not duplicate unique metropolitan serving activities such as the Civic Plaza or Arizona State University.

The urban village will have a clearly identifiable center (core) and boundary (periphery). Its core will contain the most intense land uses and will be the aesthetic and functional focal point of the village. Land use intensity will decline from the core to the periphery. The concept of urban villages is not contrary to existing land use patterns as elements of urban villages already exist in several areas of Phoenix, such as, the concentration of activity at Metrocenter. In newly developing areas growth could be structured to create new villages and in older areas development of skipped over parcels and redevelopment of underutilized land uses should be directed to create villages.

Phoenix Planning Area

This plan covers an area greater than the present area within Phoenix including 430 square miles. This includes all areas which the City Council has determined to be appropriate for annexation through the year 2000.

The Planning Program

The subtitle, “A Program for Planning,” is intended to emphasize both the coordinative role of the 2000 Plan and the shift from thinking of the plan as unchanging to thinking of it as evolving and dynamic. The 2000 Plan is intended as a guide to making better decisions by the City Council, the Planning Commission and the public.

The 2000 Plan will serve as the guide for planning in Phoenix. It suggests that the city government should concern itself with decisions of city-wide importance and delegate responsibility for making decisions of less than city-wide importance. It does this by requiring the development of two sets of plans — (1) a General Plan including the following nine elements: Land Use, Circulation, Conservation, Housing, Recreation, Public Buildings, Neighborhood Rehabilitation and Redevelopment, Public Services and Facilities, and Safety, and (2) a Specific Plan for each urban village or planning area. These plans would be developed, progress toward them monitored, and appropriate amendments made on a continuing basis. The General Plan will be prepared in accord with Arizona Statutes and the Specific Plans for urban villages in accord with the Charge to Urban Village Planning Committees.

GOALS

The following are the long range goals of the City of Phoenix. They have been developed after arduous effort by the many citizens of Phoenix, the Planning Commission and the City Council. The word “goal” has been used in accord with the following definition:

A goal is a statement of the end result or ultimate accomplishment toward which an effort is directed. It is used more as a call to action than a statement of expected full achievement.

Many of these goals cannot be fully achieved and working toward achievement of some may make it more difficult to achieve others. At the same time all goals are not of equal importance. These factors have been taken into account in the selection of the urban village map and the policies which follow. This map and policies represent the best compromise in achieving the goals. The goals as well as the plan and policies should form the basis for development of General Plan Elements and Urban Village Plans.

I. MAN-MADE ENVIRONMENT

A. Land Use

Develop a land use pattern which provides for the physical, social and economic needs of the citizens of Phoenix.

1. Develop and provide for the continued vitality of all areas of the city.
2. Assure that land use transitions occur with minimum adverse impact.

B. Transportation

Provide for system-wide accessibility and mobility and ensure that transportation and land use plans are complementary.

1. Develop a land use pattern that reduces the need to travel by shortening required travel distances.

2. Provide mobility by improving transportation facilities.
3. Develop an equitable transportation system providing accessibility to nonautomobile users.
4. Provide for safe, efficient and convenient movement and transfer of people and goods.
5. Minimize the adverse impacts of transportation system construction and operation on housing and businesses, parks, schools, historical and archaeological sites and on the aesthetics of adjacent areas.

C. Housing

Provide a sufficient choice of adequate housing in all parts of the city to meet the needs of all individuals.

1. Make available in a range of prices, for purchase or rent, a choice of housing — single-family detached, duplex, townhouse, patio home, garden apartment and mobile home — in all urban villages and, where appropriate, high-rise apartment.
2. Provide low and moderate income housing in all urban villages.
3. Reduce the minimum cost of new housing or decrease the rate of the increase to benefit the home owner or renter.

D. Aesthetics and Urban Design

1. Encourage a contemporary reflection of the heritage, culture and environment of the Southwest in all areas and particularly in public facilities.
2. Provide for the visual identity of various areas of the city.

E. Public Buildings, Services and Facilities

Provide for an optimum balance among service and accessibility to all residents, efficiency, safety and environmental quality in the location and operation of public buildings, services and facilities.

1. Maximize the level of service provided by public buildings, services and facilities to all residents.
2. Maximize accessibility for all residents to public buildings, services and facilities.
3. Maximize efficiency in public buildings, services and facilities.
4. Maximize safety in public buildings, services and facilities.
5. Maximize environmental quality in and around all existing and future public buildings, services and facilities.

F. History and Archaeology

1. Encourage the identification, preservation and restoration of historically and culturally important neighborhoods, sites and structures.

II. NATURAL ENVIRONMENT

Maximize the preservation and the enhancement of the natural environment and encourage the efficient management of scarce natural resources.

A. Air

1. Provide and maintain air quality compatible with health and well-being and with the prevention of damage to property, vegetation, and aesthetic values.

B. Water

Manage the quality and quantity of all water resources in a manner that enhances the quality of life.

1. Provide a safe and adequate domestic water supply to all citizens of Phoenix.
2. Manage the quality and quantity of ground-water resources.
3. Equitably manage urban and agricultural water needs.
4. Provide for multiple use of surface water with due consideration to groundwater quality.
5. Minimize the hazard and damage to life and property resulting from storm water runoff.

6. Provide for the multiple use of canals, flood-plains and other waterways in the city.

C. Land

1. Preserve environmentally sensitive areas such as floodplains, wildlife habitats and steep slopes.
2. Preserve agricultural land uses.
3. Develop a land use pattern which responds to the geology and soil characteristics of Phoenix.

D. Energy

1. Minimize the use of nonrenewable energy resources through conservation and increased use of renewable resources.

E. Noise

1. Establish, foster, and maintain high standards for the control of noise pollution, ensuring a noise level that does not cause stress or health damage.

F. Wildlife and Vegetation

1. Enrich and perpetuate the life-style of the present and future citizens of Phoenix by enhancing and maintaining wildlife resources and habitats and by the protection of native and exotic vegetation in the community.

G. Climate

1. Minimize the urban dome effect which tends to reduce normal daily temperature variations.

III. SOCIAL FABRIC

A. Community/Neighborhood

1. Maximize the sense of community felt by urban village and neighborhood residents.
2. Develop physical and social focal points in urban villages and neighborhoods.
3. Create new and preserve existing neighborhoods that support the educational, physical and economic needs of their residents providing for security, leisure time activity, physical and mental health, and social interaction as well as privacy.

B. Life-Style

1. Maximize the opportunity for diversity and flexibility of activity and a choice of life-style.

C. Social Stability

1. Enhance the opportunity for an integration of socio-economic backgrounds.

2. Create an atmosphere in which different types of people interact naturally.
3. Foster community spirit, friendliness, physical and psychological well-being, and high community morale throughout the Phoenix metropolitan area.

D. Physical Security

1. Reinforce public and private capacity to insure physical security.
2. Make street crime less likely by developing urban village cores where employment, recreational, commercial and residential activities occur at a sufficient level of intensity to result in pedestrian activity throughout the day.

E. Recreation

1. Provide a wide range of opportunities for the enrichment of the life of each citizen and the stimulation of his unique talents.
2. Provide a park and recreation system adequate to meet the diverse leisure time needs for mental and physical refreshment of residents and visitors alike.
3. Design open space areas to provide relief from continuous urban development, areas for varied recreational needs, and preservation of some of the original character of the area.
4. Design local recreational facilities and open spaces, as an integral part of residential areas, near the center of neighborhoods with pedestrian access.

IV. ECONOMY

A. Stability

Maximize the stability of employment and income generation in Phoenix through diversification of employment opportunities.

1. Facilitate the continued growth of tourism through protecting the natural and man-made attractions which draw people to the valley.
2. Facilitate development of manufacturing enterprises by providing for a wide choice of sites, with good access to labor markets, suppliers and buyers.
3. Protect and encourage agricultural industries.

B. Taxes.

1. Minimize the local tax burden by providing public services and facilities in the most efficient manner possible.
2. Revise the local property tax system to encourage rather than penalize maintenance and rehabilitation of older units.

C. Employment

1. Provide opportunities for diversification of basic employment.
2. Create conditions conducive to attracting and retaining a labor force.
3. Revitalize business and industrial enterprises which provide meaningful employment opportunities to low income people and increase the tax base in low income areas.

D. Development Costs/Incentives

1. Encourage a partnership of the public and private sectors in providing for both development and redevelopment.
2. Emphasize the use of incentives over the use of restrictions to achieve appropriate development.

V. GOVERNMENT

A. Informed Constituency/Electoral and Non-Electoral Participation

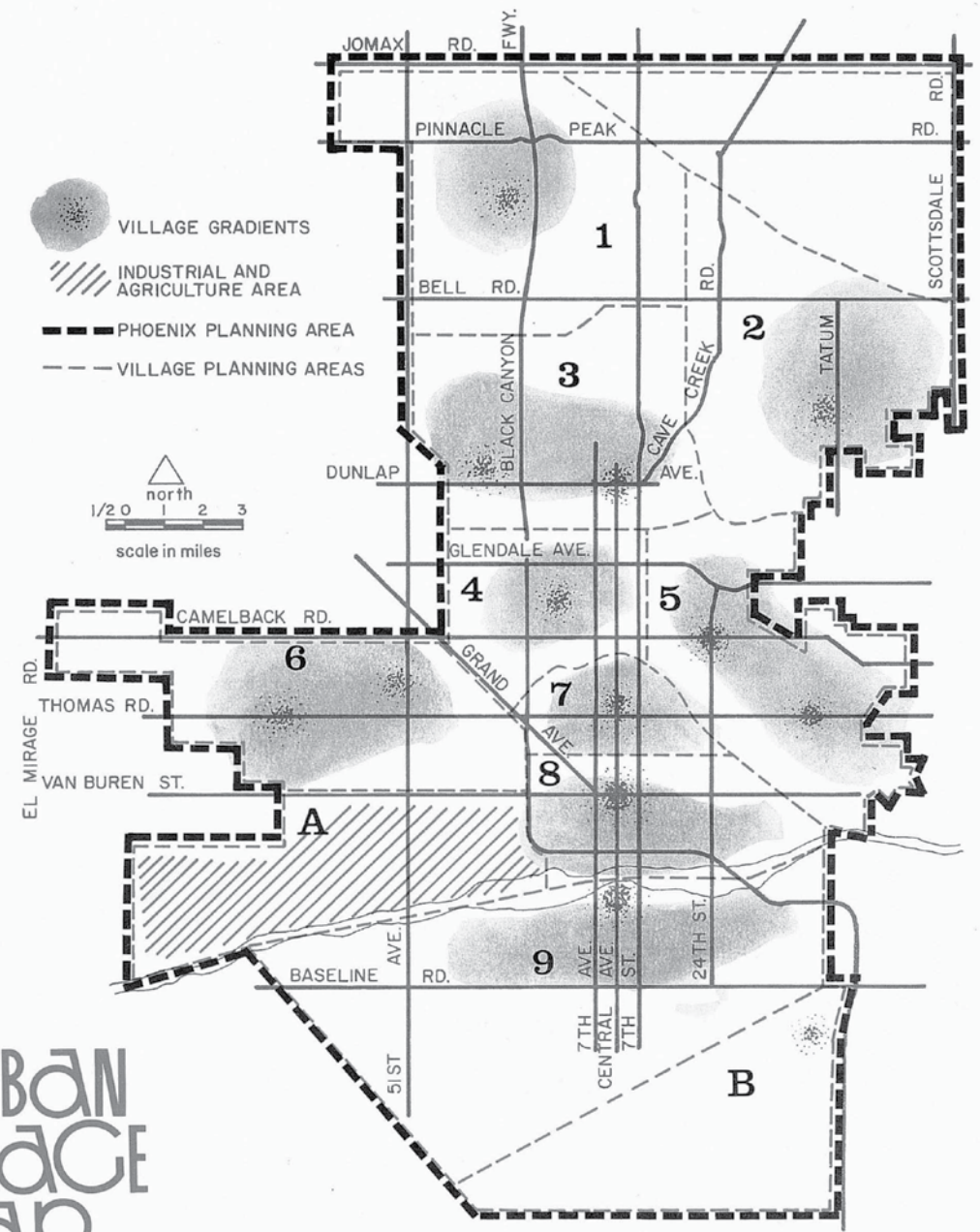
1. Involve the public in all phases of the planning process and make them aware of the social, economic and environmental effects of different land use policies.
2. Establish community centers to help in informing the public of governmental activities.

B. Government Responsiveness

1. Create a city in which an individual's participation can have influence on the decisions that affect his or her life.
2. Ensure that property owners will be fairly compensated in the event that property or property rights are acquired in the public interest.

C. Scope of Activity and Involvement

1. Increase public sector involvement in large scale urban development activities in furtherance of urban form goals in projects beyond the capacity of the private sector due to difficulties in land acquisition, long-term financing or interjurisdictional coordination.
2. Encourage and facilitate private sector involvement in urban development activities in furtherance of urban form goals in relatively short-term, profit motivated projects.
3. Participate in area-wide water management and transportation planning.
4. Minimize the level of government intervention necessary to achieve urban form goals.



URBAN
VILLAGE
Map

Urban Village Map — 2000 is a graphic representation of the urban village concept in Phoenix. Village cores are shown by the most dense dot pattern in the central area of the village and village peripheries by the unshaded area between cores. Villages may have secondary cores providing services to less than the whole village. Some of these secondary cores are shown on the map.

The map is primarily to identify the area to be planned by urban village planning committees and references in the village population and employment control totals of Policy 2 following. The map does not show the exact location of peripheries. Exact locations of cores, gradients and peripheries will be identified by urban village planning committees.

POLICIES

The following policies will provide guidance for making decisions about the way the city should grow through the year 2000. They will provide direction in both initiating programs and controlling proposals.

- 1. Structure future growth into a system of urban villages characterized by:
 - a. High intensity pedestrian oriented cores with a full mix of activities. The downtown core should be the largest and most intense core and provide unique city and metropolitan services. Primary cores in other urban villages should be of similar importance although their character and intensity may differ. Villages may also have secondary cores to facilitate the provision of services to portions of villages.
 - b. Identifiable low intensity peripheries incorporating functional open space.

- c. Gradients providing a gradual transition between cores and peripheries.
- d. Similar village population size.
- e. High accessibility to and strong connection of village cores.
- f. The opportunity to live and work in the same village with the number of jobs approximately equal to the average proportion of the population employed except in the downtown village.
- g. A wide range of activities including employment, shopping, recreation and a mix of housing types in each village.
- 2. Structure the timing and location of future growth to achieve approximately the following distribution of population, employment and housing:

1980										
Village or Area	Population	Total Employment	Percent Basic*	Percent Service**	Total Dwelling Units	Average Residential Density DU/A	Percent Dwelling Units by Density Category			
							0-1.7	1.7-5	5-15	15+
1	35,000	12,000	65	35	14,000	3	6	70	17	7
2	75,000	17,000	20	80	29,000	3	12	66	15	7
3	121,000	31,000	50	50	47,000	4	6	69	15	10
4	109,000	30,000	20	80	44,000	5	2	60	18	20
5	120,000	49,000	35	65	55,000	4	8	47	20	25
6	118,000	30,000	40	60	39,000	5	2	84	9	5
7	56,000	51,000	25	75	26,000	6	1	43	29	27
8	69,000	99,000	45	55	29,000	6	1	42	30	27
9	68,000	16,000	50	50	27,000	3	13	64	13	10
A	15,000	24,000	50	50	6,500	2	14	53	26	7
B	6,000	1,000	25	75	2,400	4	4	70	26	0
TOTAL	792,000	360,000	40	60	318,900	4	6	60	18	16

* Basic industries include agriculture, mining, construction, manufacturing, transportation, communication, utilities, and State and Federal government.

** Service industries include local government, public schools, retail and wholesale trade, finance, insurance, real estate and services.

1985										
Village or Area	Population	Total Employment	Percent Basic *	Percent Service **	Total Dwelling Units	Average Residential Density DU/A	Percent Dwelling Units by Density Category			
							0-1.7	1.7-5	5-15	15+
1	50,000	18,000	60	40	20,000	4	5	63	22	10
2	84,000	23,000	30	70	34,000	3	11	62	18	9
3	123,000	33,000	50	50	50,000	4	6	67	16	11
4	110,000	31,000	20	80	46,000	5	2	59	19	20
5	123,000	52,000	35	65	57,000	4	8	47	20	25
6	121,000	35,000	40	60	42,000	5	2	80	11	7
7	66,000	52,000	30	70	32,000	7	1	38	30	31
8	72,000	99,000	45	55	32,000	7	1	39	30	30
9	73,000	19,000	50	50	30,000	3	12	60	15	13
A	17,000	26,000	50	50	8,000	2	11	50	28	11
B	9,000	2,000	35	65	4,000	4	3	61	28	8
TOTAL	848,000	390,000	40	60	355,000	4	5	57	20	18

1990										
Village or Area	Population	Total Employment	Percent Basic *	Percent Service **	Total Dwelling Units	Average Residential Density DU/A	Percent Dwelling Units by Density Category			
							0-1.7	1.7-5	5-15	15+
1	62,000	27,000	50	50	27,000	4	4	58	25	13
2	94,000	30,000	35	65	39,000	3	10	59	20	11
3	125,000	35,000	50	50	53,000	4	5	65	17	13
4	111,000	32,000	20	80	47,000	5	2	58	19	21
5	126,000	56,000	35	65	60,000	4	7	47	21	25
6	123,000	41,000	40	60	46,000	5	2	75	13	10
7	79,000	53,000	30	70	38,000	8	1	35	30	34
8	78,000	100,000	45	55	37,000	8	1	37	30	32
9	81,000	22,000	50	50	35,000	3	10	56	18	16
A	20,000	30,000	50	50	10,000	3	9	46	30	15
B	13,000	4,000	35	65	6,000	5	2	52	32	14
Total	912,000	430,000	40	60	398,000	4	5	54	22	19

1995										
Village or Area	Population	Total Employment	Percent Basic *	Percent Service **	Total Dwelling Units	Average Residential Density DU/A	Percent Dwelling Units by Density Category			
							0-1.7	1.7-5	5-15	15+
1	78,000	36,000	45	55	33,000	5	3	53	27	17
2	105,000	41,000	40	60	44,000	4	8	56	22	14
3	128,000	37,000	50	50	55,000	4	5	63	18	14
4	112,000	33,000	20	80	48,000	5	2	57	20	21
5	130,000	61,000	35	65	62,000	4	7	46	21	26
6	125,000	50,000	40	60	50,000	5	1	69	16	14
7	91,000	55,000	30	70	43,000	9	1	31	32	36
8	85,000	100,000	45	55	40,000	8	1	34	31	34
9	97,000	35,000	40	60	42,000	4	8	52	21	19
A	26,000	36,000	45	55	12,000	3	7	42	31	20
B	20,000	6,000	40	60	8,000	6	2	44	34	20
TOTAL	997,000	490,000	40	60	436,000	5	4	52	23	21

* Basic industries include agriculture, mining, construction, manufacturing, transportation, communication, utilities, and State and Federal government.

** Service industries include local government, public schools, retail and wholesale trade, finance, insurance, real estate and services.

2000										
Village or Area	Population	Total Employment	Percent Basic *	Percent Service **	Total Dwelling Units	Average Residential Density DU/A	Percent Dwelling Units by Density Category			
							0-1.7	1.7-5	5-15	15+
1	95,000	47,000	40	60	40,000	5	3	49	29	19
2	116,000	56,000	50	50	49,000	4	8	52	24	16
3	130,000	39,000	50	50	58,000	4	5	61	19	15
4	112,000	34,000	25	75	49,000	5	2	57	20	22
5	132,000	67,000	35	65	64,000	4	7	45	22	26
6	128,000	60,000	40	60	57,000	6	1	62	18	19
7	103,000	57,000	30	70	48,000	9	1	29	33	37
8	93,000	100,000	45	55	43,000	8	1	32	31	36
9	121,000	56,000	40	60	52,000	4	7	48	24	21
A	32,000	43,000	45	55	15,000	4	6	38	33	23
B	31,000	10,000	40	60	11,000	6	1	38	36	25
TOTAL	1,093,000	569,000	40	60	486,000	5	4	49	24	23

3. As a priority high-rise buildings should be concentrated in downtown and midtown before consideration of high-rise in other areas.

4. Promote the development of Rio Salado for multiple uses.

5. Emphasize suitable use of canals, Cave Creek Wash north of the Arizona Canal and the Indian Bend Wash.

6. a. Encourage significant increases in new residential development in the central villages.
b. Encourage moderate increases in new residential development in villages other than the central village.

7. Reserve the southwestern portion of the city north of the Rio Salado for agricultural uses and for industries with low employment densities and extensive land area requirements.

8. Development north of the CAP aqueduct should generally be discouraged before the year 2000, but all development plans for that area should be reviewed on a case by case basis.
9. Encourage most new employment to locate in village cores.

10. Discourage noncontiguous development adjacent to agricultural areas to prevent the loss of agricultural land.

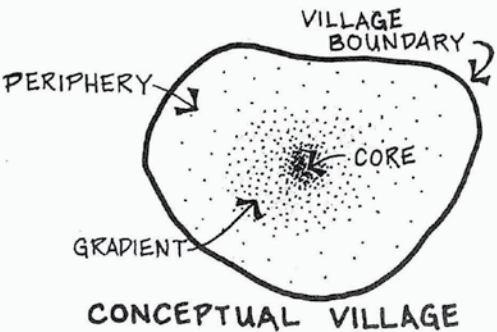
11. Develop a planning and implementation program with a strong citizen participation component to bring about the goals of this plan. This program should include the following accomplishments by 1985.
a. Preparation of the nine General Plan Elements required by the State. Preparation of the Land Use and Circulation Elements should begin immediately. The circulation element should include a long-range transit plan.
b. Appointment of a village planning committee and preparation of a plan and implementation program for each village.

12. Reevaluate and update the goals, policies and recommendations of adopted plans every five years to meet the changing needs of Phoenix.

CHARGE TO VILLAGE AND AREA PLANNING COMMITTEES

To work toward implementation of the Phoenix Concept Plan-2000 in all areas of the city, village and area planning committees shall be appointed and shall refine the city plan in accordance with the goals of their village or area and the following guidelines:

1. Village and area plans shall define actions working toward the goals and policies of the Phoenix Concept Plan-2000.
2. The components of village and area plans shall be as follows:
 - a. A 25-year concept plan including:
 - (1) Goals and policies.
 - (2) A map indicating village cores where appropriate and the general distribution of land use intensity throughout the village or area.
 - (3) Components of the city-wide concept plan relating to the village or area.
 - b. A detailed plan with five-year staging including:
 - (1) Land use maps showing existing development and for the first five-year plan future land uses and intensities in sufficient detail to serve as a basis for making zoning decisions. Subsequent five-year plans would show future land uses in increasingly less detail.
 - (2) Employment and population distribution to traffic analysis zones. Total population will be broken into age groups and employment into appropriate categories.
 - (3) Land use policies and standards.
 - (4) Quantifiable objectives and an implementation program for the first five-year period.
 - (5) Transportation policies and standards.



- (6) Components of the city-wide land use and circulation elements relating to the village or area.
- (7) Location of collector streets.
- (8) Transit service.
3. Each village plan shall work toward the development of an ideal urban village containing three elements — core, gradient and periphery.

Core. The core should be the clearly identifiable central focus for the village and contain a mix of the village's most intense land uses. Employment, commercial, cultural and high-density residential uses should be concentrated there. A pedestrian environment should be emphasized.

Periphery. The periphery is the outer boundary of the village and contains the village's least intense land uses — low-density residential neighborhoods, agricultural lands and open space. Even where more intense uses exist or are appropriate in a periphery, the average intensity of the periphery should be the area of least intensity between village cores.

Gradient. The gradient is the area of progressively decreasing land use intensity between the core and the periphery. The gradient contains some concentrations of land use intensity in subcores providing services to portions of a village.

Within the framework of the core, gradient and periphery, each village should offer unique features building upon existing conditions. As each village evolves it should acquire a more distinct and more recognizable identity and character based on the activities, life-styles and attitudes of its residents, creating a pride and enthusiasm of each resident in his or her community.

APPENDICES

A. HISTORY OF URBAN FORM DIRECTIONS

In January, 1974, Mayor Timothy A. Barrow and the City Council charged the Phoenix Planning Commission with the responsibility of presenting them with alternative urban form plans and their implications. The Commission's first step was to hold a seminar in Carefree to discuss urban form.

Next, the Commission appointed over 200 citizens to eight Urban Form Directions committees. During Phase I of the program each committee studied a single topic — Land Use, Transportation, Conservation, Recreation, Public Buildings, Services and Facilities, Housing, Health and Safety, and Neighborhood Rehabilitation and Redevelopment — similar to each one of the elements of a general plan required by Arizona law.

Beginning with a general meeting on April 2, 1975, the committees, or their subcommittees, met weekly until they finished on October 1. While many detailed proposals were developed, the work of the committees focused on one subject — the urban village concept.

After consideration of the reports of the eight committees, the Planning Commission recommended that the City Council adopt the urban village concept described in the introduction to the plan and many of the other Phase I recommendations. The Council found the urban village concept to have merit but wanted more study of its implications. They authorized Phase II of the study reforming the Urban Form Directions Committee and the allocation of Planning Department staff to assist them. To direct Phase II the Planning Commission appointed a Steering Committee composed of the chairmen of the eight Phase I committees, the vice chairman of the Planning Commission and Joe Lort, a member of the Land Use Committee instrumental in the development of the urban village concept. Phase II began in earnest in June of 1976 when the Urban Form Directions Steering Committee began meeting weekly. Over the first few months the committee worked on refining the goals developed by the eight committees during Phase I. These goals were also reviewed by the Phoenix Planning Commission and City Council.

In September of 1977 the Planning Commission appointed representatives from four of the area planning committees to the Steering committee to ensure coordination of the activities of these groups.

The Steering Committee then concentrated its efforts on developing alternative urban village sketch plans. A trends plan showing what Phoenix might look like assuming no change in current land use controls was also prepared.

After the sketch plans were developed, the Steering Committee appointed four subcommittees from the Urban Form Directions Committee to determine the relative benefits or costs which would result from adoption of each of the alternatives. These subcommittees worked for over a year before completing their final reports which provided the basis for the Steering Committee's recommendation of the 2000 Plan. This recommendation was refined during a series of public workshops and meetings in February and March, 1979 and forwarded to the Phoenix Planning Commission. The Planning Commission held two public

hearings on the plan in April and the City Council held one hearing in May. The Phoenix Concept Plan 2000 was then adopted by City Council resolution on July 31, 1979.

B. DEVELOPMENT OF GOALS

The goals included in the 2000 Plan are as the definition in the Plan states, "a call to action," but they also formed the basis for evaluating plan alternatives and thus for selection of the 2000 Plan map and policies.

To assist in combining and refining the goals of the eight committees of Urban Form Directions Phase I, the Steering Committee and Planning Department staff compiled three lists in a common format: (1) Urban Form Directions goals from Phase I Urban Form Directions Committee Reports; (2) adopted city goals from the Comprehensive Plan — 1990, Central Phoenix Plan, area plans and other adopted plans, and (3) Phoenix land use problems from Phase I Urban Form Directions Committee Reports and the work of a Phase II subcommittee convened for the purpose. These lists were used by the Steering Committee to identify overlaps and inconsistencies in the Phase I goals and to determine if significant problems or adopted goals were not considered in the Phase I goals.

The Steering Committee approved a preliminary list of goals for use in Phase II in December 1976. These were discussed with the Planning Commission in January 1977 and the City Council in February. The Commission and Council accepted them as appropriate for further work in Urban Form Directions.

In early 1977 the Urban Form Directions Committee and all the area planning committees completed a questionnaire to assist the Steering Committee in determining the relative importance of the goals. A survey of community attitudes was also made in late 1977 and 1978. The results of this survey generally supported the goals of Urban Form Directions and the Steering Committee's ranking of their relative importance.

C. DEVELOPMENT OF SKETCH PLANS

Work on sketch plans began with the identification of positions in the community on significant land use issues such as the strength of downtown Phoenix, types of dwelling units and sizes of residential lots, preservation of agricultural land, and development north of the Central Arizona Project Canal. Eventually 50 different positions on land use issues were identified. Definitions of these are included in Appendix F.

Sets of alternative positions on the issues were selected using the Sketch Plan Matrix included in Appendix E to identify the characteristics of 22 different land use alternatives or sketch plans which would be possible and logically consistent. A rough map of each of these sketch plans was prepared and initially the following three were selected for additional study.

- a. Sketch Plan 1 showing a projection of development to the year 2000 under current trends.
- b. Sketch Plan 7 showing an urban village plan with much lower residential densities than Sketch Plan 1.

- c. Sketch Plan 15 showing the other end of the density spectrum from Sketch Plan 7 with significantly higher residential densities than trends. To match employment and residential uses in Central Phoenix very substantial redevelopment would have been required under this sketch plan and it was eventually dropped in favor of Sketch Plan 18 after initial work had been done on the latter plan. These and later plans were developed using the following steps:

- 1. Designation of land to be withheld from development including steep slopes, floodways and large public parks and airports. Sketch plans with characteristics of "retention of agricultural land" or "no development north of the Central Arizona Project" would also designate these areas as withheld;
- 2. Location of urban village cores and boundaries based on natural and man-made features, areas of existing high intensity uses and policy considerations;
- 3. Determination of residential densities and mix of housing types in the city as a whole and in each village;
- 4. Determination of employment distribution and the proportion of basic and service employment in each village;
- 5. Determination of land area requirements for land withheld from development, and residential and employment activities,
- 6. Preparation of sketch plan map.

After preliminary analysis of Plans 1, 7 and 15, the Steering Committee and Planning Department staff prepared a fourth alternative, Sketch Plan 18 using the Committee's consensus selection of characteristics, core locations, village boundaries and an attempt at achieving the highest possible residential density in Phoenix assuming little redevelopment.

After substantial analysis and refinement of plans 1, 7 and 18 it was determined that the implementation measures required by Sketch Plan 18 — in particular the substantial proportion of high rise residential buildings which would have to be built — were unacceptable in Phoenix. It was decided to develop a new sketch plan using the same villages as 18 and similar characteristics but with more moderate increases in residential densities. The new plan was designated as number 16. All four plans were developed for each five-year period between 1980 and 2000. The following is a brief description of the four plans:

- 1. Sketch Plan 1. This alternative represents a projection of land use development trends assuming no change in land use controls between now and the year 2000. Average residential densities would increase moderately from 3.9 to 4.3 dwelling units per acre. Employment would increase significantly in Central Phoenix, but population would remain relatively unchanged there. Residential development would extend north of the Central Arizona Project Aqueduct in Paradise Valley but much of the southwestern portion of the planning area would remain in agricultural use.

- 2. Sketch Plan 7. This plan assumes government management of the location of urban development to create a city composed of 22 relatively equal urban villages by the year 2000. Average residential density would decrease moderately between 1980 and 2000 from 3.9 to 3.3 dwelling units per acre and most present agricultural and vacant lands in the planning area would be developed. Substantially more development is proposed in south and southwest Phoenix than is projected by trends. Central Phoenix would have only slight population and employment growth.

- 3. Sketch Plan 16. This plan assumes government management of the location of urban development to create a city composed of eight urban villages. Average residential density would increase somewhat faster than trends to 5.0 dwelling units per acre, and growth in new areas would be more balanced between the northern and southern portions of the city. Substantial new residential growth would occur in the center of the city to bring population and employment into a closer balance. More agricultural and vacant land would remain than in trends.

The southwestern portion of the city north of the Salt River would be reserved for agricultural and low density industrial uses with little new residential development.

- 4. Sketch Plan 18. This plan assumes government management of the location of urban development to create a city composed of eight urban villages. Average residential density would increase much faster than trends to 6.0 dwelling units per acre with the construction of large number of high-rise apartment buildings in central Phoenix and greater apartment construction in other areas.

The following table shows the significant differences among the sketch plans in agricultural, vacant and residential land areas in the year 2000 but the relatively insignificant differences in other categories. Summaries of year 2000 data by village or planning area is included in Appendix G.

Year 2000 Land Use Areas By Sketch Plan (Acres in Phoenix Planning Area)				
Land Use Category	Sketch Plan			
	1	7	16	18
Agriculture	29,100	23,800	38,100	39,100
Vacant Developable	52,500	23,300	57,600	69,300
Land Withheld from Development	49,100	49,100	49,100	49,100
Residential	104,400	136,400	91,900	79,700
Basic Employment	16,200	17,000	14,300	13,500
Service Employment	24,100	25,800	24,500	24,600
Total	275,400	275,400	275,400	275,400

D. EVALUATION OF SKETCH PLANS

The evaluation of alternative plans formed the basis for the Urban Form Directions Steering Committee's recommendation of the 2000 Plan map and policies. The process selected for this evaluation uses a Goals - Achievement Matrix to organize the comparison of the disparate factors indicating whether one plan is better than another. After selection of goals, use of the matrix begins with the identification of objectives to permit either qualitative or quantitative measurement of an alternative's achievement of a goal. The results of the measurements are then transformed into a common unit or "normalized" so the results of several measures can be summed.

In September 1977 the Urban Form Directions Steering Committee appointed the following four subcommittees to begin evaluation of the sketch plans:

- 1. Cost/Revenue
- 2. Man-Made Environment and Social Fabric
- 3. Transportation
- 4. Natural Environment

The charge to each subcommittee included those goals which the Steering Committee found appropriate for study. The subcommittees were also asked to review other goals to determine if these goals had implications in their subject area.

After initial work on refining the goals assigned to them, the subcommittees identified measurable objectives for as many of the goals as possible. At the conclusion of their work only 24 of the goals were found to be measurable with the information available for the sketch plans. The measurement techniques used by each subcommittee differed substantially as is discussed below. A report by each subcommittee explaining these techniques is also available.

Cost/Revenue Subcommittee

This subcommittee's work centered on the fiscal impact of each of the four sketch plans on City of Phoenix and school budgets. To assist the subcommittee the consulting firm of Tischler, Marcou and Associates (TMA) was hired. For the fiscal analysis city-wide projections of

population, housing units, and basic and service employment under each sketch plan were broken down by sector or "tier" within the Phoenix Planning Area. This enables TMA to differentiate costs by area of the city where costs might differ substantially. For example, land costs downtown greatly exceed those south of the Salt River, affecting the cost of all land-using public facilities located in one area or the other. These tier areas are defined as follows:

- a. Tier I — central Phoenix
- b. Tier II — most of the remaining development
- c. Tier IIIA — predominantly undeveloped areas in the northern part of the city; and
- d. Tier IIIB — predominantly undeveloped areas in the southern and western parts of the city.

Cumulative Fiscal Impacts

The evaluation of four alternative sketch plans for the Phoenix Planning Area shows that the net fiscal impact of the highest density plan, Sketch Plan 18, is better over the 1980 to 2000 time frame than the other alternatives. (See the following table). For the City of Phoenix, the net fiscal surplus generated totals of \$105.5 million, while the totals for Sketch Plan 16 and Sketch Plan 7, the other "urban village" options are \$54.3 million and \$46.1 million respectively. Sketch Plan 1, the "trends" alternative, generates a fiscal deficit of \$20.5 million over the 20-year planning period.

The cumulative fiscal impacts noted above also indicate that no plan appears likely to generate major revenue surpluses, relative to the total Phoenix budget, or to foreseeable needs of the current population. Revenue growth, accounting for all the predictable sources, is fairly evenly matched with cost increases projected in this analysis.

Results for the Phoenix area school districts, aggregated here into seven hypothetical districts, are more mixed, and are not easily summarized. Primary factors affecting the surpluses and deficits projected include current tax rates and State aid levels; and new property values projected, relative to the number of new pupils.

Summary of Cumulative Fiscal Results (1980-2000) By Major Budget Category City of Phoenix (1979 Dollars in 000's)				
1980-2000 Cumulative Costs/Revenues				
Budget Category	Sketch Plan 1	Sketch Plan 7	Sketch Plan 16	Sketch Plan 18
General Government	\$ 100,745	\$ 100,811	\$ 100,763	\$ 100,660
Criminal Justice	249,824	249,754	248,792	248,384
Public Safety	107,910	115,845	97,210	106,796
Transportation/Streets	91,762	88,762	68,670	84,606
Transportation/Storm Sewers	97,487	84,445	64,710	50,302
Transportation/Buses	82,483	78,693	82,483	82,483
Transportation/Guideway	30,028	—	30,028	30,028
Sanitation/Refuse	102,693	102,330	103,339	73,171
Sanitation/Sanitary Sewers	52,692	50,497	44,150	44,064
Community Enrichment	159,339	155,502	152,196	132,918
Water System ¹	239,561	239,561	239,561	239,561
Housing and Urban Redevelopment	3,677	3,679	3,677	3,674
Human Resources	16,820	16,830	16,823	16,805
Subtotal	\$1,335,021	\$1,286,709	\$1,252,403	\$1,213,451
General City Revenue	682,353	688,210	679,981	681,632
City Property Taxes	392,596	410,038	387,130	397,775
Water System Revenue ¹	239,561	239,561	239,561	239,561
Subtotal	\$1,314,510	\$1,332,809	\$1,306,672	\$1,318,969
Surplus or Deficit	\$-20,511	\$46,100	\$54,269	\$105,517

Note: Totals may not add, due to rounding.

¹ Revenues assumed to equal costs, shown here as an average of the four sketch plans. The rationale for these assumptions is discussed in the text.

Source: MUNIES Computer Output, January 1979.

No single sketch plan is best for schools in all areas of the city, if results are measured by the level of surplus or deficit generated. Sketch Plan 18 produces the highest surpluses in Tiers I and II, due to high property value added and low pupil generation. Sketch Plan 7 is best in Tier IIIA, due to its high property value added per pupil added, which in turn reflects relatively high employment growth projected for the tier. Sketch Plan 7 also generates the highest surplus for Tier IIIB elementary schools for similar reasons, although Sketch Plan 18 produces slightly better results for high schools. The latter effect is

due to the combined impacts of pupil population levels, property values projected and current tax rates. These fiscal results, however, merely reflect the fact that Sketch Plans 7 and 18 are extremes of the spectrum. It appears likely that, overall, Sketch Plan 16 might prove more beneficial to more school districts than any of the alternative plans. Sketch Plan 16, which generates the most even distribution of new pupils and new property values, would probably help to reverse declines in the inner city districts and moderate the strain of new growth in the developing areas.

Bonded Debt — Year 2000

Another measure of cumulative fiscal results, the level of outstanding debt in the Year 2000, shows that Sketch Plan 7 and 16 would leave the City and local schools least burdened by bonded debt. Sketch Plan 7 has the lowest outstanding City debt in the Year 2000, primarily due to the absence of any guideway transit costs. However, this plan also has the highest school debt as a result of high pupil generation, concentrated in undeveloped areas of Phoenix. Sketch Plan 16 is second best for both the City and public schools due to efficient use of existing facilities, but the cost of guideway transit masks other savings.

Relative Rankings

The following table exhibits the relative rankings among sketch plan alternatives for the City of Phoenix cumulative fiscal results and the Year 2000 bonded debt.

SUMMARY RELATIVE RANKINGS CITY OF PHOENIX CUMULATIVE FISCAL RESULTS 1980-2000 AND YEAR 2000 BONDED DEBT				
	SKETCH PLAN 1	SKETCH PLAN 7	SKETCH PLAN 16	SKETCH PLAN 18
Cumulative Fiscal Results	.89	.94	.95	1.00
Year 2000 Bonded Debt	.59	1.00	.69	.59

With regard to these combined City rankings, higher-density, urban-village-centered concepts appear to be most beneficial. However, all alternatives, including Sketch Plan 1 might be within the realm of feasibility. This latter conclusion should be stressed. **No alternative is so outstandingly positive or negative as to merit selection or disqualification on fiscal grounds alone.**

Impacts on schools are even more favorable toward Sketch Plan 18 than the City rankings. This result is due to the assumption that with a high-density housing pattern being promoted by the City, families with children would likely locate in nearby communities rather than Phoenix. There is, thus, an implied upward bias in the age-profile of the population if Sketch Plan 18 is implemented, resulting in modest numbers of new pupils and relatively substantial increases in taxable property values — highly favorable conditions for the schools.

Among the other sketch plans, the overall results of Sketch Plan 16 appear best in Tiers I, IIIA, and IIIB. (Tier I is included here, because surpluses produced by falling enrollment, as is the case with Sketch Plan 1 for Tier I, are not considered a “favorable” outcome for the standpoint

of school systems’ quality and visibility.) Within Tier II, Sketch Plan 16 emphasizes low-density housing, which implies higher number of pupils, relative to the tax base added. Still, this sketch plan should produce fairly limited difficulty, if any, for the school districts in the tier.

Key Cost/Revenue Factors

Examination of the detailed outputs of calculated costs and revenues indicates that several elements are critical to the results for the City of Phoenix, as discussed above: Public Safety costs, Transportation, Sanitation, and Community Enrichment. In addition, Water System costs could have major impacts on the consumer, if not directly on the City’s fiscal position, although the type and magnitude of such possible impacts is still under study.

With Public Safety programs, principally the Fire

Department, capital facility requirements are critical, with compact development easier to serve, up to a point, than low-density areas. Capital costs for new facilities range from \$4.9 million under Sketch Plan 16 to \$8.1 million under Sketch Plan 7. The level and timing of these costs are the main factors affecting cumulative Public Safety costs.

Several factors influence total Transportation program costs, including costs for major streets and storm sewer construction, costs for guideway construction, and costs for street maintenance, lighting, and traffic control. For street and storm sewer cost, Sketch Plan 16 fares best, while Sketch Plan 7 has the lowest overall capital cost for transportation. However, operating costs for transportation programs result in Sketch Plan 7 having higher total costs than Sketch Plan 16. This is due to the huge number of local and collector street miles required by the low density urban village concept embodied in Sketch Plan 7, relative to plans 16 or 18.

Sanitation costs differ widely between Sketch Plan 18 and the other alternatives, because the City is assumed to require private contracts for refuse collection at all high-rise buildings. Given the predominance of this housing type in Sketch Plan 18, the City cost (not considering private cost) is understandable.

A second reason for differences among Sanitation program costs is the level of sanitary sewer capital costs required by each plan. These costs range from \$15.5 million under Sketch Plan 18 to \$23.5 million under Sketch Plan 1. These costs, determined by the Water and Sewer Department, result in substantially different levels of debt service among the alternatives.

Differences among the alternatives for Community Enrichment costs reflect assumptions about land availability for parks under each plan. Due to the limited availability of suitable park sites in central Phoenix, new park facilities in Tier I were assumed to be severely limited. In Sketch Plan 16 and particularly Sketch Plan 18, increased population in Tier I simply results in a higher level of unmet demand for park and recreation facilities. Therefore, as with Refuse, a higher City budget surplus is obtained by reducing the proportion of the population receiving some types of public services.

As noted above, Water System costs were identified as a potentially significant area of difference between sketch plans. However, because water demand, and the means for making up any temporary shortfall of supply, cannot be determined at present, water system costs were estimated and averaged for the four plans in order to avoid unduly biasing the results. Instead, the Water and Sewers Department, as a result of discussions regarding this fiscal analysis, has undertaken a study of long-range water demand, as well as the sources, quality and costs of water supply. With this information, the department can plan to assure a safe and adequate water supply for Phoenix’ future, at the most reasonable overall cost.

Cost/Revenue Subcommittee Conclusions

The results of the computerized Fiscal Impact Analysis proved to be beneficial in assessing the relative public costs and revenues associated with each sketch plan alternative. While Sketch Plan 7 achieved the highest score for the cost/revenue goal, followed by Sketch Plan 16, 18, and 1 respectively, it is essential to note that the actual fiscal difference between the two extreme scores when taken on an annual basis is relatively insignificant. **The Subcommittee, therefore, did not wish to recommend any one sketch plan alternative.**

The Subcommittee, however, noted that the Fiscal Impact Analysis study results indicate that some form of managed growth in line with the village concept appears to be fiscally beneficial although not overwhelmingly so.

A number of cost/revenue issues were not able to be objectively measured and were not reflected in the Fiscal Impact Analysis or the Goals-Achievement Matrix. These issues concern the implementation costs of keeping desired parcels of land out of production and redevelopment activities in the older areas of Phoenix.

The difficulty in assigning a cost to public land acquisition is that there are a range of monetary and nonmonetary techniques which could be utilized. Monetary techniques might include outright land purchases, such as the Phoenix Mountains Preserve, or land banking activities. Nonmonetary implementation techniques include variations in current zoning, such as down-zoning. Since many of the possible implementation tools have not been previously tested in Phoenix, accurate measurement and the relative effectiveness of these techniques is difficult to assess.

In assessing redevelopment activities, the degree of public and private involvement must be determined. Due to the currently limited extent of public redevelopment in Phoenix, which is primarily federally funded, the maximum level of public redevelopment activities in years to come is difficult to determine. Also, while the City of Phoenix may encourage private redevelopment activity through tax incentive techniques, the extent of private participation cannot be accurately measured.

In light of these implementation concerns, the Subcommittee concurs with the subjective evaluation of these issues made by the Man-Made Environment/Social Fabric Subcommittee. Their evaluation resulted in Sketch Plan 1 being the least difficult plan to implement followed by Sketch Plan 7, 16, and 18, respectively. The Cost/Revenue Subcommittee feels that substantially greater implementation costs would be incurred in Sketch Plan 18 than would be in Sketch Plan 7 or 16.

Man-Made Environment and Social Fabric Subcommittee

This subcommittee dealt with the most qualitative aspects of evaluation process and eventually found only seven of the fourteen goals it originally considered measurable. The goals it dealt with, however, included some of those central to the urban village concept.

Sense of Community

The most important of the subcommittee’s goals, “Maximize the sense of community felt by urban village and neighborhood residents,” was evaluated with three measures:

1. The proportion of miles of natural and man-made features as village or planning area boundaries. Using this measure the following scores resulted — Sketch Plan 1 — 93%, Plan 7 — 86%, Plan 16 — 91%, Plan 18 — 91%. The area plan boundaries in Sketch Plan 1 had more flexibility in following natural boundaries as the goal of equal village population used in the other plans was not part of the trends plan. The subcommittee felt that identifiable boundaries would help to reinforce sense of community.

2. The deviation of village areas from the metropolitan employment participation rate. This measure is based on the assumption that people living and working in the same villages will have a greater sense of community. The high residential densities in Sketch Plan 18 permitted a dramatically better match of employment and residential opportunities with only 3600 people in the year 2000 not having the opportunity to live and work in the same village as compared to 7900 in Sketch Plan 16, 14,800 in 7 and 67,800 in Sketch Plan 1.
3. The deviation of each village area from an ideal mix of housing types. The Subcommittee subjectively selected the following mix of residential density ranges as providing the best opportunity for choice of appropriate housing in the year 2000:

Dwelling Units Per Residential Acre in Category	Typical Dwelling Units Type in Category	Proportion of Dwelling Units in Category
0 - 1.7	large lot single family	5%
1.7-5	small lot single family	35%
5 - 15	patio homes and townhouses	30%
15 and over	garden and high-rise apartments	30%

The net difference between each village percentage and the subcommittee percentage for each density range was determined. Sketch Plan 16 had the lowest average variation from the ideal mix and achieved the best score. The normalized scores for this measure were Sketch Plan 1 — .96, Sketch Plan 7 — .92, Plan 16 — 1.00 and Plan 18 .93.

Vitality of All Areas

Another important goal measured by the Man-Made Environment and Social Fabric Subcommittee was, "Develop and provide for the continued vitality of all areas of the city." Eight measures were used to determine a score for this goal including the composite score of the "sense of community" goal. This was identified as an essential ingredient for achievement of the vitality goal. Residents who share a sense of community would be more likely to support efforts to develop and maintain their community as a self-sustaining one. The normalized sense of community scores are as follows: Sketch Plan 1 — .65, Plan 7 — .73, 16 — .82 and Plan 18 — 1.00.

Transportation measures were used assuming that access to opportunities within villages would help the vitality of an area. Sketch Plan 7 received the best score here because of its small villages and low levels of congestion. Lack of congestion also caused Plan 7 to score best for access to opportunities outside villages.

Another measure used was an index of accessibility to employment opportunities. Sketch Plan 16 received the

best score for this index because it combined a good match of employment opportunities to population with relatively low levels of traffic congestion. The normalized scores for this measure are: Sketch Plan 1 — .97, Plan 7 — .97, Plan 16 — 1.00 and Plan 18 — .96.

Other measures used for this goal compared the mix of land uses in villages to the average for the City and the diversity of age of housing units. Sketch Plan 7 received the best score for mix of land uses and Plan 16 the best for diversity of age of housing units. Scores for this latter measure were: Plan 1 — .86, Plan 7 — .70, Plan 16 — 1.00 and Plan 18 — .94.

Implementation Problems

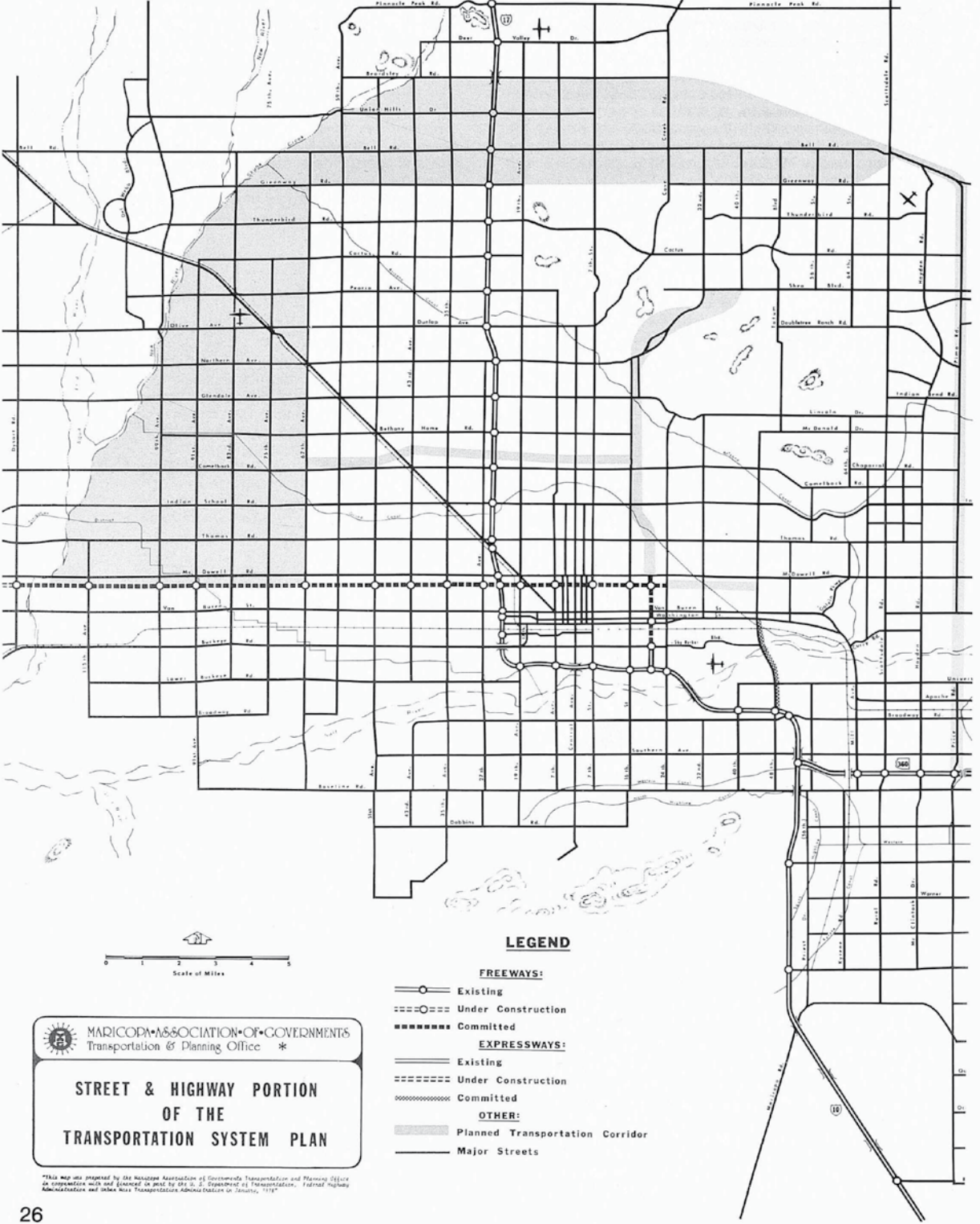
Another significant goal studied by the Subcommittee was, "Minimize the level of government intervention necessary to achieve urban form goals." To measure this goal a subjective rating was assigned to each plan denoting the degree of difficulty municipal government would have in implementing the plan. Prior to assigning the rating, the Subcommittee discussed at length the tools municipal government might use for plan implementation. The resulting scores were: Sketch Plan 1 — 1.00 indicating that it would be the easiest to implement and therefore require the least intervention, Sketch Plan 7 - .90, Plan 16 - .80 and Plan 18 - .65 indicating that it would be the most difficult to implement.

While Sketch Plan 16 and 18 scored low on the "minimizing governmental intervention" goal, the Subcommittee feels that the negative political and economic consequences of "government intervention" could be overcome only if the City Council and the Planning Commission are committed to the urban village concept as being the most viable alternative to continued urban sprawl.

Man-Made Environment and Social Fabric Subcommittee Conclusions

The Subcommittee feels that certain characteristics of Sketch Plans 16 and 18 are necessary for achieving Man-Made Environment and Social Fabric goals and strongly recommend they be retained in the sketch plan ultimately selected for formal adoption by City Council. Characteristics to be included in the recommended plan are:

1. A **strong downtown core** to help establish the City's identity for its citizens. A strong downtown core is also necessary for Phoenix' development and economic growth.
2. **Strong village** definition that promotes a sense of community, provides for a choice of life-styles, and encourages continued vitality.
3. **Retention of agricultural** land for greenbelts within peripheries and buffer between villages and different land uses.



4. The **development of Rio Salado** to promote commerce, flood control, preservation of open space and increased recreation and employment opportunities.

5. **Retention of mountain open space** and environmentally sensitive areas.

6. The **development of multiple cores** in numbers that promote a sense of community, a choice of life-style, and encourage continued vitality.

7. **Maximum transit opportunity** between cores and within cores.

8. **Location management** as required to implement the urban village concept.

9. **Developing north of the CAP** after urban infilling has been accomplished in a manner compatible with surrounding land uses.
2. **Expressways and Freeways.** Transportation alternatives included one of the following two freeway and expressway systems: (1) the system indicated on the Street and Highway Portion of the Transportation System Plan adopted by the Maricopa Association of Governments on January 4, 1978, and (2) only the existing and committed freeways and expressways shown on the Street and Highway Portion of the Transportation System Plan. These systems are shown on the opposite page.

3. **Public Transit.** Several combinations of public transit service were also analyzed. These included local and express bus service ranging from approximately 400 to approximately 850 buses in the Phoenix Planning Area in the year 2000 increasing from approximately 250 in 1980. High capacity exclusive guideway transit systems were also tested. These could be either elevated or underground with one of several different types of vehicles. Early in the study an extensive exclusive guideway system providing regional service was tested with Sketch Plan 18 and later a more concentrated 40-mile system in central Phoenix was tested. A more limited 9-mile central corridor system was also tested with plans 1, 16 and 18. Scores in the table below reflect the more limited system.

Transportation Subcommittee

This Subcommittee considered the interrelationships of the four land use alternatives (Sketch Plans 1, 7, 16 and 18) and several transportation alternatives including the following components:

1. **Streets.** All transportation alternatives included, in the urbanized areas of each sketch plan, completion of major, collector and local streets as shown on the Minimum Right-of-Way Standards Map for areas now within the Phoenix City Limits and extension of similar standards for the remainder of the planning area.

The Transportation Subcommittee Report concentrated on the impact that different land use configurations would have on transportation service rather than on the suitability of any single transportation system. Additional study and refinement of the transportation system will be undertaken during the development of a Circulation Element upon adoption of the Phoenix Concept Plan 2000. The normalized scores (where a score of 1.00 indicates the alternative with the best results) for the five goals studied by the Subcommittee are as follows:

Normalized Score for Transportation Goals								
Goal	1		Sketch Plan 7		16		18	
	E+C	Plan	E+C	Plan	E+C	Plan	E+C	Plan
1. Develop a land use pattern that reduces the need to travel by shortening required travel distances.	.47	.66	.61	.78	.74	.86	.88	1.00
2. Provide mobility by improving transportation facilities.	.80	.87	.86	1.00	.81	.92	.74	.83
3. Develop an equitable transportation system providing accessibility to nonautomobile users.	.83	.90	.93	1.00	.81	.90	.92	1.00
4. Provide for safe, efficient, and convenient movement and transfer of people and goods.	.77	.82	.83	1.00	.80	.88	.71	.77
5. Minimize the adverse impacts of transportation system construction and operation on housing and businesses, parks, schools, historical and archaeological sites and on aesthetics of adjacent areas.	1.00	.95	1.00	.95	1.00	.95	1.00	.95

(See Notes on E + C, Plan and scores on page 28)

- Notes:
- a. E+C indicates the existing plus committed freeway and expressway system.

b. Plan indicates the adopted MAG freeway, expressway and transportation corridor plan.

c. The scores in the table include testing Sketch Plans 1, 16, and 18 with a nine-mile exclusive guideway system in the central corridor and all sketch plans with an 850 bus system in Phoenix.

The implications of these normalized scores are as follows:

Goal 1 was measured by (1) examining how well employment opportunities were matched to residential areas, and (2) by reexamining how accessible village cores are to freeways. Residential location and employment were closely related to density, so as the density of an area increased employment opportunities increased. In all plans an equal percent of cores was accessible from the freeway (Plan 18 achieved the highest score).

Measures for Goal 2 determined a system's mobility by examining inter- and intra-village travel, employment accessibility and public transportation. Results indicate that as the density of an area decreases, the level of congestion decreases and speeds increase improving mobility. If both density and speed are increased, employment accessibility increases which suggests that employment accessibility is determined by (1) the density of an area, and (2) the access to that area from other surrounding areas. (Plan 7 achieved the highest score for this goal).

Measures for Goal 3 determined transit mobility by determining how well users could travel within and between villages. Findings suggest that the ability to travel was dependent on the type of transit system used and travel distance. Smaller villages resulted in greater mobility due to rapid access to cores within the village. Inter-village mobility was determined by the distance between villages. The closer together the location of cores the greater the mobility. Results also imply that as the transit system is improved, mobility is increased. (Plans 7 and 18 achieved the highest score for this goal).

Goal 4 was evaluated by examining the relationships between speed, congestion, density, and safety. As density decreases and speed increases, congestion decreases and system efficiency is improved. A system's relative safety was measured by the proportion of travel on freeways versus major streets. For a given amount of travel the number of accidents decreases as the proportion of travel on freeways increases.

Measures for Goal 5 compared alternate transportation systems by measuring their projected impacts on urbanized land, archaeological sites and historic sites. Results indicate that as freeway development increases, construction impacts on urban land, archaeological sites and historic sites increases although not affecting a significant proportion of those areas. There was no difference among land use alternatives with this measure.

Movement within and between villages is dependent upon mobility. Mobility is a reflection of congestion and density. The availability of accessible employment depends upon both density and mobility. Thus, as residential and employment densities increase, employment opportunities increase, but only so long as the densities do not reach a point where mobility decreases.

Transit movement between and within villages was determined by the design of the sketch plan as well as system improvements. Transit use increased as the transit system improved, or as the travel distance was reduced. In no alternative tested did total regional transit ridership exceed 5% of total trips. Substantially higher proportions of transit ridership were projected for home to work trips in the central Phoenix area however.

The overall results suggest that lower densities improve mobility but do not improve accessibility to employment opportunities. Higher densities produced more congestion but required shorter trips and greater access to employment and shopping. Ideally, the optimum alternative will maximize employment opportunity to residents while minimizing traffic congestion.

Natural Environment Subcommittee

The Natural Environment Subcommittee determined the achievement of ten goals by the four sketch plans. These goals dealt with air and water quality, agricultural land, energy and open spaces. Measurement of some of the more significant findings was performed as follows:

Domestic Water Supply

The goal, "Provide a safe and adequate domestic water supply to all citizens of Phoenix," was measured by determining the amount of water required by population outside the Salt River Project service area in the year 2000 on days of peak demand. The less water required the better the plan's score. Scores were: Sketch Plan 1 — .64, Plan 7 — .68, Plan 16 — .74 and Sketch Plan 18 — 1.00. Although there will be adequate total water supply in the Phoenix Planning Area for the projected population, water may not be transferred outside the Salt River Project service area unless replaced with water produced outside the service area. Assuming current rates of water use, the well production off-project and the contracted amount of water from the Central Arizona Project will not be adequate to meet peak day demand for water for any alternative throughout the 1980-2000 period when gate water credits are not available. Several alternatives are possible for bringing off-project supply and demand into balance, however, the greater the imbalance, the more drastic the mitigating measures will have to be. Therefore, sketch plans with a smaller imbalance were given a higher score.

Agricultural Land

Two measures were used to assess a sketch plan's ability to preserve agricultural land: 1) the total number of acres preserved, and 2) the intensity of development adjacent to the agricultural land (measuring the compatibility of adjacent uses). The scores for the goal, "Preserve agricultural land," are: Sketch Plan 1 — .81, Plan 7 — .85, Plan 16 — .98 and 18 — 1.00.

Groundwater

The goal, "Manage the quality and quantity of ground-water resources," was measured by estimating the amount of groundwater overdraft resulting from retention of agricultural land uses in the Phoenix Planning Area. The scores for this goal are: Sketch Plan 1 — .93, Sketch Plan 7 — 1.00, Plan 16 — .82 and Plan 18 — .81.

Open Space

The goal, "Design open space to provide relief from continuous urban development, areas for varied recreational needs, and preservation of some of the original character of the areas," was measured by: (1) the acres of open space preserved, and (2) the percentage of community peripheries in open space. Sketch Plans 16 and 18 received the best score of 1.00 for both of these measures with scores for plans 1 = .55 and 7 = .62.

Rio Salado

The goal, "Provide for the multiple use of surface water with due consideration to groundwater quality," was subjectively measured assuming that the three village plans encouraged development of the Rio Salado and in particular the higher density plans with emphasis on downtown and South Phoenix residential development would reinforce the Rio Salado project. Scores for the goal were: Sketch Plan 1 — .82, Plan 7 — .91, and Plans 16 and 18 — 1.00. Using subjective measurement, scores for the goal, provide for the multiple use of canals, flood plains and other waterways in the City were determined by the Man-Made Environment and Social Fabric Subcommittee on a similar basis. This Subcommittee found plans 16 and 18 even more important for implementing Rio Salado resulting in scores for the latter goal of Sketch Plan 1 — .38, Plan 7 — .75, and Plans 16 and 18 — 1.00.

Energy Conservation

The goal, "Minimize the use of nonrenewable energy resources through conservation and increased use of renewable resources," was measured in three ways: (1) estimated total residential energy consumption based on differences in dwelling unit types by a sketch plan (plans with more multi-family units scored slightly better than the lower density plans); (2) a subjective rating of the amount of infilling of central Phoenix in each plan assuming that infilling would result in reducing the need to travel, encouraging better mass transit and reducing the need to construct public facilities, and (3) determining the number of vehicle miles traveled (total vehicle miles traveled equal the average trip length times the number of trips. Sketch plan 7 has the longest trips but Sketch Plan 18 has by far the greatest number of trips). The greater the vehicle miles traveled, the greater the energy use. Overall scores for the goal from these three measures are: Sketch Plan 1 — .92, Plan 7 — .98, Plan 16 — 1.00 and 18 — .96.

Air Pollution

Air pollution differences among the plans was measured by the amount of vehicle emissions, and the acres of vacant and agricultural land causing particulate emissions. Sketch Plan 7 and 16 received a score of 1.00, Plan 1 had a score of .96 and Plan 18 of .97.

Natural Environment Subcommittee Recommendations

The Natural Environment Subcommittee did not wish to recommend any of the four sketch plans as best achieving the intent of the Natural Environment Goals. Although Sketch Plan 18 came out with the highest score for most of the goals, the fact that it was the lowest in water conservation posed a problem. Also, although Sketch Plan 18 retained the greatest amount of open space, a good portion of it was located on the periphery of the planning area and was not readily accessible to all villages.

The Subcommittee did feel that certain characteristics of the sketch plans were important in achieving the natural environment goals and recommended that the following characteristics be included in the development of that plan:

- 1. Development of the Rio Salado and emphasis of waterways.
- 2. Retention of mountain open space and other environmentally sensitive areas.
- 3. Strong village definition to better utilize open space.
- 4. An overall density high enough to retain adequate open space and reduce energy consumption.
- 5. Multiple cores in numbers sufficient enough to create villages and not cities.
- 6. A strong infilling policy that would reduce energy consumption, help preserve agricultural land, and minimize off-project water needs.
- 7. Retention of agricultural land when it may be incorporated into the open space periphery of a village while minimizing groundwater depletion.
- 8. Consideration should be given to all characteristics which tend to improve such goals as air quality and noise pollution even though little variation between sketch plans is now evident.

Summary of Evaluation Results

The following table presents the normalized scores for each of the Urban Form Directions goals found to be measurable by the four evaluation subcommittees. The goals are listed in the order of the Steering Committee ranking of their importance with the most important measurable goal listed first.

Normalized Scores from

Rank	Goal	Sketch Plan			
		1	7	16	18
1.	Provide a safe and adequate domestic water supply to all citizens of Phoenix.	.64	.68	.74	1.00
2.	Conserve the quality and quantity of groundwater resources.	.93	1.00	.82	.81
3.	Develop a land use pattern that reduces the need to travel by shortening required travel distances.	.66	.78	.86	1.00
4.	Design open space areas to provide relief from continuous urban development, areas for varied recreational needs, and preservation of some of the original character of the area.	.55	.62	1.00	1.00
5.	Provide and maintain air quality compatible with health and well-being and with the prevention of damage to property, vegetation, and aesthetic values.	.96	1.00	1.00	.97
6.	Provide a sufficient choice of adequate housing in all parts of the city to meet the needs of all individuals.	.96	.92	1.00	.93
7.	Maximize the opportunity for diversity and flexibility of activity and a choice of life-style.	.96	.92	1.00	.93
8.	Provide mobility by improving transportation facilities.	.88	1.00	.92	.78
9.	Provide for the multiple use of canals, floodplains and other waterways in the city.	.50	.80	1.00	1.00
10.	Preserve environmentally sensitive areas such as floodplains, wildlife habitats and steep slopes.	.88	1.00	.94	.94
11.	To minimize the urban dome effect which tends to reduce normal daily temperature variations.	.93	.90	.98	1.00
12.	Minimize the use of nonrenewable energy resources through conservation and increased use of renewable resources.	.92	.98	1.00	.96

Sketch Plan Evaluation

Rank	Goal	Sketch Plan			
		1	7	16	18
13.	Develop and provide for the continued vitality of all areas of the city.	.88	.99	.99	1.00
14.	Develop an equitable transportation system providing accessibility to nonautomobile users.	.91	1.00	.90	.82
15.	Preserve agricultural land uses.	.81	.85	.98	1.00
16.	Minimize individual and municipal costs, given current levels of service, by providing public services and facilities in the most efficient manner possible.	.80	1.00	.89	.88
17.	Facilitate the continued growth of tourism through protecting the natural and man-made attractions which draw people to the valley.	.95	1.00	1.00	.97
18.	Maximize the sense of community felt by urban village and neighborhood residents.	.65	.73	.82	1.00
19.	Provide for multiple use of surface water without allowing groundwater quality to deteriorate.	.82	.91	1.00	1.00
20.	Equitably manage urban and agricultural water needs.	.99	.98	1.00	1.00
21.	Minimize the adverse impacts of transportation system construction and operation on housing and businesses, parks, schools, historical and archeological sites and on the aesthetics of adjacent areas.	1.00	1.00	1.00	1.00
22.	Provide for safe, efficient and convenient movement and transfer of people and goods.	.82	1.00	.88	.71
23.	Establish, foster, and maintain high standards for the control of noise pollution, ensuring a noise level that does not cause stress or health damage.	1.00	.99	.99	.97
24.	Minimize the level of government intervention necessary to achieve urban form goals.	1.00	.90	.80	.65

E. SKETCH PLAN MATRIX

CHARACTERISTIC		SKETCH PLAN																			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
LAND USE	1a. STRONG DOWNTOWN CORE																				
	1b. WEAK DOWNTOWN CORE																				
	2a. MULTIPLE CORES - LESS THAN 10																				
	2b. MULTIPLE CORES - 10 to 20																				
	2c. MULTIPLE CORES - OVER 20																				
	3a. HIERARCHY OF CORES																				
	3b. EQUAL CORES																				
	4a. STRONG VILLAGE CORES																				
	4b. WEAK VILLAGE CORES																				
	5a. VILLAGE SPECIALIZATION-NON-METRO USES																				
TRANSPORTATION	5b. VILLAGE INTEGRATION-NON METRO USES																				
	6a. VILLAGE SPECIALIZATION-METRO USES																				
	6b. VILLAGE INTEGRATION-METRO USES																				
	7a. RETENTION OF AGRICULTURAL LAND																				
	7b. DEVELOPMENT OF AGRICULTURAL LAND																				
	8a. RIO SALADO																				
	8b. NO RIO SALADO																				
	9a. EMPHASIZE WATERWAYS																				
	9b. AGRICULTURAL LAND																				
	10a. RETENTION MOUNTAIN OPEN SPACE																				
HOUSING	10b. DEVELOPMENT OF MOUNTAINS																				
	11a. MAXIMUM TRANSIT OPPORTUNITY																				
	11b. MAXIMUM AUTO OPPORTUNITY																				
	12a. NO NEW FREEWAYS EXCEPT I-10 CONNECTION																				
	12b. FREEWAY NETWORK																				
	12c. PARKWAY NETWORK																				
	12d. FREEWAY - PARKWAY NETWORK																				
	13a. BUS AND/OR DUAL MODE SYSTEMS																				
	14a. FIXED GUIDEWAY SYSTEMS																				
	15a. UNIFORM ACCESSIBILITY																				
GROWTH MANAGEMENT	15b. HIGH ACCESSIBILITY TO CORES																				
	16a. STRONG CONNECTION OF CORES																				
	16b. WEAK CONNECTION OF CORES																				
	17a. LOW DENSITY - UNDER 5 DU/ACRE																				
	17b. MEDIUM DENSITY-5 to 10 DU/RESIDENTIAL ACRE																				
	17c. HIGH DENSITY - OVER 10 DU/ACRE																				
	18a. MIX OF HOUSING TYPES IN VILLAGES																				
	18b. UNIFORMITY OF HOUSING TYPES IN VILLAGES																				
	19a. DISTRIBUTION UNRELATED TO CORES																				
	19b. CONCENTRATION IN CENTRAL CORE																				
AESTHETICS	19c. CONCENTRATION IN VILLAGE CORES																				
	20a. STRONG VILLAGE DEFINITION																				
	20b. WEAK VILLAGE DEFINITION																				
	21a. LOCATION MANAGEMENT																				
	21b. NO LOCATION MANAGEMENT																				
	22a. DEVELOPMENT NORTH OF THE CAP																				
	22b. NO DEVELOPMENT NORTH OF THE CAP																				
	23a. RATE MANAGEMENT																				
GROWTH MANAGEMENT	23b. NO RATE MANAGEMENT																				
	24a. NO GROWTH																				

F. CHARACTERISTICS OF SKETCH PLAN

The following are definitions or the characteristics used to define sketch plans for study in Urban Form Directions Phase II. The numbers reference those in the Sketch Plan Matrix. Each number indicates a group of alternative characteristics, while letters in the matrix indicate alternatives within the group.

Land Use

1. Strong Downtown Core — Weak Downtown Core

Sketch plans with a strong downtown core would include a downtown core with a significantly greater land use intensity and proportion of employment, cultural and recreational opportunities than any other core. In sketch plans with a weak downtown core, the Central Phoenix area would not have an average intensity of land use significantly greater than other core areas even though employment might be in high rise office buildings rather than single story industrial buildings.

2. Multiple Cores

The “less than 10” category would represent major activity centers serving more than the current population of Scottsdale or Mesa with regional shopping, community colleges, large employment centers, etc. The “over 20” category would represent cores serving generally less than 60,000 population with community shopping centers and high schools.

3. Hierarchy of Cores — Equal Cores

In sketch plans with a hierarchy of cores, one core, probably Central Phoenix, would be significantly larger than the others and contain land uses serving all of the city. A second level of cores would serve areas similar to the service area of regional shopping centers. A third level, often called the community, would serve areas similar to those served by high schools and include shopping centers such as the medium sized ones including large discount stores. The smallest service level is normally the neighborhood with uses such as elementary schools and supermarkets.

In contrast to a hierarchy, sketch plans with the equal cores characteristic would concentrate activities at one of the above levels such as the community and distribute uses that would ordinarily serve more than one community among the several cores. Uses serving areas smaller than a community would be more or less randomly distributed within each community.

4. Strong Village Cores — Weak Village Cores

The strength of a village core increases as the mix and intensity of land use activity increases. Single use cores such as shopping centers without entertainment or employment opportunities would be classified as weak cores. Strong cores would be readily identifiable with 24 hour-a-day activity.

5. Village Specialization and Integration — Non-Metro Uses

Non-metro uses are those urban land uses normally serving less than the entire metropolitan area and repeated in several sub-metropolitan areas. Examples are elementary and secondary schools, shopping centers and housing. Non-metro uses are those one would expect to find in a small town providing for most of the needs of the population. The small town would also be an example of integration of non-metro uses. When a metropolitan area begins to work as a unit rather than a group of small towns, some areas begin to specialize in, for example, one housing type or one type of land use, such as employment or residential. In village specialization of non-metro uses, the village areas are interdependent for the total supply of social and economic needs and require substantial movement of persons and goods between various village areas.

6. Village Specialization and Integration — Metro Uses

Metro uses are those serving the entire metropolitan area. There are normally only one or very few metro uses of each type. Examples of metro uses in Phoenix include ASU, the Civic Plaza, and major bank headquarters. In village integration each village area would be relatively autonomous providing four-year colleges, a full range of services, hotels, etc. In village specialization — metro uses, metropolitan serving uses could be concentrated in one core or single unduplicated uses could be randomly dispersed to several locations throughout the metropolitan area.

7. Retention — Development of Agricultural Land

Self explanatory.

8. Rio Salado — No Rio Salado

Sketch plans with Rio Salado would include full development of the Rio Salado project as suggested in the study by Daniel, Mann, Johnson, and Mendenhall with additional associated development that might be expected. No Rio Salado would assume no significant development of the Salt River floodplain other than industrial and extractive land uses.

9. Emphasize — Deemphasize Waterways

Sketch plans emphasizing waterways would make substantial use of the canal system and/or floodways for uses such as transportation, low density separation of villages and parks. Plans deemphasizing waterways might include covering canals and channelizing washes.

10. Retention of Mountain Open Space — Development of Mountains

Sketch plans retaining mountain open space would continue or expand the present mountain preserve areas while sketch plans showing development of the mountains would indicate substantial high density development on the mountains.

11. Maximum Transit Opportunity — Maximum Auto Opportunity

Sketch plans with maximum transit opportunity would provide convenient transit access to all or nearly all commercial, recreational and employment opportunities. Transportation facility construction and land use configuration would emphasize transit opportunity. Although transit ridership would be significantly higher than it is now, it would still account for much less than a majority of person trips. Maximum auto opportunity would emphasize construction of facilities to improve automobile movement.

12. Freeways — Parkways

a. No New Freeways Except I-10 Connections

Although selection of an I-10 connection has not occurred, for the purpose of this study only the inner loop and the Durango Bend alternatives will be considered.

b. Freeway Network

This category would include sketch plans with a freeway system using new and existing freeways providing interconnection of significant metropolitan subareas with a high proportion of total trips using a freeway during some portion of the trip.

c. Parkway Network

Sketch plans in this category provide interconnection of significant metropolitan subareas by parkways as a supplement to the major street system. A parkway is a six or more lane heavily landscaped major street with limited frontage access.

d. Freeway — Parkway Network

This category is a combination of b (some freeways in addition to existing ones) and c above with parkways sometimes substituting for what might have been new freeways under b.

13. Bus and/or Dual Mode Systems

This category includes sketch plans with a bus or other flexible broad-area transit service to most of the city. A dual mode system would have the capacity of providing door-to-door vehicular service as well as automated fixed guideway movement for a portion of its trip.

14. Fixed Guideway Systems

This category included sketch plans with a significant portion of the population served by a mass transit system employing a fixed guideway. Examples of this type of transit system include streetcars, subways, railroads, monorails, and separate bus lanes. Feasibility of this system would depend upon a high volume of transportation demand in the corridor including the fixed guideway. The demand would normally be generated by high intensity land use along the corridor or by a concentration of trip ends at

points connected by the corridor. The concentration of trip ends could be accomplished through a combination of a fixed guideway system and a bus or other flexible transit system feeding points on the fixed guideway.

15. Uniform Accessibility — High Accessibility to Cores

a. Uniform Accessibility

This would provide relatively equal access to most employment, shopping, and recreational opportunities from most areas of the city. As an example, a grid major street system would meet the definition of providing relatively uniform accessibility on a metropolitan scale even though there would be differences on a local scale between the area around major street intersections and areas midway between major streets.

b. High Accessibility to Cores

This would provide significant differences in accessibility on a metropolitan scale. Area of intense land use (cores) would have much higher levels of accessibility than areas of less intense land use. For example, some type of radial transportation system would converge on cores and/or cores would be near freeway interchanges or high capacity transit terminals.

16. Strong — Weak Connection of Cores

With strong connection of cores it would be relatively easy to get from one core to another. Interaction and interdependence among cores would be facilitated. Conversely, weak connection of cores would lead to more autonomous integrated subcity areas.

Housing

17. Density

a. Low Density — 0 to 5 DU per Residential Acre

This category includes sketch plans where the average residential density of Phoenix would be less than five units per acres. The residential character of the city would be similar to that of today with most dwelling units in medium-low density (1.7-5 DU/A) subdivisions. A small proportion of dwelling units on a significant land area would be in low density area (under 1.7 DU/A) and a somewhat large proportion of dwelling units on a small land area would be in densities over 15 dwelling units per acre.

b. Medium Density — 5 to 10 DU per Residential Acre

This category includes sketch plans with an average residential density for Phoenix of five to ten dwelling units per acre. While there would still be a substantial proportion of dwelling units in medium-low density (1.7-5 DU/A) developments, almost all new residential construction between 1980 and 2000 would be at densities in excess of 5 DU/A with a significant proportion in excess of 15 DU/A.

c. High Density — Over 10 DU/Residential Acre

This category includes sketch plans with an average residential density for Phoenix in excess of ten dwelling units per acre. Almost all new construction would be at densities well in excess of 15 DU/A and large areas of existing housing would be redeveloped to higher densities.

18. Mix-Uniformity of Housing Types in Villages

a. Mix of Housing Types in Villages

In this category sketch plans would include a mix of housing types in each village approximately equal to the City average in the year 2000.

b. Uniformity of Housing Types in Villages

In this category sketch plans would include a mix of housing types in each village approximately equal to the City average in the year 2000.

b. Uniformity of Housing Types in Villages

In this category sketch plans would include villages with a single housing type being a considerably greater proportion of the dwelling units in that village than the City average of each type in the year 2000.

Employment

19. Distribution — Concentration

a. Distribution Unrelated to Cores

This category represents sketch plans with a random distribution of employment opportunities. That is, employment opportunities would generally be unrelated to residential locations or to locations of shopping, recreational and other opportunities.

b. Concentration in Central Core

This category represents the situation of extreme centralization. Most employment opportunities would be located in the central core.

c. Concentration in Village Cores

This category represents sketch plans with employment opportunities dispersed throughout the City but concentrated in village cores.

Aesthetics

20. Strong — Weak Village Definition

a. Strong Village Definition

This category includes sketch plans where there is a considerable difference in visual characteristics among villages as well as a well-defined boundary between villages.

b. Weak Village Definition

This category includes sketch plans where there is little visual difference among villages and no attempt to create well-defined village boundaries.

GROWTH MANAGEMENT

21. Location Management — No Location Management

Other than the normally small area impact of zoning restriction, Phoenix exercises little direct control over the location of new development. Thus, any change from current trends in the location of new development will require additional location management activities. The more the sketch plan differs from trends the more control will be required over the location of new development.

22. Development — No Development North of the Cap

Self explanatory.

23. Rate Management — No Rate Management

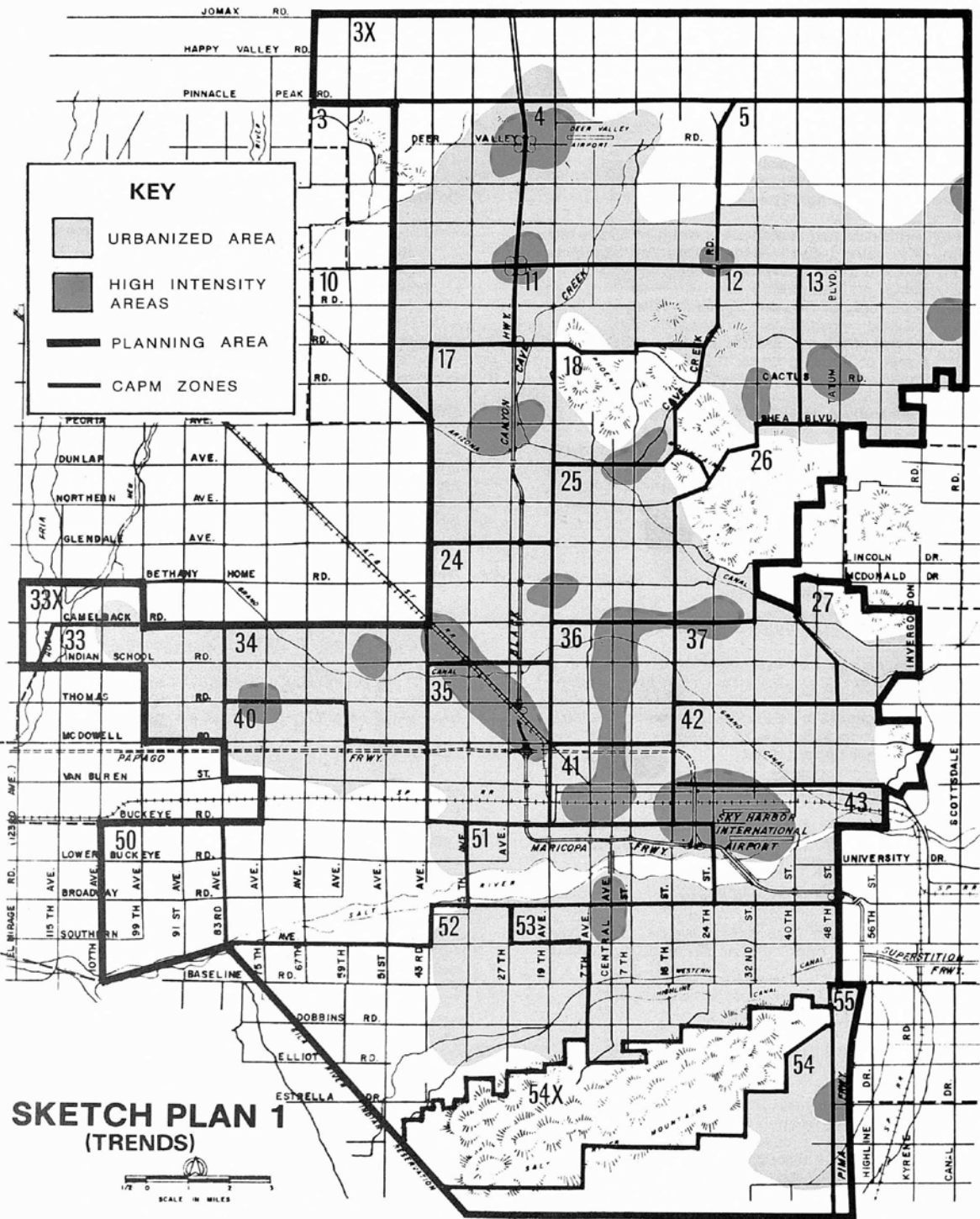
Sketch plans with this characteristic would attempt to increase or decrease the rate of population growth or to make no change in the growth rate.

24. No Growth

In this characteristic a population size similar to the present one would be retained.

G. SKETCH PLAN MAPS AND DATA SHEETS

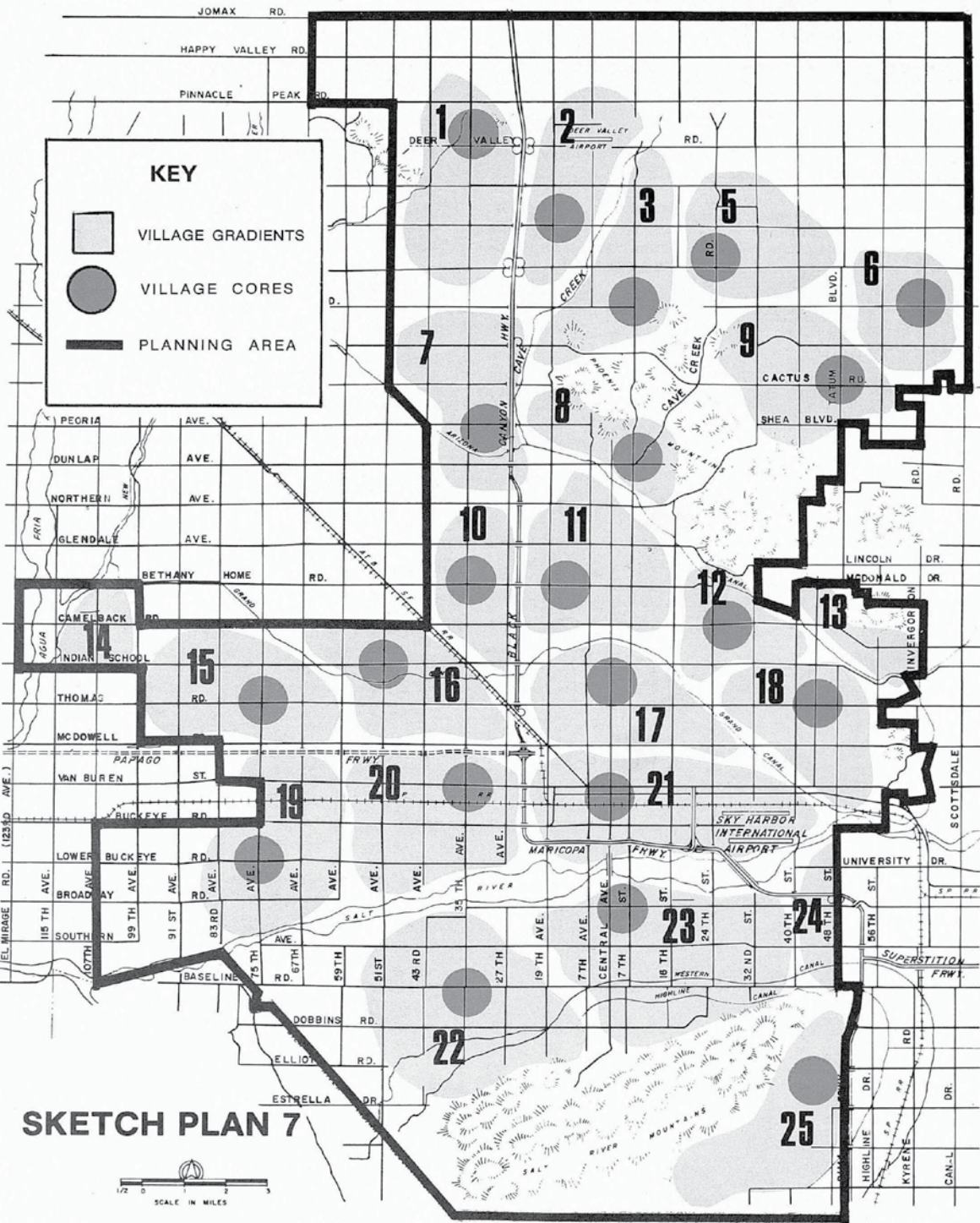
Sketch Plan 1 (Trends)	p. 36
Sketch Plan 7	p. 38
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Sketch Plan 18	p. 42



SUMMARY SHEET SKETCH PLAN # 1 (TRENDS)

CAPM	Average Residential Density	Percent D.U. 0-1.7 DU/A	Percent D.U. over 15 DU/A	Population	Total Employment	Emp. Part. Rate	Total DU	Employee Density (Emp./Acre) Basic	Employee Density (Emp./Acre) Service	Area (acres)
3	3.7	6.6	7.7	37,963	5,939	.16	16,008	12.8	9.7	8,000
4	4.3	2.6	9.0	46,673	23,167	.50	19,972	15.3	9.0	12,512
5	3.2	11.5	3.1	23,134	2,491	.11	9,744	8.9	4.6	15,347
10	3.4	5.6	9.3	32,910	5,290	.16	13,822	12.4	10.0	4,845
11	4.4	1.7	8.4	41,514	7,094	.17	17,785	5.6	7.7	6,496
12	4.2	1.7	6.9	47,067	7,006	.15	19,814	5.8	9.3	7,066
13	3.1	10.2	6.6	58,940	16,474	.28	24,689	13.1	12.9	9,888
17	5.1	1.2	15.0	76,078	44,144	.58	33,089	31.1	13.6	9,600
18	5.3	2.7	13.3	27,602	6,343	.23	12,375	15.4	8.1	6,144
24	6.1	0.7	18.4	51,847	19,140	.37	23,071	17.3	11.6	5,760
25	4.2	6.2	20.2	62,402	16,173	.26	28,053	11.1	18.1	8,109
26	3.5	10.4	17.6	28,336	11,481	.41	12,397	18.2	11.6	8,806
27	2.1	33.9	15.9	15,603	3,963	.25	6,559	19.1	6.6	4,160
33	4.5	1.4	5.1	38,062	2,780	.07	15,632	2.6	6.1	5,248
34	4.7	0.4	5.8	67,380	14,740	.22	27,699	9.6	10.2	7,680
35	5.8	1.2	15.8	37,586	48,536	1.29	16,672	12.0	10.3	7,680
36	7.4	1.1	41.2	56,734	63,135	1.11	26,629	33.5	34.2	5,722
37	5.1	3.5	23.6	46,446	16,008	.34	20,809	18.1	15.4	5,152
40	4.3	3.1	8.3	31,198	23,265	.75	13,481	6.7	5.3	18,560
41	10.0	0.2	45.4	27,745	83,507	3.01	13,635	34.4	40.1	3,840
42	6.1	2.3	23.2	52,946	35,003	.66	24,526	36.5	13.9	7,603
43	6.3	3.9	31.7	7,902	35,643	4.51	3,812	13.2	15.7	7,014
50	2.3	16.2	0.0	1,491	406	.27	585	0.5	1.6	7,123
51	4.9	4.2	23.3	12,652	30,582	2.42	5,720	10.1	6.1	7,763
52	2.3	20.5	6.0	18,829	3,185	.17	7,822	4.0	4.2	19,162
53	3.2	8.2	7.3	53,400	13,841	.26	22,034	8.9	7.4	13,331
54	4.0	1.4	0.0	21,861	543	.02	8,789	—	1.9	12,480
54X	0	—	—	0	64	—	0	—	—	15,341
55	5.7	0.3	13.8	6,429	2,500	.39	2,898	2.9	10.2	1,062
61	4.3	1.2	0.0	3,984	350	.09	1,661	2.6	4.0	1,120
3X	1.9	37.2	3.9	6,318	400	.06	2,580	10.0	5.0	20,352
33X	2.8	13.4	0.0	1,045	107	.10	410	—	5.0	2,432
TOTAL	4.34	4.5	15.0	1,042,077	543,300	.52	452,772	14.6	12.8	275,398

Total Agriculture Acres	29,100	South Mountain Park	15,341
Total Vacant Developable Unsewered Acres	0	Total Residential Acres	104,406
Total Vacant Developable Sewered Acres	52,478	Total Basic Industry Acres	16,158
Total Land Withheld From Development (steep slopes, large parks, selected floodways, and airports)	33,774	Total Service Industry Acres	24,141
		Total Acres in Planning Area	275,398

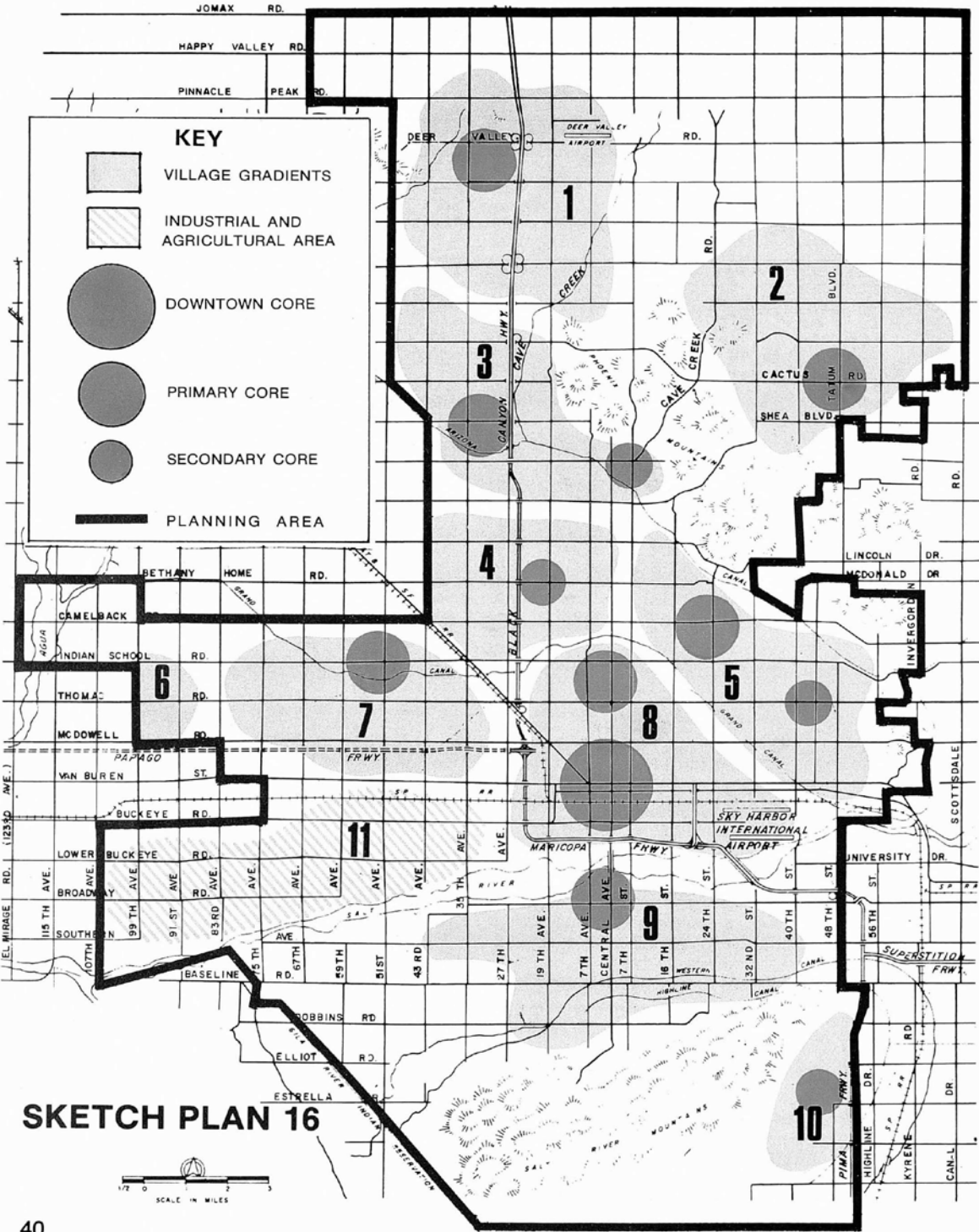


SUMMARY SHEET SKETCH PLAN #7

VILLAGE	Average Residential Density	Percent D.U. 0-1.7 DU/A	Percent D.U. over 15 DU/A	Population	Total Employment	Emp. art/ Rate	Total DU	Employee Density (Emp./Acre) Basic	Employee Density (Emp./Acre) Service	Area (acres)
1	2.1	18.6	5.6	37,582	15,609	.42	15,621	8.9	12.8	16,300
2	2.3	17.7	4.0	38,374	17,174	.45	15,977	17.9	14.0	12,615
3	3.1	9.3	8.4	40,717	17,172	.42	17,208	9.4	7.4	12,019
4	1.8	32.8	0	675	350	.52	274	6.6	6.2	15,136
5	2.4	16.8	7.5	35,562	15,066	.42	14,919	9.8	10.6	10,227
6	2.9	19.1	5.2	35,915	16,217	.45	15,042	14.4	14.7	6,368
7	3.7	4.0	9.5	65,299	28,405	.43	26,947	27.2	11.7	9,965
8	4.8	4.4	17.3	35,695	11,334	.32	16,172	21.0	10.0	6,899
9	2.9	9.4	4.5	59,777	24,977	.42	24,606	14.9	12.3	12,045
10	4.9	2.7	15.2	44,649	18,729	.42	19,071	14.5	9.3	5,760
11	4.4	5.1	25.4	79,155	30,187	.38	34,616	19.8	13.9	9,907
12	3.9	8.7	20.0	45,444	21,056	.46	19,932	18.7	10.7	10,502
*13	1.8	44.4	17.0	11,260	4,785	.42	4,728	17.0	7.6	3,552
*14	2.2	18.0	5.8	9,747	3,805	.39	4,033	8.5	13.5	3,840
15	2.9	9.1	3.0	45,000	19,748	.44	18,212	9.3	14.0	8,960
16	4.4	3.4	5.7	63,044	27,737	.44	25,853	14.0	9.4	8,768
17	6.2	1.6	30.0	63,560	53,824	.85	28,794	24.2	28.9	6,886
18	4.6	5.0	22.6	54,257	29,195	.54	23,851	38.0	11.9	8,358
19	2.1	19.6	1.5	38,115	13,956	.37	15,782	6.0	8.8	16,723
20	3.2	9.8	10.0	37,124	22,317	.60	15,887	7.3	5.9	10,400
21	6.2	2.1	24.2	61,025	92,657	1.52	27,704	26.4	19.8	12,787
22	2.0	22.8	2.3	39,925	15,854	.40	16,571	7.8	9.0	19,162
23	2.6	15.5	5.9	52,555	22,787	.43	21,558	6.7	7.7	15,373
*24	2.7	13.2	14.0	9,706	4,652	.48	4,112	5.9	6.2	2,842
25	2.2	22.0	1.0	38,347	15,707	.41	15,977	6.6	9.9	14,662
TOTAL	3.25	10.0	12.4	1,042,509	543,300	.52	443,447	13.9	12.0	260,057 ^a

* Partial villages (remainder outside PPA)
^a Excludes South Mountain Park

Total Agriculture Acres	23,804	South Mountain Park	15,341
Total Vacant Developable Unsewered Acres	0	Total Residential Acres	136,388
Total Vacant Developable Sewered Acres	23,334	Total Basic Industry Acres	16,995
Total Land Withheld From Development (steep slopes, large parks, selected floodways, and airports)	33,774	Total Service Industry Acres	25,761
		Total Acres in Planning Area	275,398

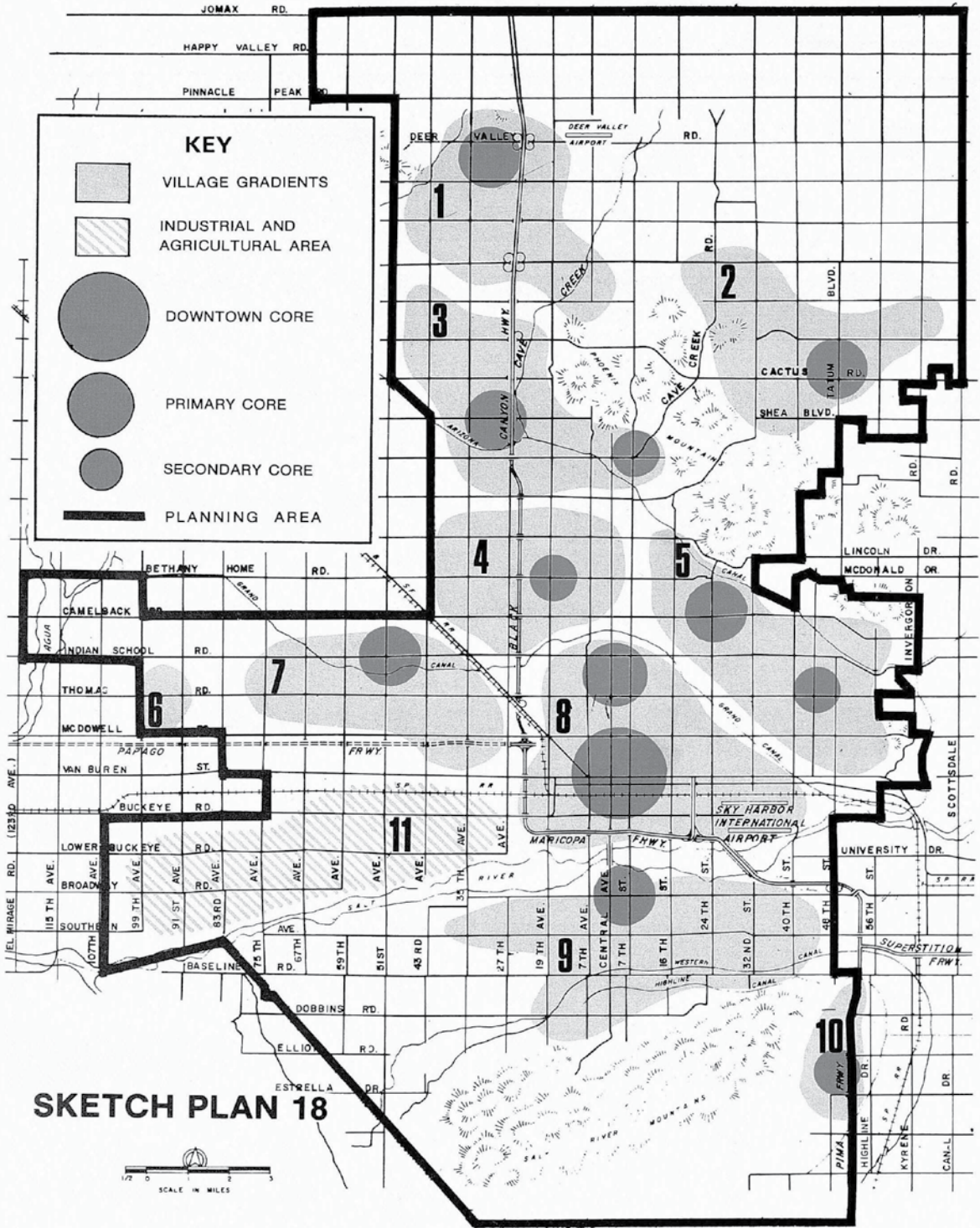


SUMMARY SHEET SKETCH PLAN #16

VILLAGE	Average Residential Density	Percent D.U. 0-1.7 DU/A	Percent D.U. over 15 DU/A	Total Population	Emp. Employment	Part. Rate	Total DU	Employee Density (Emp./Acre) Basic	Employee Density (Emp./Acre) Service	Area (acres)
1	4.8	2.4	5.6	85,000	35,290	.42	39,470	11.4	8.7	28,963
2	3.4	8.9	7.4	100,000	42,500	.43	42,550	11.5	10.8	30,082
3	4.4	3.8	11.9	128,000	55,000	.43	55,760	25.0	13.1	20,410
4	5.6	1.2	21.0	115,000	45,500	.40	50,460	38.7	13.3	12,147
5	4.2	7.3	25.0	135,000	57,000	.42	59,530	21.1	12.0	24,838
6	4.2	1.9	6.8	15,000	6,360	.42	5,840	6.7	10.2	7,680
7	5.5	.2	11.9	117,000	49,700	.43	49,730	16.8	10.4	16,768
8	10.6	0	42.4	206,000	188,000	.91	99,000	21.6	21.9	23,462
9	3.6	8.2	16.5	90,000	38,600	.43	37,720	11.2	7.6	36,454
10	5.1	1.3	0	24,100	10,350	.43	10,250	2.4	11.6	14,662
11	3.4	8.3	2.3	27,000	15,000	.56	10,800	6.4	4.0	21,843
TOTAL	5.02	3.5	20.0	1,042,100	543,300	.52	461,110	16.5	12.6	237,309 ^a

*Partial villages (remainder outside PPA)
^aExcludes South Mountain Park and area north of Central Area Project

Total Agriculture Acres	38,067	South Mountain Park	15,341
Total Vacant Developable Unsewered Acres	35,387	Total Residential Acres	91,850
Total Vacant Developable Sewered Acres	22,179	Total Basic Industry Acres	14,290
Total Land Withheld From Development (steep slopes, large parks, selected floodways, and airports)	33,774	Total Service Industry Acres	24,510
		Total Acres in Planning Area	275,398



SUMMARY SHEET SKETCH PLAN #18

VILLAGE	Average Residential Density	Percent D.U. 0-1.7 DU/A	Percent D.U. over 15 DU/A	Total Population	Emp. Employment	Part. Rate	Total DU	Employee Density (Emp./Acre) Basic Service		Area (acres)
1	3.2	5.6	6.7	40,000	15,800	.39	16,560	11.8	6.7	28,963
2	3.7	7.7	14.4	95,000	49,500	.52	41,060	18.3	9.5	30,082
3	4.7	3.3	17.4	110,000	53,300	.48	48,170	26.0	14.6	20,410
4	5.8	.5	26.2	115,500	49,800	.43	51,420	36.6	15.1	12,147
5	5.6	3.1	27.2	135,000	58,300	.43	61,230	23.1	12.2	24,838
6	4.3	.8	8.2	12,000	2,000	.16	4,870	5.2	5.6	7,680
7	6.1	0	25.5	113,000	53,300	.47	49,470	13.5	10.6	16,768
8	17.6	0	73.7	290,000	190,000	.65	148,820	22.3	20.8	23,462
9	4.0	6.3	19.0	108,600	51,300	.47	47,720	13.8	8.4	36,454
10	2.9	2.3	2.9	8,000	4,000	.50	3,420	2.9	5.8	14,662
11	2.4	19.2	3.8	15,000	15,000	1.00	6,440	6.6	3.0	21,843
TOTAL	6.01	2.4	37.1	1,042,100	543,300	.52	479,180	17.4	12.5	237,309 *

* Partial villages (remainder outside PPA)

^aExcludes South Mountain Park and area north of Central Area Project

Total Agriculture Acres	39,112	South Mountain Park	15,341
Total Vacant Developable Unsewered Acres	25,493	Total Residential Acres	79,720
Total Vacant Developable Sewered Acres (steep slopes, large parks, selected floodways, and airports)	43,788	Total Basic Industry Acres	13,530
	33,774	Total Service Industry Acres	24,640
		Total Acres in Planning Area	275,398

H. POPULATION, EMPLOYMENT, LAND USE AND DEVELOPMENT AND DWELLING UNIT ASSUMPTIONS

Population Projections

All sketch plans provided for a projected population of 1,042,077 for the Phoenix Planning Area in the year 2000. The source for this projection is the Maricopa Association of Governments **Guide for Regional Development, Transportation and Housing**, January 4, 1978, and the projection in the Guide is based on the Arizona Department of Economic Security projection for Maricopa County. The projection assumes a decline in the Phoenix proportion of county population from 52.7% in 1980 to 45.4% in 2000.

The total population allocated to the Phoenix Planning Area and the other planning areas in Maricopa County is based on an initial distribution by each jurisdiction in the county and Maricopa Association of Governments staff. The final distribution is negotiated by the city managers to reach a distribution which does not exceed the control total. Once the control total is given, persons per household factors are applied to compute the number of households. Vacancy rates are then applied by dwelling unit type to produce the number of dwelling units.

Between 1970 and 1975 the number of persons per household in the City of Phoenix declined from 3.13 to 2.85 or .28. The national household size declined .22 during the same period. The Census Bureau predicts that households will continue to decline in size until 1990 although the rate of decline will gradually decrease. Using Census Bureau information we were able to determine the range in projected decline for each five year period and used the midpoint of that range for our decline. This resulted in the following persons per household:

1975	2.85
1980	2.70
1985	2.60
1990	2.54
1995	2.54
2000	2.54

We have no reason to believe that Phoenix will not follow the national trend.

The number of persons per dwelling unit was established based on data from the 1975 census on total dwelling units and overall vacancy rates, 1970 census data and comparison with household sizes by type in other cities. The number of persons per dwelling unit by type for 1980 were projected to be as shown in the following table.

1980 Trends						
D.U. Type	No. of D.U.	Percent Vacant	No. of Households	Persons Per D.U.	Persons Per Household	Total Pop.
Single family	208,300	6.0	195,800	2.77	2.95	577,600
Attached	10,000	8.0	9,200	2.20	2.39	22,000
Multi-family	67,000	13.0	58,300	1.81	2.08	121,300
Mobile Home	13,000	10.0	11,700	1.69	1.88	22,000
Total	298,300	8.0	275,000	2.49	2.70	742,900

The overall vacancy rate includes both on and off market units and counts as vacant all units occupied by persons who reside here less than six months of the year. If the vacancy rates were cut in half to four percent (the 1970 vacancy rate was 4.5 percent and the 1975 rate 9 percent) and the number of dwelling units were kept constant, the population would increase to 773,200 or by 30,300. Conversely if the population and persons per household were held constant, the number of dwelling units would decrease about 12,000 with the reduced vacancy rate.

The number of persons per dwelling unit per gross acre in each of the four residential density categories used in the alternative plans was developed based on the current percentage of each type in each of the categories and on assumptions about new construction and demolition in the future. The number of persons per dwelling unit were then applied to the percentage of each type. For example, in one density category:

0 — 1.7 dwelling units/acre

Single-family	95% x 2.77	=	263.15
Multi-family	1% x 1.81		1.81
Mobile Home	4% x 1.69		6.76
			271.72
			or 2.71 persons/d.u.

Employment Projections

All sketch plans provided for total projected employment of 543,300 for the Phoenix Planning Area in the year 2000. The source for this projection is the Maricopa Association of Governments **Guide for Regional Development, Transportation and Housing**, January 4, 1978. The projection assumes an increase from the 1980 employment participation rate of 45% for Phoenix to 52% by 2000 as a result of a greater participation of women in the labor force and of Phoenix becoming more of an employment center for the metropolitan area. Employment was broken into basic and service groups for distribution within the planning area. The components of these groups are as follows:

- Basic — Agriculture/Mining; Construction; Manufacturing; Transportation, Communication and Utilities, and State and Federal Government.
- Service — Local Government; Public Schools; Retail and Wholesale Trade; Finance, Insurance and Real Estate, and Services.

A summary of the employment projections for the Planning Area are as shown in the following table.

Number of Employees 1980-2000 Phoenix Planning Area					
Employment Group	1980	1985	1990	1995	2000
Basic exc. Government	110,350	121,800	135,700	153,300	176,600
Federal & State Gov.	23,810	26,000	28,400	31,500	35,900
Basic Subtotal	134,160	147,800	164,100	184,500	212,500
Service exc. Government	172,430	190,900	215,100	224,700	285,200
Local Gov. & Public Sch.	28,960	31,700	35,300	39,700	45,600
Service Subtotal	201,390	222,600	250,400	284,400	330,800
Total Employment	335,550	370,400	414,500	468,900	543,300
Employment Participation Rate	.45	.46	.47	.49	.52

Land Use and Development

1. For all plans no development was permitted in the following areas:

a. Selected floodways for the Salt River, Cave Creek Wash, the Indian Bend Wash, New River and the Arizona Canal between Cave Creek Wash and New River.

b. The Phoenix Mountain Preserve, South Mountain Park and all existing district parks.

c. All land with a cross slope in excess of 10% (although this assumption does not consider some probable very low density development it simplifies plan preparation and computer testing).

d. Land within the future planned boundaries of Sky Harbor Airport including land to be acquired for safety and noise protection west of the airport.

e. Deer Valley Airport.

f. The Arizona National Guard and United States Army Reserve Centers adjacent to Papago Park.

2. Traffic congestion will not be sufficient to restrict development in any area of the city.

3. There will be adequate water available for urban and industrial needs.

4. Sewage treatment plant capacity will be expanded as necessary to meet the demands of projected population.

5. There will be no extended gasoline shortages sufficient to restrict use of private automobiles.

6. Federal air and water quality standards will not be so restrictive as to limit growth.

Dwelling Units

The Sketch Plans were developed using the following four residential density categories: 0 to 1.7, 1.7 to 5, 5 to 15 and 15 and over dwelling units per gross residential acre. Based on the 1970 Land Use Information System and building permit activity since then, the proportion of dwelling types within each density category was estimated for 1980, 1985, 1990, 1995 and 2000 for the trend plan. Seven types were used for the fiscal impact analysis — large lot single-family, small lot single-family, patio house, townhouse, garden apartment, high-rise, and mobile home. These proportions were adjusted for each of the other sketch plans based on the extent of differences in distribution to density categories from the trends plan. A summary of the results of this procedure is shown in the following table.

1980-2000 Change in Dwelling Units by Type								
DWELLING UNIT TYPE	1		7		16		18	
	#	%	#	%	#	%	#	%
Single Family — Large Lot	4,014	3	28,315	20	-565	0	-4,568	-3
Single Family — Small Lot	66,554	42	60,611	41	39,535	26	10,171	6
Patio House	4,445	3	5,478	4	7,515	5	6,580	4
Townhouse	24,961	16	23,227	16	65,000	43	28,136	15
Garden Apartment	52,282	34	32,426	22	36,586	24	54,031	30
High-rise	2,639	2	-255	0	6,575	4	90,624	50
Mobile Home	-423	0	-4,655	-3	-2,420	-2	-4,092	-2
Total	154,472	100	145,147	100	152,226	100	180,882	100

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The Phoenix Concept Plan 2000 is based on the continuing Phoenix Planning Department research on current and future population, employment, housing and land use as well as the following reports prepared specifically for the Urban Form Directions Program:

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PHOENIX PLANNING DEPARTMENT

Richard F. Counts, Director
Berven M. Forde, Assistant Director
Karl Dunaway, Administrative Assistant
Peter G. Atonna, Deputy Planning Director,
Zoning Administration
V. Warner Leipprandt, Jr., Deputy Planning Director,
Long Range Planning
George Krempf, Deputy Planning Director,
Development Coordination

Study Staff

William R. Mee, Planner III, Advance Planning Section*
D. Kirk Crane, Planner II
John S. Dewhirst, Planner II
Phyllis A. Korab, Planner II
Mark A. Steele, Planner II
Gordon S. Taylor, Planner I
Richard A. Garner, Planner I
Joy A. Mee, Planner III, Research Section
William E. Jacobson, Planner II
R. Anthony Sissons, Planner II

Secretarial and Graphic Contributors

Catherine N. Donovan, Secretary II
Mary Lou Sermeno, Secretary II
Tracy Dowdle, Secretary I
A. Byron Kanel, Illustrator II
Andrew J. Clouse, Illustrator I

*Project Director

First Printing: 10,000
Second Printing: 5,000

Cover Photography: Bob Rink



PHOENIX
URBAN
VILLAGE
MODEL

GENERAL PLAN FOR PHOENIX 1985 - 2000





Approved September 21, 1994

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David E. Richert
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STAFF MEMBERS HAVING PRIMARY RESPONSIBILITY

Supervision

Ray Quay, AICP
Assistant Director
Planning

*Michael Kattermann, AICP
Planner III
Planning

Project Manager

Dean Brennan, AICP
Planner II
Planning

STAFF MEMBERS WHO MADE SIGNIFICANT CONTRIBUTIONS

Judith Burke
Graphic Artist
Planning

Rebecca Eppard
Secretary II
Planning

* Former Staff

SPECIAL ACKNOWLEDGEMENT

A special acknowledgement to those individuals, including urban village planning committee members, who spent numerous hours reviewing draft documents beginning in 1990 and continuing through final adoption in 1994. Their concern and commitment played a significant role in the development of the Model as part of the evolution of the land use planning process for the Urban Villages in Phoenix.

Thank you.

Document Prepared by the
City of Phoenix Planning Department



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NOTES





Introduction

This document provides a new model for the desired urban form of Phoenix. Based on new community perceptions of place and neighborhood, this new model refines the original Phoenix Urban Village Concept. This new model provides both a description of existing development patterns and a prescription for what Phoenix's urban form should be in the future. In existing areas the model provides insight into how redevelopment might modify existing development patterns to enhance the efficiency of urban services and economy while promoting a stronger sense of community. For newly developing areas the model provides a blue print for building a new urban form that better meets the community's desires for function and sense of place.

PURPOSE

The purpose of the model is to provide a physical place for Phoenix residents that promotes a strong sense of community, promotes a healthy and viable economy, promotes the efficient provision of high quality urban services, and protects the quality of life in established neighborhoods.

INTENT

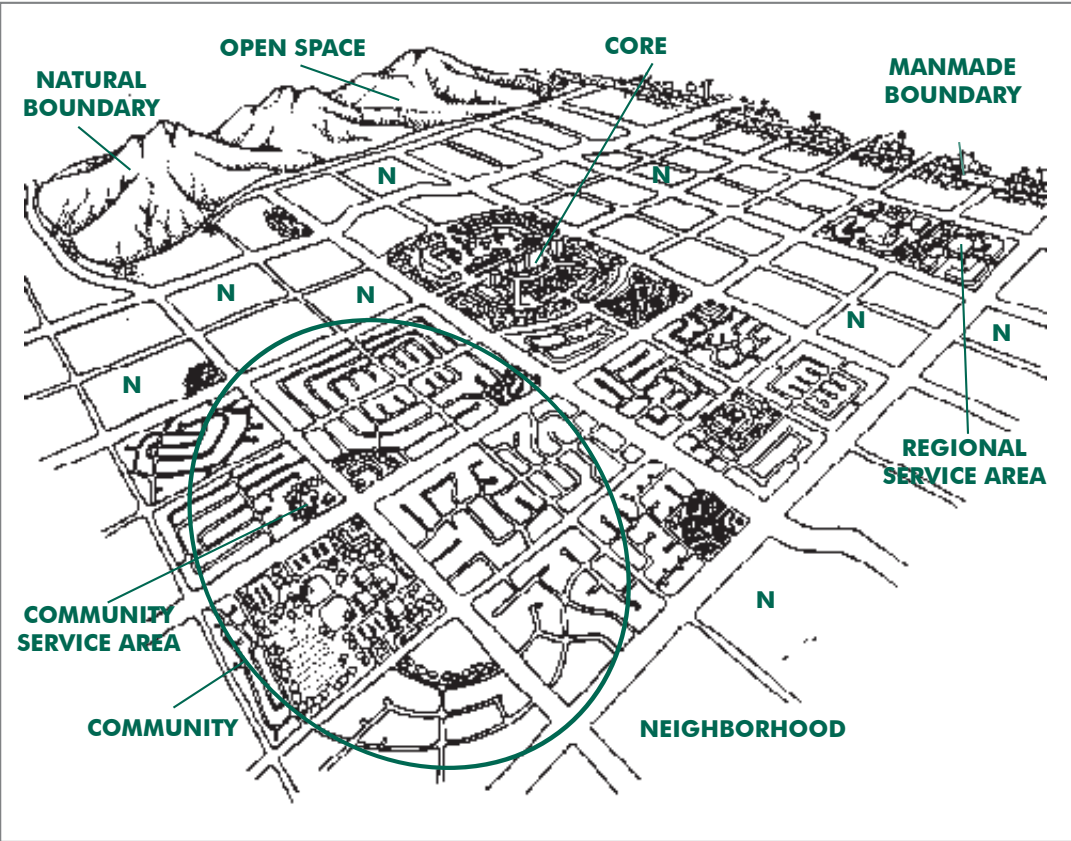
This model provides the basis for updating the Phoenix General Plan. The model contains the general concepts that will be used to update the goals, policies, and strategies of the Land Use and other appropriate elements of the General Plan. The model will implement through the policies of the General Plan and the mechanisms for implementing those policies. The model represents a desired end state. However, because of the dynamics of urban development, the desired end state will likely never be achieved for the City as a whole. It may be achieved within small portions of the City, particularly newly developed areas. For the more urbanized parts of the City, this end state provides a model for which portions may be implemented incrementally as redevelopment and enhancement occur.

HISTORY

The Urban Village Model is a refinement of the Phoenix Urban Village Concept. This concept was originally identified as the urban form for Phoenix by a citizen committee that worked from 1974 to 1979. This work resulted in the adoption by the City Council of the *Phoenix Concept Plan 2000*. This Plan defined the Urban Village Concept and was used as the basis for developing the *General Plan* adopted by City Council in 1985. The Plan initially established nine villages and the urban form for Phoenix. The Plan also established Urban Village Planning Committees, charged with providing advice to the City Council on planning related issues in each village.



In 1989 and 1990, the City sponsored the Futures Forum, a series of meetings which provided an opportunity for the community to discuss and articulate a vision for Phoenix's future. Some of these discussions focused on Phoenix's existing urban form and the strengths and weaknesses of the Urban Village Concept. In 1991, as part of an update of the General Plan, the City used the results of these discussions as a basis to refine the existing Urban Village Concept into a new urban form model for Phoenix. From 1991 through 1994, the City worked with the Village Planning Committees and other citizens to refine and finalize these concepts into a new Urban Village Model. This document contains the results of these efforts.





Principles

The Urban Village Model is based on five principles.

Principle 1. *Balancing housing and jobs*

The idea of living, working, and playing in the same village is a basic principle of the Model. This principle focuses on creating a sense of community by providing living, employment, and recreational opportunities in close proximity to village residents. Residents of Phoenix, and the entire metropolitan region, have many choices as to where they will live, work, and play. Factors such as the transportation system, disparities in educational system quality, ongoing changes in provision of retailing services, a range of job opportunities available, and a variety of lifestyles, are examples of what impacts where people live, work, and play.

Although it may be difficult to achieve a standard citywide ratio for each village, consideration should be given to identifying a ratio for each village. This should be based on the long term economic development goals of the community, the unique characteristics of each village, and the opportunities for future employment and population growth for each. Thus the appropriate ratio of jobs to population will be determined for each village. This will result in a range of ratios based on the historic development patterns of each individual village.

Principle 2. *Concentrating intensity in village cores*

The core is considered the central focus for each village from both a physical and social standpoint. To become that focus, the core should include a variety of land uses that will create a reason for village residents to come to and congregate in the core.

Because the core is the central focus for each village, it should contain the highest development intensity - concentration of people and activities. Core intensity in a village will be based primarily on the intensity of development in the village. However, the absolute intensity of village cores will be different from one village to another.

Principle 3. *Promoting the uniqueness of each village*

Each of the urban villages has a unique natural, urban and social character. That character should be enhanced by the types and intensities of land uses that are developed in the village. The Model establishes land use categories which provide each village flexibility as to how those land use categories are used to enhance the character of the village.

Principle 4. *Preserving and enhancing the quality of life in each village*

There are a variety of factors that contribute to the quality of life in Phoenix and each of its villages - i.e., climate, environment (air, water,



Principles

open spaces), recreation opportunities, employment opportunities, educational opportunities, and a variety of housing opportunities. In some instances desirable factors exist that are unique to specific villages - freeway access, natural features, housing stock, and historic resources. Those factors should be identified, and where possible preserved, and enhanced for each village.

Historic structures, both residential and commercial, add character and create identity. Preservation of historic sites and structures should be encouraged. Development in or adjacent to historic structures should be sensitive to the area. Whenever possible, the structure should be preserved in its entirety. If the site is redeveloped, every attempt should be made to incorporate the historic facade.

Principle 5. *Providing for a majority of resident needs within the village*

In addition to providing employment opportunities for village residents, other types of private and public services should must be equitably provided to satisfy resident needs. Private and public services should include, but not necessarily be limited to, programs and facilities that address critical social issues such as homelessness; substance abuse; domestic violence; dependent child and adult care; criminal justice services; and residential treatment of AIDS, Alzheimers, chronic mental illness and other health problems. Consideration, where reasonable, should be given in each village to insure that these services needs are provided in a balanced manner within a reasonable distance of each resident. A balanced City-wide distribution will help alleviate the problems that may be created when these services are concentrated in a particular village or area of the City. In addition, efforts should be made to insure that both private and public services are distributed equitably among all the cities in the metropolitan region and not concentrated in Phoenix.

Principle 6. *Directing urban planning through the Village Planning Committees*

The central planning unit for each urban village shall be the village planning committee which shall have the opportunity to formulate its recommendations regarding the following factors in consonance with the affected neighborhood groups registered with the City of Phoenix and any other affected property owners:

- ☐ Location of the five components of the Urban Village Model, including identification of the need for new service areas.
- ☐ An appropriate mix of land uses based on the residential component.
- ☐ Character, uses and intensities within cores.
- ☐ Appropriate ratio of jobs to population.

The recommendations of the village planning committees shall be forwarded to the Planning Commission and City Council for review, comment, and action.

Principle 7. *Balancing economic impacts and land use decisions*

Land use decisions should be evaluated in the context of the potential impacts on the economic viability of the village as a whole. In addition, the impacts on the short and long term revenues of the City should be determined. Consideration of the economic viability in each village is essential to the overall viability of the entire City.

The Urban Village Model is comprised of five components which identify the basic land use relationships within each urban village. Those are: *CORE, NEIGHBORHOODS, OPEN SPACE, COMMUNITY SERVICE AREAS,* and *REGIONAL SERVICE AREAS.* Each identifies a broad range of similar land use types that exist in each village.

ARRANGEMENT OF COMPONENTS

The diagram on Page 8 shows how the five components might be arranged, particularly within newly developed areas. Within more urbanized parts of the City, the arrangement of these components might look quite different and reflect transition areas between commercial and residential uses. Where single family stock exists within the transition area, or within any of the five components, its retention is encouraged.

CHARACTERISTICS

Each Component has characteristics that determine the land use relationships within each component and between the various components.

For each component these characteristics are defined in the following terms:

- ❑ **function** describes the purpose, or role, of each component. Function remains consistent throughout all villages. For example, the function of neighborhoods - to provide housing and support services - is the same throughout all the villages.
- ❑ **relative intensity** describes the level of concentration of activities and people. The intensity of development will be related to the development character and unique circumstances that exist in each village. The relative intensity of the cores will not be the same in every village. In addition, relative intensity will be further defined by the “development character” both in the context of each village and in the context of the City.



Principles

Components



Components

Development character identifies three levels of relative intensity that can be generally applied to land use patterns in Phoenix. Development character addresses the basic site development elements of building type, configuration and placement, lot coverage, pedestrian amenities, automobile orientation, and access to transportation systems. Specifically these characteristics are further described by the following:

Urban character refers to a development pattern which maximizes buildable area. Character includes features such as narrow streets, minimal building setbacks, maximum lot coverage, minimum surface parking, and pedestrian accessibility to adjacent buildings. These features provide enhanced opportunities for multimodal transportation services.

Suburban character refers to a development pattern which is oriented towards automobile accessibility. Features include wide streets, large building setbacks, low percentage of lot coverage, and extensive surface parking frequently between the building and the street. These features limit opportunities for pedestrian access from the street and transit stops.

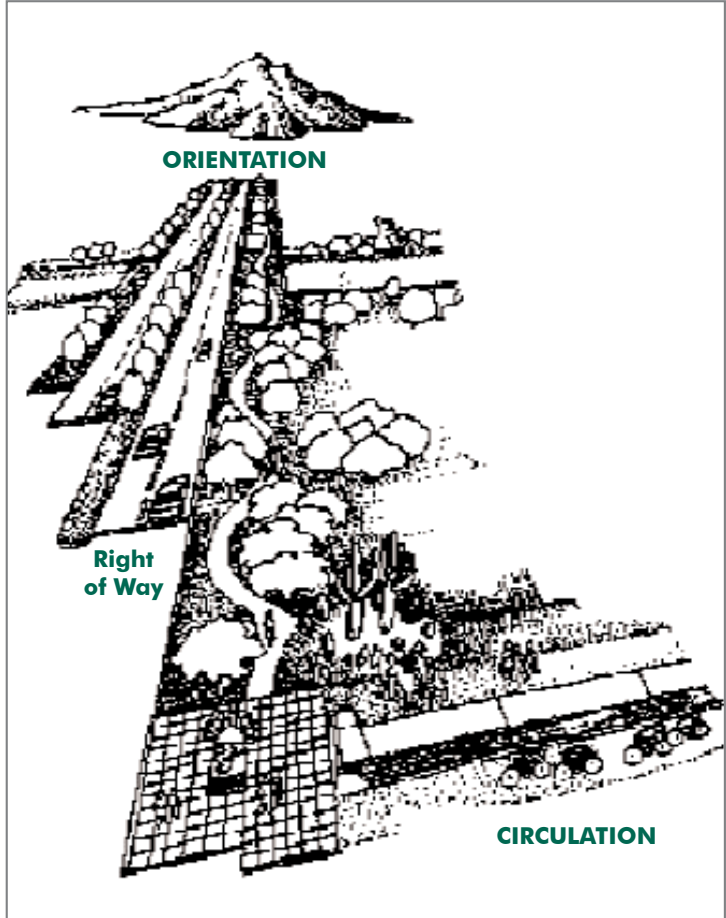
Rural character refers to a development pattern which minimizes buildable area and maximizes the use of open land for natural, recreational, or agricultural uses. Features include narrow streets or unpaved streets with minimal or no curbing, minimal or no sidewalks, variable building setbacks, low lot coverage frequently with low profile buildings, and parking associated with an equivalent or greater area of natural vegetation. Low density development severely limits transit and pedestrian opportunities though recreational pedestrian, bicycle, and equestrian opportunities may be provided.

Generally relative intensity will decrease from the core to the village boundary. There will be nodes of more intense land use activity located at prescribed areas throughout the village based on resident needs for employment opportunities and services.

Relative intensity can be described based on Floor Area Ratio (FAR), trip generation, land use characteristics, density, and other unique site factors. Also, high intensity does not necessarily mean high rise buildings.

- ❑ **land use** describes the types and the mix of land uses desirable in each component. The mix of land uses will vary by village, but land use types will be generally consistent among all villages. For example, the types of residential development (single family detached, single family attached, and multi-family) will be the same in most villages but the mix among those residential types will vary.

☐ **transportation** describes the factors of the component which impact the transportation system and define the types of transportation services that may be required.



Components



COMPONENTS

	COMPONENTS				
	Core	Neighborhoods	Open Space	Community Service Areas	Regional Service Areas
Function	Village downtown.	Residential base.	Recreation and environmental preservation.	Commercial.	Basic employment.
	Village focus.			Office facilities.	Commercial.
				Services.	Services.
Relative Intensity *	Very high.	Low.	Very low.	Medium.	High.
	Greatest heights.	Lower heights.	City and village wide orientation.	Low to medium heights.	Large facilities.
	High commercial employment.	Range of densities.		Retail and professional.	Strong employment base.
	High density residential.			Community oriented.	City to global orientation.
Land Use	Retail and wholesale trade.	Single and multi-unit housing.	Regional parks.	Small to medium retail.	Transportation hubs.
	Office complexes.	Residential support services.	Mountain and desert preserves.	Professional offices.	Manufacturing.
	Government centers.	K-6 schools.	Zoos and botanical gardens.	Shopping centers.	Research centers.
	Pedestrian plazas.	Local parks.	Flood plains.	Repair centers.	Medical centers.
	Entertainment/ cultural centers.		Linkage systems.	Restaurants and entertainment.	Universities.
	Multi-unit housing.**		Access and user services.	Local government facilities.	Supporting services.
			Streets.	Community hospitals.	Hotels and resorts.
				Community colleges. 7-12 schools.	
Transportation	Important destination.	Trip origins.	Destination area.	Destination within village.	Regional destinations.
	High trip generation.	Low trip generation.	Low/medium trip generation.	High trip generation.	High trip generation.
	Multi-modal.	Auto/external trips. Ped-bike/internal trips.		Auto dominant.	Auto dominant.
	* Relative Intensity will depend on the character of each village. For example, the “greatest heights” in an urban core may be 25 stories, whereas in a suburban core it may be only two stories. ** Where single family stock exists within or adjacent to the Core Component, its retention is encouraged.				



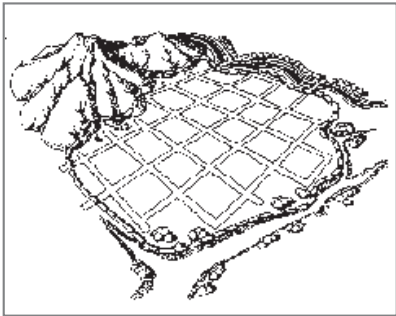
Because a village boundary is generally considered to be a line on a map and does not occupy space, it is not considered to be a component of the Model. The boundary for each village does serve an important function.

- 1. The boundary is a line on a map that identifies the planning area for each village planning committee.
- 2. Where a physical feature serves as a boundary, it has the potential to be a clearly identifiable symbol for the village. As such, it contributes to the unique character of that village and becomes a symbol for identification of and association with a village. Where there is a physical feature, the appropriate village planning committee(s) should be actively involved in the planning process with respect to such feature.

Within each village, the Model can be used to identify boundaries in the context of physical barriers and edges that serve as distinct separations between neighborhoods and communities. This requires an examination of internal neighborhood and community relationships to ensure that the boundaries do not conflict with those relationships. Once the boundary relationships between neighborhoods and communities are identified, the Village boundaries should not divide neighborhoods and or communities.

Examples of boundary types:

- Natural feature:
- mountains
 - drainageways
- Manmade features:
- freeways
 - arterial streets
 - canals



Arterial streets and canals, which can serve as boundaries, also have the potential to serve as linkages within the open space network. Used as linkages, streets and canals serve the residents of adjacent neighborhoods, communities, and villages.

Critical issues to be addressed for boundary identification;

- the potential impacts of land use decisions that occur near the boundary of two villages
- the use of physical features, mountains and canals, which help to identify the unique character of the village

Boundary

NATURAL BOUNDARIES

The most effective edge or border for a neighborhood, community or village is a natural feature such as mountains, desert areas, or washes. Manmade boundaries include freeways, canals and arterial streets.



- the relationship of the land uses in a village and the land uses that may exist in adjacent cities
- consideration of the impacts a boundary location has on a neighborhood or a community
- consideration as to whether physical features such as canals are appropriate for use as boundaries.

Core Component

The Core is the central focus for the village. The core should contain a mix of uses including office, retail, public, governmental, and residential. Flexibility of land uses is important. The variety of uses will be determined by the uniqueness of each village core and the development character of each village.

The core should contain the most intense land uses and generally the tallest buildings. That does not mean that there will be high rises in every core. The concentration of intensity and activity will create a core that is identifiable as the physical central focus for the village. The concept of physical focus recognizes cores with two distinct characters: suburban and urban.

Suburban cores provide services to areas that are primarily suburban in character. Development is typified by freestanding buildings with large setbacks, generally surrounded by surface parking lots. The automobile is the predominant transportation mode for trips to and from the core as well as within the core. Pedestrian amenities are encouraged but are not the primary focus. Public transportation is available and its primary function is to serve commuters who work in the core. A secondary function is to serve commuters who drive to the core and switch to public transportation for the commute to work. The suburban core should have a mix of land uses but depending on the development character of the core, a particular land use type may predominate, e.g., retail or office. Because of the development character and the fact that a suburban core evolves, the mix of land uses may not be as critical as the mix in the urban core.

Urban cores are characterized by a development pattern which maximizes buildable area and minimizes use of land for parking. Development is typified by close proximity of structures with little or no setbacks. This results in the development of structured or underground parking facilities with minimal surface parking. Because of the compact nature of development, there is a strong emphasis on providing pedestrian amenities primarily on public property. The urban core should serve as the focus for the development of a multi-modal transportation system because of the concentration of employment and housing opportunities. Public transportation serves as a major role by



providing commuter access within the core as well as serving as the connection with other concentrations of activity in the city and region. Urban cores can include activities which provide services to the entire region and surrounding urban areas.

The core should also contain a “gathering” space that can serve as a central focus for social interaction of village residents. Both outdoor and indoor spaces, either public or private, have the potential to provide this social central focus. The type of space available will depend on the development character in each core.

The character, uses, and intensities within cores may change over time. Villages that are primarily suburban in character today have cores that are primarily suburban. Uses and movement within these cores are highly dependent on the automobile. As long as land costs relative to the central city remain low and the densities of the villages necessitate use of automobiles for travel, these cores will remain suburban in character. However, as the villages build out (30 - 50 years) and intensities and land costs increase, the character of the suburban core may become more urban.

PURPOSE

The Core Component

- identifies an area of the most concentrated, highest intensity land uses in each village.
- identifies the internal organization of different types of cores, urban and suburban, and that cores may evolve over time from suburban to urban.
- strengthens the importance of the core as the central focus for the village.
- emphasizes concentration of development intensity in the cores.

CHARACTERISTICS

Function:

- ❑ central focus for village residents
- ❑ “downtown” for the village

Relative Intensity:

- ❑ highest intensity in village
- ❑ the location and transition of intensities within the core will depend on the development patterns of the core and surrounding areas.

Core Component



Land Uses:

- ❑ retail, office, public, hotels
- ❑ may include some regional services
- ❑ multi-family*
- ❑ entertainment/cultural centers
- ❑ pedestrian plazas

* Where single family stock exists within or adjacent to the Core Component, its retention is encouraged.

Transportation:

- ❑ important destination for the village
- ❑ high trip generation rate
- ❑ multi modal - vehicle, transit, pedestrian
- ❑ accessed by two or more arterials - internal circulation on local and collector streets

GOALS AND POLICIES

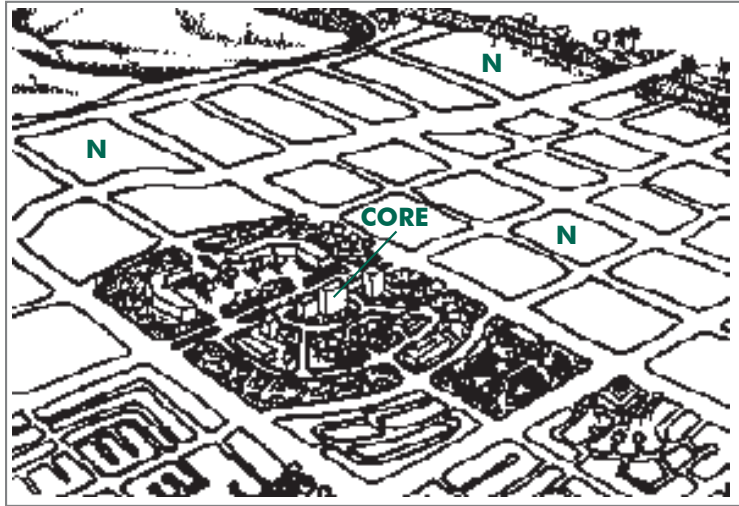
The goals and policies to be included in the revised Land Use Element of the General Plan will focus on the following:

- ❑ Provision of a central focus that creates a physical identity for the residents of each village.
- ❑ Provision of a mix of employment and housing opportunities in an area with the village’s most intense development.
- ❑ Provision of an area that serves as a central focus for social interaction in each village.
- ❑ Provision of a transition and/or buffer between intense core development and other less intense development including residential neighborhoods. Transition can be provided through reduction of building height, siting of buildings, and/or changes in land use. Buffer can be provided through the use of open space landscaped areas and major streets. The transition and/or buffer may occur within or adjacent to the core, although in those areas where a neighborhood is adjacent to the core, the transition/buffer should occur within the core.

SECONDARY CORES

The General Plan identifies secondary cores in the Camelback East Village, Maryvale Village, and North Mountain Village. This designation recognizes existing secondary cores, but additional secondary cores should not be designated. The secondary cores may provide areas of major office employment and support services or may serve as a central focus for a community. Secondary cores are differentiated from the Core in that a secondary core generally would not have the mix of uses or the intensity of development that should occur in the core.

Core Component



Core Component

Neighborhoods Component

The Neighborhoods Component recognizes the importance of residential areas as the major land use in each village. Preservation and enhancement of existing neighborhoods and the creation of strong viable neighborhoods in developing areas are the focus of this component. It includes single family detached houses, townhouses, apartments, other types of residential land uses, and low intensity nonresidential uses that serve the recreational, educational, and retail needs of the neighborhoods.

Neighborhoods are “places” where people live and socialize. Neighborhoods provide the potential to facilitate interaction between residents. That is the primary function of a neighborhood. The mix of residential and nonresidential land uses contributes to the creation of a viable social structure and to the stability and long term health of a neighborhood.

This component addresses land use relationships that exist or will exist between neighborhoods and intense nonresidential land uses. It also recognizes the importance of maintaining an adequate supply of land for residential development where the need for that type of development has been identified.

The Neighborhoods Component is general and does not address specific neighborhood issues. Uses not permitted by right should not be introduced into a residential neighborhood without thorough review, discussion, and consensus by the neighborhood(s). Specific neighborhood issues are addressed in the Neighborhood Element of the General Plan.



Neighborhoods Component

NEIGHBORHOOD SERVICES

These are land uses that provide basic services and goods to neighborhoods within a 1 or 2 mile trade area. This includes a range in size from the smallest commercial development site to a commercial development no larger than a site anchored by a small grocery store. In many of the more urbanized villages, neighborhood services are sometimes provided in a development type recognized as linear or strip commercial areas along arterial and heavily travelled collector streets. This type of development is not desirable, and strip commercial should not be permitted in future commercial construction because of the negative impact it has on neighborhoods.

PURPOSE

The Neighborhoods Component

- recognizes neighborhoods as an essential component of urban form.
- emphasizes the relationship between neighborhoods, communities, and urban villages.
- identifies the predominant, but not exclusive, residential nature of each village.
- reaffirms the composition of neighborhoods by including non-residential land uses which are important to viable residential neighborhoods and the mixture of housing types which are essential to their long term stability.

CHARACTERISTICS

Function:

- provides a stable residential base for the villages and the City

Relative Intensity:

- varies based on proximity to core (generally higher intensity closer to the core)
- varies by village with different overall village intensities
- areas of greater intensity may be located in conjunction with community services or in areas with enhanced regional accessibility

Land Uses:

- residential
- residential support services



- Transportation:
- ☐ location of trip origins
 - ☐ low trip generation rate
 - ☐ auto is predominant mode for access to outside areas
 - ☐ pedestrian/bicycle travel occur within neighborhoods
 - ☐ accessed by minor collectors and local streets
 - ☐ outflow in the morning and inflow in the evening

GOALS AND POLICIES

The goals and policies to be included in the revised Land Use Element of the General Plan will focus on the following:

- ☐ Preservation and enhancement of existing neighborhoods.
- ☐ Provision of compatible land use relationships for new neighborhoods.
- ☐ Inclusion of a mix of housing types and densities that support a broad range of lifestyles.
- ☐ Location of high density residential uses in the core. High density residential uses may locate near the core, but not at the expense of existing low intensity development.
- ☐ Location of clusters of medium density residential land uses throughout the village in proximity to higher intensity development not located in the core.
- ☐ Provision of schools and parks to serve the neighborhoods in each village.
- ☐ Mitigation of potential impacts that may exist or be created between neighborhoods and more intense land uses.
- ☐ Provision of appropriate physical linkages (i.e., pedestrian walkways) between neighborhoods to create a sense of community.
- ☐ Provision of physical linkages between neighborhoods and nonresidential land uses that serve the neighborhoods.

Within each village there are groups or clusters of neighborhoods that have a common recognizable sense of identity for the residents of the area. This identity may be linked to a natural or manmade physical characteristic or a social/cultural characteristic that contributes to a “sense of place”. These areas are identified as “communities”.

A sense of identity may be difficult to accomplish on a village level because of the geographic size and diversity of the villages. The community provides a sense of identity on a geographical scale smaller than a village but larger than a neighborhood.

Neighborhoods Component

Community Concept



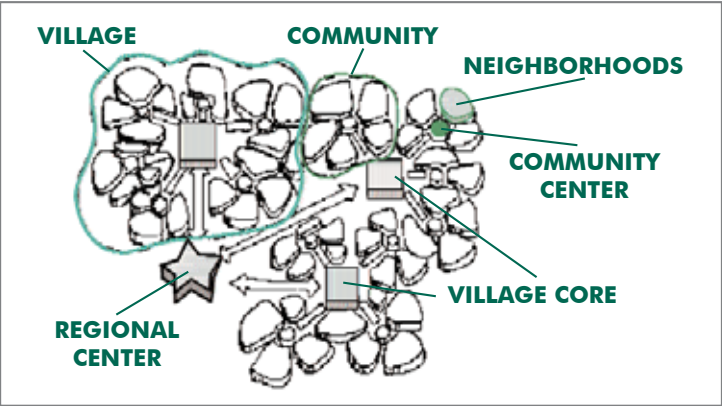
Depending on the character of the community, there may be a identifiable “central focus” for the residents of the community. This could be a school, community center, adult center, a park, or a commercial area (community service area).

An identifiable community may not exist in every area of a village. Designation of these areas should be done by the village planning committee in conjunction with local residents.

A Community is a cluster of neighborhoods that possess some or all of these characteristics:

- ☐ Has a physical and/or social central focus.
- ☐ Functions as a service area for schools, parks, commercial, and similar uses which may be located within or adjacent to the community.
- ☐ Has an internal circulation system that encourages pedestrian and bicycle traffic within the neighborhoods and between the neighborhoods and the uses located in the service areas.
- ☐ Has an external circulation system that creates few major separations between different neighborhoods in the community.
- ☐ Has neighborhoods and communities in which local destinations can be reached on foot or by bicycle.
- ☐ Has local schools, parks and other community facilities which serve as neighborhood and community focal points.
- ☐ Has facilities for public services and assembly and celebration in neighborhood and community service centers.
- ☐ Has area of concentration of commercial development surrounding neighborhood.

COMMUNITY CONCEPT
Clusters of neighborhoods form communities and groups of communities form villages.





Open Space Component

The Open Space Component recognizes the important contribution that open areas make to the quality of life. Open space is important for several reasons. It provides physical form and contributes to the visual context of the community. Open space provides recreational and educational opportunities for residents and enhances the quality of life for those who live in proximity to open space areas.

Open Space areas are either man made or natural. These areas comprise the “ecological infrastructure system” which provides shape and form for the community. This system includes a variety of open space areas and the linkages that connect those areas. The system recognizes the relationship open space has with other land uses and the contribution that open space makes to the quality of life in each of the villages.

Open space can be either public or private. Public open space includes mountain preserves, washes, trails, canals, parks, golf courses, streets, detention basins, and similar open space areas. Private open space includes uses such as golf courses, areas within planned area developments and areas within commercial developments.

PURPOSE

The Open Space Component

- recognizes that natural open space provides the opportunity to preserve the natural high quality desert environment for visual, recreational, and educational benefits
- recognizes open space areas as important because of the aesthetic, social, psychological, economic, cultural, and recreational benefits that are derived from these areas
- recognizes that open space helps shape urban form and provides identity for the community

CHARACTERISTICS

Function:

- ❑ preserves significant natural environment that contribute to urban form and protect open space areas
- ❑ provides recreational, educational, and cultural opportunities

Relative Intensity:

- ❑ zero to very low

Land Use:

- ❑ passive and active recreational facilities



Open Space Component

Transportation:

- ❑ destination area
- ❑ range of medium to low trip generation
- ❑ auto predominates in serving area
- ❑ usually accessed from major arterial or arterial streets
- ❑ minimum interaction with transportation facilities
- ❑ may be reached by trails
- ❑ not all need to be directly accessible

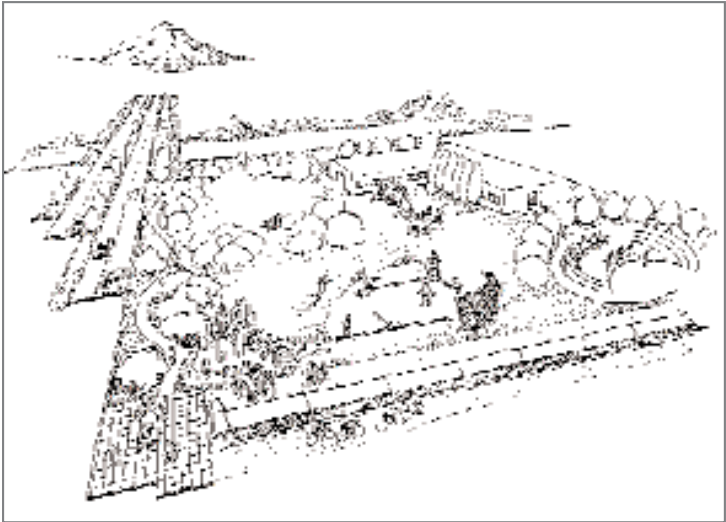
GOALS AND POLICIES

The goals and policies to be included in the revised Land Use Element of the General Plan will focus on the following:

- ❑ Support regional open space planning efforts through creation of an open space system that identifies open space areas and provides physical linkages of those areas within each village; within the City; between cities within the region; and between the region and the state.
- ❑ Development of open space areas that provide recreational opportunities for walking, jogging, bicycling, equestrian, and other individual participant activities.
- ❑ Preservation and protection of natural open space areas in either public or private ownership.
- ❑ Provision of open space areas in major developments and areas of activity concentration.
- ❑ Use of open space, where possible, as a transition/buffer between different types of land uses (residential - commercial) and between similar land uses of different intensity (single family residential - multiple family residential).
- ❑ Support the *Long Range Parks Plan* through provision of adequate open space in each village to meet the recreational needs of the residents.
- ❑ Provision of the opportunity for protection, preservation, and where possible, restoration of riparian areas along natural drainage courses.
- ❑ Provision of the opportunity for protection and expansion of the mountain preserve systems.
- ❑ Support working with the Parks Department on desert preserve concept. This can be accomplished through the provision of the opportunity for protection of flatland desert areas that have been identified by the community for preservation.



- ❑ Opportunity for all residents, no matter what their physical limitations, to have accessibility to the open space system.
- ❑ Improve much of the open space system with comfort and safety amenities.



Open Space Component

Community Service Areas Component

Community Service Areas designate activity areas where services are provided, primarily for the benefit of residents in adjacent neighborhoods and communities. Generally, the market area for most uses within this category will be smaller than a typical village, although if located at the edge of a village may extend into the adjacent village.

Community Service Areas designate a variety of land use types and intensities. The form of these areas is in three configurations - General Commercial, Linear Commercial, and Non Commercial. The designations apply to both developed areas and to future development, although in the case of Linear Commercial, there should be no new approvals for linear commercial development.

GENERAL COMMERCIAL

General commercial land uses provide goods and services that meet the broad based commercial needs of village residents. This commercial designation generally consists of retail and service establishments clustered at a specific site and/or a specific area. The General Commercial or Community Service Areas include land uses which



Community Service Areas Component

serve a market area of several neighborhoods - or communities within a 2 to 5 mile trade area. This will typically include commercial development with more than one anchor, e.g., a grocery store and a junior department store.

LINEAR COMMERCIAL DEVELOPMENT

As in the case of Neighborhood Services, Community Services are sometimes provided in a linear configuration. Linear Commercial is not a land use designation but rather a development type that recognizes the existence of "strip commercial" areas along arterial streets. However, this type of development is not desirable, and strip commercial should not be permitted in the future because of negative impacts associated with this land use category. Inherent conflicts with traffic and parking are detrimental to surrounding businesses and residential development. Frequent curb cuts contribute to the reduction in carrying capacity of the adjacent street and an increase in accidents. Linear Commercial tends to be unattractive because of parking adjacent to the street and lack of pedestrian amenities. The linear nature of this type of development creates the largest possible impact with adjacent residential, frequently resulting in service, loading and trash areas being located next to adjacent houses.

There are linear commercial areas, i.e., McDowell Road east of Central Avenue, that have been rehabilitated and remain viable commercial areas. Where economically feasible, it may be appropriate to rehabilitate areas that have the potential to provide basic retail services to adjacent neighborhoods. This may include improved pedestrian access from adjacent neighborhoods, relocating parking, maximizing opportunities for shared parking, and design treatments which maintain high street visibility and easy access by automobile yet minimize the visual and functional impacts of signage, parking, and traffic interaction with pedestrians.

Some linear commercial areas that are not economically viable, may be redeveloped. Such redevelopment should focus on uses viable within the existing available land area. Uses which serve adjacent neighborhoods or communities are preferred. Redevelopment feasibility should not be based on the assemblage of adjacent residential lots or housing to facilitate redevelopment.

NON COMMERCIAL COMMUNITY SERVICES

There are non commercial uses that serve a community or subarea of a Village. These uses may create a high concentration of activity which has the potential to impact adjacent neighborhoods. Examples includes junior high schools, high schools, churches, community

colleges, community centers, and similar uses. These uses should be consistent in character with the neighborhood in which they are located.

PURPOSE

The Community Service Areas Component

- recognizes existing areas of intense land use activity for the purpose of establishing guidelines that will address the long term develop/redevelopment of these areas. Identifying these areas does not legitimize these uses, but recognizes that over the life of the General Plan there may be changes in how these areas are used and redeveloped.
- identifies the need for the development of new service areas. This can be accomplished by establishing development standards and locational criteria. Development standards should be used to eliminate or minimize potential impacts on adjacent land uses. Locational criteria will be based on market analysis and help minimize land use speculation in developing areas.
- acknowledges existing nodes of activity and/or employment which are located outside the core.
- recognizes the diverse nature of these activity areas for which different standards can be developed depending on the character and intensity of land use activity.
- sets in motion a process of developing policies that will address existing situations and ensure the appropriate siting and design of future developments.

Goals and policies developed for the different levels of commercial intensity will guide the location, transportation access, site size, building bulk and land uses to ensure compatibility with surrounding uses.

CHARACTERISTICS

For this category, specific land uses are not identified for the Land Use Characteristic. Land use types are used that reflect a broad range of potential uses.

Function:

- ☐ identify existing areas of activity outside the core
- ☐ provide appropriate areas for increased land use intensity outside the core

Relative Intensity:

- ☐ based on compatibility with adjacent areas and the transportation system



Community Service Areas Component



Community Service Areas Component

Land Uses:

- ☐ retail
- ☐ office
- ☐ public/quasi public

Transportation:

- ☐ destination area for sub-village area
- ☐ high trip generation - pm peak and weekend activity
- ☐ auto dominant mode with some transit
- ☐ usually accessed from arterial streets

GOALS AND POLICIES

The goals and policies to be included in the revised Land Use Element of the General Plan will focus on the following:

- ☐ Prohibition of additional linear commercial and development of methods to encourage rehabilitation, redevelopment or the phasing out, where appropriate, of existing linear commercial. Redevelopment of linear commercial areas should focus on providing neighborhood services that don't have a detrimental effect on adjacent neighborhoods and encourage pedestrian and bicycle transportation modes.
- ☐ Preparation of locational standards* for the various types of community services ensuring compatibility of these uses with adjacent neighborhoods.
- ☐ Preparation of performance standards* that will mitigate or eliminate the potential land use conflicts that may be created through the redevelopment of an existing community service area or the development of a new community service area and provide a transition to residential uses.
- ☐ Provision of a mechanism for the identification and/or creation of community service areas as the central focus for communities within each village. Village planning committees working in concert with Planning Department staff, will prepare locational and performance standards that are compatible with the unique character of each village, and which provide the basis for identifying community service areas.
- ☐ Provision of transportation standards addressing access to and from the site, and on the site.

* The use of standards whether locational and/or performance shall not in any way interfere or limit the ability of residents to have a full and complete hearing cycle before the village planning committee, Planning Commission, and the City Council prior to any possible approval of the reclassification of any residential property to a commercial designation or prior to the reclassification of any commercial property to a use with a

different intensity.

Regional Service Areas identify land use areas which are one of a kind, unique, and/or special purpose. This category recognizes the existence and the importance of the identification of areas available for basic employment or the provision of unique services. Regional Service Areas are generally land use areas that are oriented to the metropolitan area. These areas do not compete with village cores because they are single purpose or located at areas of unique natural or transportation features. Uses in these areas focus on specific purpose or site characteristics while cores are a concentration of mixed uses focused on providing general services to the Village or region.

PURPOSE

The Regional Service Areas Component

- identifies land use areas that relate to a regional context rather than to the context of the individual village. In certain situations, where a regional service area is under public jurisdiction, the village planning committee may have no review authority over the land use modifications that may occur within an existing regional service areas site. However, village planning committees should be kept informed on a timely basis of any such land use modifications. The village planning committees should have review authority over the location of new regional service areas.
- identifies special purpose areas that serve a much broader area than the urban village in which they are located.
- recognizes areas with high concentrations of activities and people.
- recognizes the importance of basic employment to the long term economic health of the city and provides areas for the location of those types of employment opportunities.

Because of their single purpose nature, and limited support services, a Regional Service Area will not compete with the village cores. There may be situations where a Regional Service Area may complement a core, e.g., Governmental Mall complements Downtown, St. Joseph’s Hospital complements the Encanto Core.

On the following page are several common types of regional service areas. Each has its unique function and design issues related to the special purpose or site characteristics. Regional Service Areas are not



limited to these types, though most will fall under one of these types.

Regional Services

Commercial uses that provide goods and services which serve a regional market but which are not located in a village core. Examples include “power centers” and “automalls”.

Highway Services

Highway Commercial is a specialized area and/or node of activity where goods and services related to intercity vehicle travel are provided. Uses located in these areas typically have special development needs, i.e., larger site requirements, increased parking requirements, and higher and larger sign needs than in other commercial areas. Highway commercial generally occurs adjacent to freeway interchanges such as the Papago Freeway. A freeway truck stop and freeway oriented motels are examples.

Medical Services

Frequently businesses that provide medical services congregate around a large medical institution such as a hospital. These areas cater to regional markets as well as providing services within the immediate business area.

Entertainment Services

There are several uses in the valley that provide regional entertainment services. Examples in Phoenix are the dog and horse racing facilities, Papago Park, and the Desert Sky Pavilion. These facilities typically require large land areas and attract large numbers of regional trips at off peak hours.

Transportation Services

Airports are unique regional service areas. Though the function of the airport itself is special purpose, areas around airports often develop with multiple uses. Many of these uses have operations focused on easy access to airport services while others simply provide services to the local businesses. Phoenix currently has two such areas, Sky Harbor Airport and the Deer Valley Airport. Phoenix also borders on similar areas - the Scottsdale Airport and the Glendale Airport.

Industrial/Warehousing

These are areas that include activities such as heavy industrial, manufacturing and warehousing facilities. These can occur in fairly small to very large districts, be freestanding, or oriented to major roadways and



freeways. Some locations may be significant employment centers while others may use large amounts of land with very little employment.

CHARACTERISTICS

Function:

- provide a unique facility, service, and associated uses which primarily serve the metropolitan area and/or beyond (e.g., Sky Harbor, Deer Valley Airport, Southwest Industrial Area, ASU West)

Relative Intensity:

- varies based on land uses

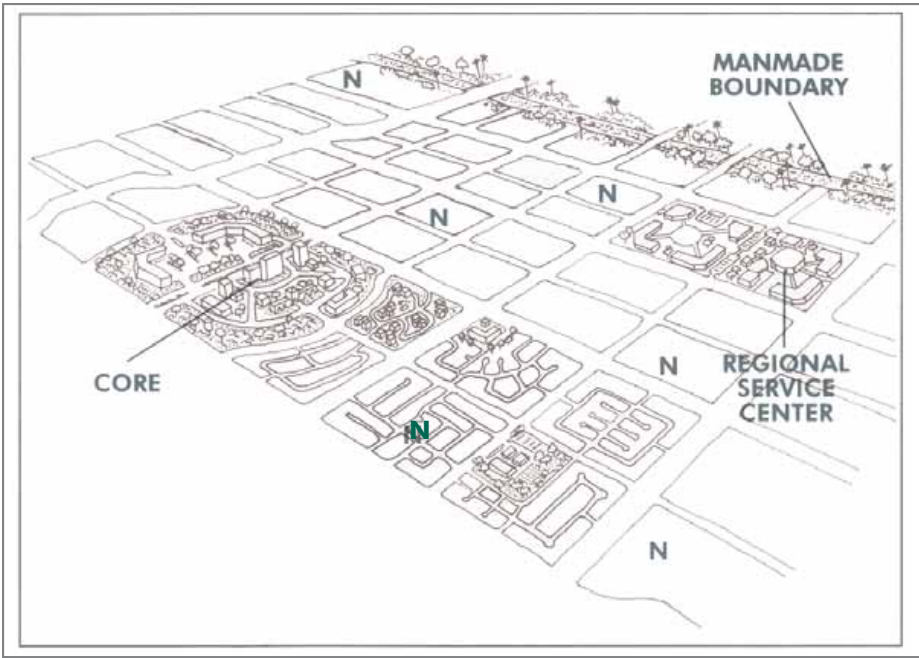
Land Uses:

- could be a single purpose use with associated/support land uses

Transportation:

- some areas may be important destination areas for the region

Regional Service Areas Component



- some areas may have high trip generation rates while others may have very low rates
- auto dominant mode
- usually served by freeways and major arterials

GOALS AND POLICIES

The goals and policies to be included in the revised Land Use Element of the General Plan will focus on the following:

- Provide locations for uses needed for the economic and cultural viability of the region which would have adverse impacts on neighborhoods if integrated as a component of a village.
- Recognize areas which have urban or natural features that create unique opportunities for regional services.
- Recognize places which have unique cultural significance to the region but are not part of the character of a community or a village.
- Provision of regional service areas that indicate a community commitment to encouraging the creation of new jobs.

Regional Service Areas Component

Glossary

COMMUNITY - A community is an area of undefined boundaries containing several neighborhoods, yet maintaining a size smaller than an urban village. Social communities can be classified according to their predominant activities, common traditions, loyalties, attributes, and life-ways. Physical and social communities are neither mutually inclusive nor exclusive.

DENSITY - The number of dwelling units divided by the gross land area, generally expressed in units per acre. The gross land area should include one half of all abutting streets and alleys which are dedicated to the public.

FLOOR AREA RATIO (FAR) - The ratio of the gross floor area of a building, excluding those parts of the building specifically excluded in the Zoning Ordinance, to the gross land area of the site. The gross land area should include one half of all abutting streets and alleys which are dedicated to the public.

GOAL - A stated aim of the City which represents a broad purpose towards which policies, programs, and implementation actions are directed. A goal may not be achievable but rather represents an end state that can not be measured.

HIGH-DENSITY HOUSING - More than fifteen (15) dwelling units per gross acre.



Glossary

INFILL - Development of vacant land (usually individual lots or left-over properties) within areas that are already largely developed.

INFRASTRUCTURE - Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, airports, bridges, railroads, road, etc.

INTENSITY - The degree to which land is used. While frequently uses synonymously with density, intensity has a broader meaning, referring to levels of concentration or activity in uses such as residential, commercial, industrial, recreation, transit, or parking. Frequently measured by FAR, traffic generation and/or number of employees.

NEIGHBORHOOD - A group of residential and residential serving land uses which share a common sense of identity and a limited geographic area. Neighborhoods can be formed or united by any number of social, political, geographic, service area, or demographic factors. Specific neighborhood boundaries can best be defined by individual residents who live there.

OPEN SPACE - Any parcel or area of essentially unimproved land specifically dedicated or reserved for public or private use and enjoyment. Open spaces can be any size or shape; they can be linear areas between incompatible land uses, hillsides, detention basins for flood control, washes, streets, canals, or other appropriate places.

PEDESTRIAN FACILITY - Any type of path, trail, sidewalk, or walking area, paved or unpaved, within or outside of the street right-of-way, which provides for safe pedestrian circulation throughout the area, and to and from area services and facilities.

POLICY - A specific City statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that the City sets to follow, in order to meet its goals and objectives before undertaking a program.

RESIDENTIAL - A land use devoted primarily to living functions. In order to preserve these areas from the distractions and adverse impacts which can result from immediate association with non-residential uses, these areas are typically restricted from commercial uses.

RETAIL - The sale of goods and services directly to consumers, usually in small quantities.

RURAL - An area that generates very low levels of human activity and interaction by emphasizing site design characteristics which primarily focus on living in an open space or agricultural environment. Design



Glossary

characteristics include very low density development with a reduction in requirements for public infrastructure and pedestrian facilities.

SERVE THE NEIGHBORHOOD - To render service to a neighborhood from a facility located either within or near the neighborhood area of service (e.g., an elementary school, grocery store, or fire station).

SUBURBAN - An area which generates low levels of human activity and interaction by emphasizing site design characteristics which primarily focus on accommodating the private automobile over transit and pedestrian use. Design characteristics include low to medium density residential development, relatively large street setbacks, little attention given to mass transit or pedestrian facilities, and, for commercial and industrial uses, highly visible surface parking lots separating the building from the street in centers of varying sizes.

URBAN - An area that generates high levels of human activity and interaction by emphasizing site design characteristics which primarily focus on promoting mass transit and the pedestrian experience. Design characteristics include small or no building setbacks, medium to high density residential development, maximized lot coverage, mixed land uses, structured or street parking predominating over surface lots, and a generally high amount of mass transit and pedestrian facilities.

URBAN VILLAGE - A land use form adopted as the unifying element of the *General Plan*. Urban villages have been designated in the *General Plan*, each having its own planning committee. The urban village model encourages major village-serving uses to be concentrated in one place, the core, thereby fostering interaction and reducing travel times and trips. Each urban village is unique, while following the same village form and allowing urban, suburban, and even rural lifestyles to coexist within one village.

VILLAGE PLANNING COMMITTEE - Each urban village has its own village planning committee. The committee's activities include identifying provisions of the *General Plan* text which need refinement and updating, identifying opportunities related to implementation of the *General Plan*, defining in greater detail the intended future function, density and character of subareas of the village, and commenting on proposals for new zoning districts or land use districts. Village Planning Committees operate in accordance with the Council adopted Village Planning Handbook.



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
3636 N CENTRAL AVENUE, SUITE 900
PHOENIX, ARIZONA 85012-1939

January 28, 2015

Karla S. Petty
Division Administrator
4000 N. Central Ave, Ste 1500
Phoenix, AZ 85012

Attention: Rebecca Yedlin

SUBJECT: SPL-2002-00055-KAT South Mountain Freeway EIS

Dear Ms. Petty:

I am responding to your request (File No. SPL-2002-00055-KAT) dated January 26, 2014 for a letter describing the Corps of Engineers Arizona Regulatory Branch (Branch) approach on the permitting for the South Mountain Freeway (33.319040°N, -112.161501 °W, NAD 83) located in the City of Phoenix, Maricopa County, Arizona. Below is the permitting approach we would follow unless conditions change. These conditions could include changes to our regulations and or guidance, changes in design that avoid and minimize impacts to waters of the US (allowing additional use of Nationwide Permits), or changes to the Nationwide Permit program.

The Branch has been involved in the South Mountain Freeway EIS since early 2000. For Transportation projects, it has been the approach of the Branch that permitting occur during the final design/construction development process. Typically a jurisdictional delineation (JD) doesn't occur when the EIS process starts due to the fact that it could take many years to build this size of freeway and the JD would have to be revisited and potentially revised due to changes in geomorphology of the wash or changes in the Corps regulations.

It wasn't until the final EIS that there was the potential that two of the drainages at the eastern end would possibly require an individual permit. Since then ADOT and the Branch have met and discussed the various options of permitting. It was decided that the project would be permitted in two segments, the eastern end which starts at Pecos Road and the I-10 freeway interchange and end at what would be the intersection of Pecos Road and 51st Avenue. The western segment would start there and end at connection with I-10 freeway. This break would allow each permit to be completely within individual watersheds. The eastern end would encompass the South Mountain and Firebird Lake 12-digit HUC of the Middle Gila (15050100) and the western segment would encompass the Co-op Village-Gila River, City of Laveen - Gila River, Town of Santa Maria - Salt River 12-digit HUC of the Salt Lower Salt (15060106).

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 using nationwide permits. Breaking

the segment at the South Mountain 12-digit HUC watershed makes sense because 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 meet the definition of single and complete and each segment would have independent utility based on 33 CFR § 330.6(d).

Thank you for participating in the regulatory program. If you have any questions, please contact Kathleen Tucker at 602-230-6956 or via e-mail at Kathleen.A.Tucker@usace.army.mil.

Sincerely,

Sallie Diebolt

Digitally signed by
DIEBOLT.SARAH.D.1231388229
DN: cn=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=DIEBOLT.SARAH.D.1231388229
Date: 2015.01.28 12:20:58 -0700

Sallie Diebolt
Chief, Arizona Branch
Regulatory Division

C: Paul O'Brien, ADOT EPG

From: [Sreedevi Samudrala](#)
To: [Spargo, Benjamin](#)
Cc: [Steven Johnson](#)
Subject: SR 202L (SM Fwy) DCR Comments
Date: Monday, July 22, 2013 11:25:40 AM
Attachments: [SM Fwy 202 DCR GRIC Comments-July 22-2013.docx](#)

Good Morning Ben,

Per our discussion at Progress meeting on July 17th Please find attached GRIC's comments on DCR for SR 202L (South Mountain Freeway) Project, Tracs No. 202L MA 054 H5764 01L, federal Project No. NH-202-D(ADY).

Please let me know if you have any questions.

Thank You

Devi

*Sreedevi (Devi) Samudrala, P.E.
Civil Engineer*

Department of Transportation
Gila River Indian Community
204 West Pima Road
Sacaton, Arizona 85247

Phone No. 520-562-0950
Fax No. 520-562-0957 / 6307
Email: sreedevi.samudrala@gric.nsn.us

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GRIC Comments on Initial Location/Design Concept Report
State Route 202L (South Mountain Freeway)
Tracs No. 202L MA 054 H5764 01L
July 22, 2013

- 1) DWG No. C-03.04 & C.03.05: Existing and proposed watershed map needed to determine if historical peak discharges remain the same as proposed. Mainly referring to new channel culvert installs at Sta. 2160 & Sta. 2205.
- 2) DWG No. C-03.03: Existing 10'X4' CBC with extension may convey flow to existing Pecos Storage Facility on Reservation (near Sta. 2135).
- 3) DWG No. C-03.08: For culvert at Sta. 2383, new 3-10'X4' CBC conveying flows into existing 1-84" CMP. New culverts are oversized.
- 4) DWG No. C-03.09: At Sta. No. 2447, existing culvert is 2-36" RCPs, new culvert is 3-10'X4' CBCs. There is potential for increased discharge onto Reservation.
- 5) DWG No. C-03.10: From Sta. No. 2464 to Sta. 2494, New culverts concentrate flows to Reservation. No calculations provided that equates Historical Hydraulics to proposed Hydraulics/Hydrology.
- 6) DWG No. C-03.12: How does new culverts compare with Historical Hydraulics/Hydrology?
- 7) DWG No. C-03.14: At Sta. No. 2595, it appears to be concentrated flow.
- 8) DWG No. C-03.18: Where does First flush basins?



MEETING SUMMARY

Meeting Date and Time: November 7, 2013, at 9:00 am
Meeting Location: GRIC DOT Conference Room
Documented by: Ben Spargo, HDR
Distribution Date: November 15, 2013

MEETING PURPOSE (Check one.)

<input type="checkbox"/> Internal Team Meeting	<input type="checkbox"/> Progress Meeting (HDR Team, ADOT & Cooperating Agencies)
<input type="checkbox"/> PIT Meeting	<input type="checkbox"/> Information Meeting with _____
<input type="checkbox"/> GRIC Meeting	<input checked="" type="checkbox"/> Other: GRIC Coordination Meeting

ATTENDEES

Tim Oliver, GRIC DOT	Khalid Marcus, GRIC LUPZ
Steve Johnson, GRIC DOT	Carmelo Acevedo, ADOT
Devi Samudrala, GRIC DOT	Ben Spargo, HDR
Seaver Fields, GRIC LUPZ	Ray Carranza, HDR

DISCUSSION

Ben and Ray provided a brief description of the roll plots that were presented at the meeting. The main plot showed the major outflow points with the current conditions and the proposed (post-freeway construction conditions). The drainage design is constrained so that the existing and proposed conditions are the same. Notable discussion related to this included:

- Runoff from the 50-year storm currently overtops Pecos Road in some locations.
- In the proposed conditions, some culvert sizes have been increased to allow runoff from the 50-year storm to flow under the freeway and also to maintain existing water surface elevations upstream of the culvert.
- While the size increases, the total flow remains the same (existing culvert capacity + overtopping flow = proposed culvert capacity)
- The Community staff suggested that future roll plots show the existing conditions without the freeway overlayed on the map.

The group discussed the purpose and location of the drainage basins along the freeway. Notable discussion related to this included:

- The basins serve as first-flush for treating water quality of first ½-inch of water that hits the freeway and ADOT right-of-way.
- The basins also provide temporary storage to reduce the inundation of the 100-year storm on adjacent properties.
- The basins sizes and locations are preliminary. During final design (especially 30% stage), the on-site drainage design would be developed in more detail.
- GRIC staff questioned how successful the basins are in treating water quality. HDR responded that with good maintenance the basins are successful. Additional information will be provided related to the first-flush basin design and function.

The group discussed the possibility of moving the discharge locations and possibility of reducing the peak flows. Notable discussion related to this included:

- There is an existing storage lot just south of Pecos Road at 32nd Street. An existing wash outfalls directly into the storage lot.
- There are no certainties surrounding other development south of Pecos Road.

Meeting Notes
GRIC Coordination Meeting
November 7, 2013
Page 2 of 2

- The main concern is that moving the outfalls or reducing the peak flows could affect other property owners (allottees) in the area.
- These types of adjustments may need the approval of the Community Council with input from other groups such as the Bureau of Indian Affairs (representing allottees), GRIC DEQ, and possibly others.
- GRIC staff recommended that as possible, concentrated flows should be mitigated with spreader basins to provide sheet flow downstream of the freeway.

Ray led the group through a review of the specific comments submitted by GRIC staff on the Initial L/DCR. Most of the responses were addressed in the earlier discussion. Notable discussion included:

- The flows identified in the L/DCR in the area of the new casino are much higher than those used to design the drainage channels around the casino. GRIC staff will review the casino design.
- First flush basins are not located within the mountain areas. In these areas, it is assumed that on-site flows will be collected through catch basins and conveyed in pipes to a basin at the southwest corner of the freeway.

Open discussion included the following items:

- GRIC staff recommended that the team coordinate with El Paso Natural Gas who has a gas line parallel to Pecos Road on Community land. The main issue would be access.
- The group discussed the upcoming Flood Control District of Maricopa County Area Drainage Master Study and Plan for the South Mountain area. The proposed freeway is within the ADMS/ADMP area. The ADMS/ADMP could provide refined and more detailed flows at the proposed freeway.
- GRIC staff questioned how the Community’s vote for the no-build option affects future coordination with ADOT. GRIC DOT agreed to take the lead in confirming with Community leadership their ability to continue coordination.
- GRIC staff recommended that future meetings include staff from BIA, GRIC DEQ, and GRIC Irrigation and Drainage District in addition to GRIC DOT and LUPZ (Steve provided contact information for these groups to ADOT). Issues of concern would be water quality and drainage.
- GRIC staff will continue to be involved in design reviews through the final design stage. The next deliverable for this study will be the Final L/DCR. The Final EIS is anticipated for public review next spring. The Record of Decision is anticipated in late summer 2014.

NEXT MEETING

No future meeting was identified. The following contact information was provided for additional meeting attendees.

Ondrea Barber Executive Director Department of Environmental Quality (520) 562-2234 Ondrea.Barber@ gric.nsn.us	Parker, Gary Director Gila River Indian Irrigation and Drainage District 520-562-6782 GLParker@griidd.com Gary.Parker@gric.nsn.us	Cecilia Martinez Superintendent BIA Pima Agency 520-562-3326 cecilia.martinez@bia.gov
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These minutes reflect the understanding of HDR Engineering, Inc or its representative. If revisions or additions are needed, contact Ben Spargo.

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