



Final Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation

Appendix H3, Participating Agency Comments on Draft Tier 1 EIS and Responses

July 2021



Federal Aid No. 999-M(161)S
ADOT Project No. 999 SW 0 M5180 01P



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There are a total of 51 Participating Agencies. The following Participating Agencies did not submit comments on the Draft Tier 1 EIS:

- Ak-Chin Indian Community
- Arizona Corporation Commission
- Arizona Department of Public Safety
- Arizona State Parks
- Bureau of Indian Affairs
- Central Arizona Irrigation and Drainage District
- Central Yavapai Metropolitan Planning Organization
- City of South Tucson
- Cortaro-Marana Irrigation District
- Federal Emergency Management Agency (FEMA)
- Greene Reservoir Flood Control District
- Pima Association of Governments (PAG)
- Pinal County Flood Control District
- Salt River Project
- Santa Cruz County
- South Eastern Arizona Governments Organization (SEAGO)
- Town of Gila Bend
- Town of Oro Valley
- US Air Force, Davis-Monthan Air Force Base
- US Customs and Border Protection
- Western Area Power Administration
- Yavapai County Flood Control District



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Arizona Department of Corrections



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PA-1-1

Arizona Department of Corrections

The Orange alternative plan conflicts with the Lewis prison which is located at 26700 S. Hwy. 85, Buckeye, AZ 85326. All other routes are acceptable to the Department of Corrections.

ID	Topic	Response
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PA-1-1	Orange Alternative	See GlobalTopic_4. The Preferred Alternative does not require right-of-way from the Lewis prison (it is 4.3 miles south of the Preferred Alternative corridor).
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Arizona Department of Environmental Quality (ADEQ)



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Dodie M. O'Bier

Please find the attached memo for your consideration.

Thank you.
Dodie

Dodie M. O'Bier

Executive Assistant to:

Edwin W. Slade, III, Administrative Counsel

Ian D. Bingham, Communications Director

Amanda E. Stone, Intergovernmental and Community Affairs Director

Ph: 602-771-4287

azdeq.gov

Your feedback matters to ADEQ. Visit azdeq.gov/feedback

ID	Topic	Response
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		See response below.
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Memorandum

Date: May 31, 2019
To: Daniel Czecholinski, Acting Director Air Quality Division
From: Steve Calderon, Vehicle Emissions Control Program Manager
Subject: AQIPS and VEC comments on Interstate-11

Background

The Arizona Department of Transportation is requesting comments from participating agencies on the *Draft Tier I Environmental Impact Statement (EIS) for the Interstate 11 (I-11) Corridor* by May 31, 2019. The Draft Tier I EIS evaluates a No Build Alternative and a 2,000 foot-wide Project Area containing three Build Corridor Alternatives. The Study Area extends into Santa Cruz, Pima, Pinal, Maricopa, and Yavapai counties.

The I-11 Corridor Draft Tier I EIS is step one of a multi-step environmental analysis process. This approach to EISs is a project development option that allows a first tier (Tier I) EIS to focus on broad project issues such as general location, mode choice, and area wide air quality and land use implications of the major alternatives. A second tier EIS addresses specific impacts (such as air quality modeling), costs and mitigation.¹ It is important to note that as a Tier 1 document, the I-11 EIS does not provide an air quality analysis. As a result, area-wide air quality implications for the project identified by ADEQ staff are addressed in this memo and include traffic and the corridor’s proximity to Saguaro National Park.

Traffic

PA-2-1

Any increases in traffic congestion, particularly along segments of the Build Corridor Alternative that follow existing roadways, will need to be addressed at a more detailed level in subsequent environmental documents. The Tier I Air Quality section describes potential emission reductions from the improved travel times and additional roadway capacity a new interstate would provide. However, increases in overall vehicle miles traveled (VMT) are also expected as new freight travel patterns develop, including additional freight traffic in the proposed corridor.² The methodology used to determine any offset to vehicle emission benefits that would be generated by increased VMT should be provided in the Tier II analysis along with consideration of cumulative effects of additional traffic generated.

In addition, there is a potential that increases in truck traffic will contribute to localized violations of particulate matter (PM) in non-attainment areas along the alignment.³ The Build Corridor Alternative passes through the Nogales PM_{2.5} NAA, the Nogales PM₁₀ NAA, the Tucson CO limited maintenance area, the Rillito PM₁₀ NAA, the West Pinal PM₁₀ NAA, the West Central Pinal PM_{2.5} NAA and the Phoenix-Mesa PM₁₀ NAA.⁴⁵ The Tier II EIS should describe the methodology applied to develop freight travel patterns. A recent study of emissions from northbound freight traffic in the Nogales area, when finalized, should inform any future corridor emissions estimate.⁶ Traffic in and along any future corridor will be subject to all applicable restrictions on heavy duty vehicle idling.

¹ 23 C.F.R § 771.111(g)
² ADOT, *I-11 Corridor Draft Tier 1 EIS*: Section 3.10 Air Quality, March 2019.
³ ADOT, *I-11 Corridor Draft Tier 1 EIS*: Section 3.10 Air Quality, March 2019.
⁴ Based on an observational review and comparison of the Build Corridor Alternative map with PM nonattainment area boundaries.
⁵ The Tier I EIS area designations are not consistent with EPA *Green Book* designations for all nonattainment, attainment and maintenance areas.
⁶ North American Research Partnership, *Driving for a Triple Win: Quantifying Emission Reduction, Queue Reduction, and Delay Reduction*

PA-2-1	Air Quality	See AQ-1 and GlobalTopic_1. ADOT will consult with the air quality agencies, including ADEQ, when completing quantitative analysis in Tier 2 projects when applicable.
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June 11, 2019

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PA-2-2

As a result of the Build Corridor Alternative’s location in a number of PM NAAs, the Study Team should be advised that nonattainment areas in the Corridor Study Area are undergoing plan revisions that must be included in all conformity assessments for PM NAAs. The *2015 West Pinal Moderate PM₁₀ Nonattainment Area State Implementation Plan* has positively declared re-entrained road dust as a contributing factor to the violation at the monitor.⁷ All assessments for conformity in particulate NAAs should include re-entrained road dust as initial inventories indicate that road dust is a contributing source for exceeding the National Ambient Air Quality Standards (NAAQS).

Regional Haze

The I-11 Build Corridor Alternative lies close to the Saguaro National Park, which is the most impacted visibility class I area in Arizona. Table 1-1 shows the 2018 rate of progress calculated in the *2016 Arizona Regional Haze Progress Report*.

Table 1 -1 2018 Rate of Progress and Natural Visibility Conditions

Class I Area	20% Best Days		20% Worst Visibility Days	
	2018 RPG (dv)	2064 Natural Conditions (dv)	2018 RPG (dv)	2064 Natural Conditions (dv)
Chiricahua National Monument	4.77	1.83	13.19	7.20
Chiricahua Wilderness	4.77	1.83	13.19	7.20
Galiuro Wilderness	4.77	1.83	13.19	7.20
Grand Canyon National Park	2.02	0.31	11.02	7.04
Mazatzal Wilderness	5.07	1.91	12.63	6.68
Mount Baldy Wilderness	2.76	0.51	11.40	6.24
Petrified Forest National Park	4.62	1.07	12.64	6.49
Pine Mountain Wilderness	5.07	1.91	12.63	6.68
Saguaro National Park – East Unit ⁸	6.93	2.23	14.68	6.46
Saguaro National Park – West Unit	8.23	2.50	15.87	6.24
Sierra Ancha Wilderness	5.78	2.03	13.05	6.59
Superstition Wilderness	6.09	2.03	13.72	6.54
Sycamore Canyon Wilderness	5.39	0.98	14.92	6.65

PA-2-3

Chemical speciation data from the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitor in Saguaro National Park – West in table 1-2 shows that coarse particulate matter is the primary as documented in the *2016 Arizona Regional Haze Progress Report*, followed by sulfates.

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PA-2-2	Air Quality	See AQ-1 and AQ-3.
PA-2-3	Air Quality	See AQ-1.

⁷ See the West Pinal PM10 Motor Vehicle Emissions Budget

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June 11, 2019

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Table 1Error! No text of specified style in document.-2 IMPROVE Chemical Speciation for W. Saguaro National Park

Pollutant	20% Worst Days Progress Period (Mm ⁻¹)						Differen ce*
	2000-04 (Baseline)	2005-09	2006-10	2007-11	2008-12	2009-13	
Sulfate	7.7	7.1	6.7	7.2	6.9	6.9	-0.8
Nitrate	6.0	3.7	3.5	3.5	3.6	2.8	-3.2
Organic Carbon	7.5	5.6	4.8	4.6	4.8	4.9	-2.6
Elemental Carbon	3.2	2.7	2.3	2.1	2.0	1.9	-1.3
Fine Soil	5.8	4.4	4.2	4.0	3.8	3.6	-2.2
Coarse Material	12.8	10.6	10.8	10.7	10.6	11.2	-1.6
Sea Salt	0.3	0.4	0.4	0.4	0.4	0.4	0.1
Total Light Extinction	53.3	44.6	42.8	42.5	42.2	41.9	-11.4
*Calculated as the difference between the baseline period (2000-04) and current conditions (2009-13). A negative difference indicated a reduction in haze, i.e. improved visibility.							

Any assessments done on the impact of all alternative routes in the vicinity of the western portion of Saguaro National park should align tail pipe, brake and tire wear, and road dust re-entrainment with the most current Emissions Inventory projections for Arizona’s *Regional Haze State Implementation Plan*.



Arizona State Historic Preservation Office



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Erin Davis

PA-3-1

The State Historic Preservation Office has reviewed the Draft Tier 1 Environmental Impact Statement and Errata and have no comments at this time. We look forward to continuing Section 106 consultation on this project.

Thank you,

Erin Davis, M.A., RPA

Archaeological Compliance Specialist

State Historic Preservation Office

1100 W. Washington Street

Phoenix, AZ 85007

602.542.7141

edavis@azstateparks.gov

PA-3-1	Cultural Resources	FHWA and ADOT will continue to consult the State Historic Preservation Office and the other consulting parties as the project continues.
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Arizona State Land Department (ASLD)



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		See response below.
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Arizona State Land Department

Please see the attached letter. Hard copy original to follow via U.S. Mail.

ID	Comment Document
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Douglas A. Ducey

Governor



Arizona State Land Department

1616 West Adams, Phoenix, AZ 85007
(602) 542-4631

Lisa A. Atkins

Commissioner

ID	Topic	Response
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PA-4-1	Transportation	See GlobalTopic_8. All potential interchange locations are not identified for the Build Corridor Alternatives as this is a Tier 1-level study. However, some of the potential interchange locations were assumed for purposes of the traffic analysis based on the most current available transportation network in the Arizona Model. Refer to Appendix E2 Travel Forecasting Methods and Analysis Report of the I-11 Final Tier 1 EIS. Interchange locations will be studied and identified in the Tier 2-level studies.
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July 8, 2019

I-11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 West Jackson Street, Mail Drop 126F
Phoenix, AZ 85007

RE: Interstate 11 (“I-11”) Draft Tier 1 Environmental Impact Statement (“DEIS”)

Thank you for providing the Arizona State Land Department (“ASLD”) with the opportunity to comment on the I-11 DEIS. The Study Area includes a significant amount of State Trust land (“STL”). A cross-check between the DEIS’ I-11 Recommended Alternative alignment and ASLD’s business records show a direct impact to approximately 150 ASLD Grazing and Agricultural leases.

ASLD is charged with managing approximately 9.2 million acres of STL throughout Arizona. Arizona’s STL is managed for the economic benefit of the Trust’s beneficiaries which include 13 beneficiaries such as K-12 public schools, public universities, and other charitable and penal public institutions.

ASLD views the development of this corridor as a significant opportunity to strengthen the economy and generate revenue for the Trust beneficiaries.

We have two specific concerns about the current access and alignment. (1) The most critical component of highway infrastructure like I-11 is the provision of access between the roadway and the State Trust land on which it is sited. Interchanges allow access and the ability to increase the value of STL. The current plans show significant stretches of I-11 across State Trust land with no planned traffic interchanges. (2) The I-10/I-11 system interchange proposed on State Trust land near the 363rd Avenue alignment, does not appear to have any access provided or planned, If there is no access this major interchange creates no additional value, and in fact may diminish the value to State Trust Land beneficiaries. A pass-through only facility without access is an encumbrance on State Trust land and ASLD’s disposition determinations must reflect this.

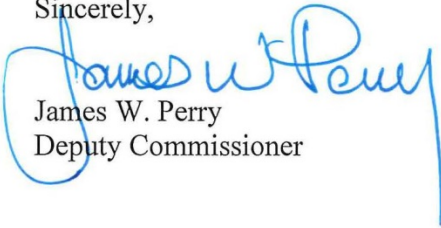
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I-11 Tier 1 EIS Study Team
July 8, 2019
Page 2

PA-4-1

ASLD looks forward to our ongoing efforts with The Federal Highway Administration (“FHWA”) and the Arizona Department of Transportation (“ADOT”) on this important study and to address the concerns expressed above. If you have questions, feel free to contact me or Mark Edelman at medelman@azland.gov or at 602-542-6331.

Sincerely,


James W. Perry
Deputy Commissioner

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REGIONAL



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Central Arizona Governments



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Central Arizona Governments

PA-5-1

On June 26, 2019, the Central Arizona Governments (CAG) Regional Council passed CAG Resolution 2019-07, declaring support for the Federal Highway Administration and Arizona Department of Transportation's Interstate 11 Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation.

The CAG Regional Council supports Option I2 (Barnes Road alignment) of the recommended alternative in Draft Tier 1 EIS and Preliminary Section 4(f) Evaluation , and Option I1 (Montgomery Road alignment) identified in the Alternative Selections Report dated 2017 as they are consistent with the West Pinal Freeway programmed for right-of-way preservation in Phase II of the Pinal Regional Transportation Plan by Pinal County voters in 2017.

PA-5-1	Support	See GlobalTopic_4. The Preferred Alternative in the Final Tier 1 EIS was revised to co-ocate with I-8 from the vicinity of Chuichu Road west to Montgomery Road then north along the Montgomery Road alignment to Option I2.
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CENTRAL ARIZONA GOVERNMENTS
RESOLUTION NO. 2019-07

A RESOLUTION OF THE REGIONAL COUNCIL OF THE CENTRAL ARIZONA GOVERNMENTS, DECLARING SUPPORT FOR THE FEDERAL HIGHWAY ADMINISTRATION AND ARIZONA DEPARTMENT OF TRANSPORTATION’S INTERSTATE 11 TIER 1 ENVIRONMENTAL IMPACT STATEMENT AND PRELIMINARY SECTION 4(F) EVALUATION.

WHEREAS, in November 2014, the Federal Highway Administration (FHWA), Arizona Department of Transportation (ADOT), Nevada Department of Transportation, Maricopa Association of Governments, Regional Transportation Commission of Southern Nevada, and other key stakeholders completed an initial two-year feasibility study known as Interstate 11 (I-11) and Intermountain West Corridor Study; and,

WHEREAS, in May 2016, FHWA and ADOT issued a Notice of Intent to commence with a three-year Environmental Impact Statement to select a corridor alternative for I-11 between Nogales and Wickenburg; and,

WHEREAS, the I-11 Corridor Study Area is 280 miles long and the environmental review process examines and evaluates the No Build Alternative and a 2,000-foot wide Project Area for three Build Corridor Alternatives in which the I-11 alignment could be located; and,

WHEREAS, the I-11 Corridor Study Area traverses eh counties of Santa Cruz, Pima, Pinal, Maricopa, and Yavapai within central and southern Arizona; and,

WHEREAS, the Regional Council of the Central Arizona Governments supports the environmental review process for the location of I-11 in accordance with the National Environmental Policy Act and other regulatory requirements; and,

WHEREAS, the Regional Council of the Central Arizona Governments supports Option I2 (Barnes Road alignment) of the recommended alternative in the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation (Draft Tier 1 EIS) and Option I1 (Montgomery Road alignment) identified in the Alternative Selections Report dated December 2017 as they are consistent with the West Pinal Freeway programmed for right-of-way preservation in Phase II of the Pinal Regional Transportation Plan approved by Pinal County voters in 2017.

NOW, THEREFORE BE IT RESOLVED that the Regional Council of the Central Arizona Governments declares it support of the following:

- 1) The environmental review process for the location of I-11; and,
- 2) Option I2 (Barnes Road alignment) of the recommended alternative in the Draft Tier 1 EIS and Option I1 (Montgomery Road alignment) identified in the Alternative Selections Report dated December 2017 as these options are consistent with the West Pinal Freeway programmed for right-of-way preservation in Phase II of the Pinal Regional Transportation Plan approved by Pinal County voters in 2017; and,
- 3) Options I2 and I1 are in accordance with other local and county level plans and provide alternate, high capacity routes to serve planned growth and economic centers in western

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Pinal County while avoiding the planned development and expansion of the Lucid Motors and Tractor Supply Distribution Center in Casa Grande as depicted in Exhibit A; and,


- 4) Options I2 and I1 best meet the Purpose and Need of the Draft Tier 1 EIS as they promote freight movement, link communities, and strengthen economic development and job growth within Pinal County.

IT IS FURTHER RESOLVED that this Resolution is effective upon approval and execution of this Resolution.

THIS RESOLUTION WAS PASSED BY THE REGIONAL COUNCIL AT A REGULAR MEETING THEREOF ON THE 26th DAY OF JUNE 2019 BY THE FOLLOWING VOTE:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:


Mayor Al Gameros
Chairperson, Regional Council


Mayor Jon Thompson
Secretary/Treasurer, Regional Council

ATTEST:

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Maricopa Association of Governments (MAG)



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302 North 1st Avenue, Suite 300 ▲ Phoenix, Arizona 85003
Phone (602) 254-6300 ▲ FAX (602) 254-6490
E-mail: mag@azmag.gov ▲ Web site: www.azmag.gov

July 1, 2019

Jay Van Echo, Project Manager
I-11 Tier 1 EIS Study Team
c/o: ADOT Communications
1655 W. Jackson Street, Mail Drop 126F
Phoenix, AZ 85007

Subject: Review of the I-11 Draft Tier 1 EIS and Errata to the Draft Tier 1 EIS

Dear Mr. Van Echo:

On behalf of the Maricopa Association of Governments, I would like to thank you for the opportunity to provide comments on the I-11 Corridor Draft Tier 1 EIS. As a Participating Agency in the environmental review process, the Maricopa Association of Governments would like to provide the following revisions.

PA-6-1

Page	Section	Suggested Revision
3.17-14	#6 SR 30/Tres Rios Corridor	Formerly SR 801, also known as the Interstate-10 Reliever, SR 30/Tres Rios Freeway is a planned high capacity roadway in the southwest portion of the City of Phoenix and the southwest metropolitan suburbs. Maricopa Association of Governments (MAG) has included right of way acquisition and advanced utility work for SR 30/Tres Rios Freeway as a Group 1 (Fiscal Year 2019-2023) project.
3.17-15	#10 SR 303L/Estrella Freeway	The Loop 303 would extend south of the I-10 system interchange in the City of Goodyear to the planned SR 30/Tres Rios Freeway . Maricopa Association of Governments (MAG) has planned SR 303L from I-10 to SR 30/Tres Rios Freeway as a Group 3 (Fiscal Year 2027-2040) project. Its ultimate terminus is planned at the Riggs Road alignment; however, the current MAG Regional Transportation Plan only provides for ROW preservation between SR 30/Tres Rios Freeway and Riggs Road.

A Voluntary Association of Local Governments in the Maricopa Region

City of Apache Junction ▲ Arizona Department of Transportation ▲ City of Avondale ▲ City of Buckeye ▲ Town of Carefree ▲ Town of Cave Creek ▲ City of Chandler ▲ Citizens Transportation Oversight Committee
City of El Mirage ▲ Town of Florence ▲ Fort McDowell Yavapai Nation ▲ Town of Fountain Hills ▲ Town of Gila Bend ▲ Gila River Indian Community ▲ Town of Gilbert ▲ City of Glendale ▲ City of Goodyear
Town of Guadalupe ▲ City of Litchfield Park ▲ City of Maricopa ▲ Maricopa County ▲ City of Mesa ▲ Town of Paradise Valley ▲ City of Peoria ▲ City of Phoenix ▲ Pinal County ▲ Town of Queen Creek
Salt River Pima-Maricopa Indian Community ▲ City of Scottsdale ▲ City of Surprise ▲ City of Tempe ▲ City of Tolleson ▲ Town of Wickenburg ▲ Town of Youngtown

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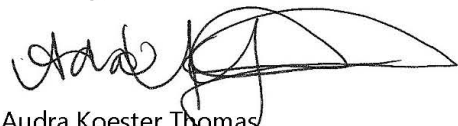
PA-6-1	General	The table referenced was not included in the Final Tier 1 EIS as it is a condensed format, but when the project is mentioned in Final Tier 1 EIS Section 3.17, the name SR 30/Tres Rios Freeway was used.
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Thank you for the opportunity to comment, and please do not hesitate to contact us if you have any questions.

Sincerely,



Audra Koester Thomas
Planning Program Manager



Sun Corridor Metropolitan Planning Organization (SCMPO)



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		See response below.
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Sun Corridor MPO

Please find attached the Sun Corridor MPO Resolution 2019-02

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ID	Topic	Response
PA-7-1	Recommended Alternative (Blue)	See GlobalTopic_4. The Preferred Alternative in the Final Tier 1 EIS was revised to co-ocate with I-8 from the vicinity of Chuichu Road west to Montgomery Road then north along the Montgomery Road alignment to Option I2.

RESOLUTION NO. 2019-02

RESOLUTION OF THE SUN CORRIDOR METROPOLITAN PLANNING ORANIZATION (MPO) DECLARING SUPPORT FOR THE ARIZONA DEPARTMENT OF TRANSPORTATION’S INTERSTATE 11 TIER 1 ENVIRONMENTAL STATEMENT AND PRELIMINARY SECTION 4 (F) EVALUATION.

WHEREAS, in November 2014, the Arizona Department of Transportation (ADOT), Nevada Department of Transportation, Federal Highway Administration (FHWA), Maricopa Association of Governments, Regional Transportation Commission of Southern Nevada, and other key stakeholders completed an initial two-year feasibility study known as the Interstate 11 (I-11) and Intermountain West Corridor Study (IWCS); and,

WHEREAS, in April 2019, FHWA and ADOT released the Draft Tier 1 Environmental Impact Statement (EIS) and Preliminary Section 4(f) Evaluation (Draft Tier 1 EIS) for the Interstate 11 Corridor; and,

WHEREAS, the I-11 corridor study area is 280 miles long and the environmental review process examined and evaluated the No-Build Alternative and a 2,000-foot wide Project Area for several Build Corridor Alternatives in which the I-11 alignment could be located; and,

WHEREAS, the I-11 Corridor Study Area traverses the counties of Maricopa, Pinal, Pima and Santa Cruz; and,

WHEREAS, the Sun Corridor MPO supports the environmental review process for the location of the I-11 in accordance to the Nation Environmental Policy Act and other regulatory requirements; and,

WHEREAS, Sun Corridor MPO declares its support of the recommended alternative identified in the Draft Tier 1 EIS where the Draft Tier 1 EIS is consistent with the West Pinal Freeway as programmed in the Pinal Regional Transportation Plan approved by Pinal County voters in November 2017.

NOW THEREFORE, BE IT RESOLVED that the Sun Corridor MPO declares its support of the following:

- The Draft Tier 1 EIS process for the Interstate 11 Corridor; and
- The recommended corridor alternative best supports the Purpose and Need of the Study Area, providing access to planned growth areas and serves key economic centers within Pinal County; and,
- The West Pinal Freeway alignment as identified in the Pinal Regional Transportation Plan approved by the Pinal Regional Transportation Authority May 11, 2016 as a high capacity route as it promotes freight movement, links communities, and strengthens economic development and job growth county-wide; and

PA-7-1

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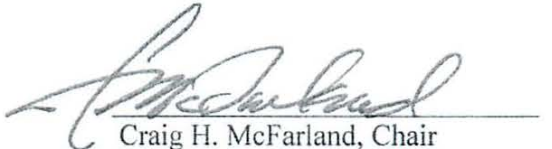
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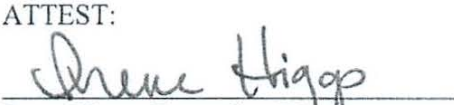
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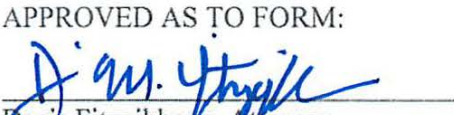
- Corridor Option II (I-8 to Montgomery Road) in the Alternative Selections Report dated December 2017, rather than the recommended alternative which connects at I-8 near Chuichu Road. The recommended alternative runs through the Casa Grande Industrial Park the entire 2000-foot corridor is currently designated for the expansion of the Tractor Supply Distribution Center and the future electric car company Lucid Motors.

IT IS FURTHER RESOLVED that this Resolution is effective upon approval and adoption of this Resolution.

PASSED AND ADOPTED this 14 day of May, 2019, by the SUN CORRIDOR METROPOLITAN PLANNING ORGANIZATION.


Craig H. McFarland, Chair
Sun Corridor MPO Executive Board
Mayor, City of Casa Grande

ATTEST:

Irene Higgs, Executive Director
Sun Corridor MPO

APPROVED AS TO FORM:

Denis Fitzgibbons, Attorney
Sun Corridor MPO

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COUNTY



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President, Maricopa Flood Control District



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President, Maricopa Flood Control District

PA-8-1

I believe this project is vital to the continued economic growth of not only Pima County, Pinal County, Maricopa County and Arizona, but the entire intermountain corridor as well as the economy of Mexico.

The preliminary route identified as the recommended alternative seems to strike a good balance and provides the connectivity to key industrial centers. In addition, the route through the Hidden Valley, Vekol Valley, and Rainbow Valley areas would provide the most direct and efficient route through the region bypassing the already congested I-10 and less direct I-8 routes.

Having an alternate high-capacity corridor is crucial to the region in the event of a potential closure of I-10 or in the case of emergencies.

PA-8-1	Recommended Alternative (Blue)	See GlobalTopic_4
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Flood Control District of Maricopa County



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Flood Control District of Maricopa County

PA-9-1

In a very general review of the alternative routes shown in Figures 2.4, 2.5, 2.8, 2.9, 2.10, 6.4, please be aware of the FCDMC's Harquahala FRS structure north of I-10 and northwest of Tonopah. It does not appear that any of the alignments would cross this dam, but if such an idea were pursued, then far more input from and coordination with the FCDMC would be required. Thank you

PA-9-1	Water Resources	Yes, the I-11 Preferred Alternative corridor does not cross or envelope the Flood Control District of Maricopa County's Harquahala FRS structure north of I-10. FHWA and ADOT will continue to coordinate with the Flood Control District of Maricopa County during this Tier 1 study and ADOT will continue that coordination in future I-11 Tier 2 environmental studies.
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Maricopa County Department of Transportation



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Jennifer Toth

PA-10-1

I want to thank the I-11 team for working diligently to incorporate comments from Maricopa County. The I-11 team did a fantastic job in listening to our concerns and addressing them throughout the process. We have no comments on the Draft Tier 1 Report.

Jennifer Toth
Director/County Engineer
602.506.4700
Maricopa County Department of Transportation
2901 W. Durango Street ? Phoenix, AZ 85009
jennifer.toth@maricopa.gov

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PA-10-1	Support	See GlobalTopic_4.
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Pima County



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		Please see responses below
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Monica Perez

Good afternoon,
The attached communication is being submitted on behalf of Mr. Huckelberry, Pima County Administrator.
Respectfully submitted,
~Monica

Monica Perez
Chief Assistant to Pima County
Administrator Chuck Huckelberry
130 W. Congress, Floor 10
Tucson, Arizona 85701
520.724.8587
Monica.Perez@Pima.gov

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COUNTY ADMINISTRATOR'S OFFICE
PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY
County Administrator

July 8, 2019

I-11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 West Jackson Street
Mail Drop 126 F
Phoenix, Arizona

Email to: I-11ADOTSTUDY@hdrinc.com

Re: Interstate 11 Corridor Draft Tier 1 Environmental Impact Statement Review and
Comments by Pima County

Dear I-11 Tier 1 EIS Study Team:

Pima County appreciates the opportunity to review and comment on the Interstate 11 (I-11) Corridor Draft Tier 1 Environmental Impact Statement (EIS). Given the importance of I-11 as a trade corridor, the no-build alternative is unacceptable and should be rejected. Notwithstanding, both corridor alignments, the one using the existing Interstate 10 (I-10) and the Avra Valley alignment, have significant impacts and will require extensive mitigation.

The I-10 alternative impacts relate mainly to adverse urban impacts associated with residential and commercial displacement, as well as noise and disruption of existing transportation utility systems. The Avra Valley route has mostly environmental impacts. Extensive mitigation will be required for both routes and the required mitigation should meet local standards, ordinances and requirements.

To assist in developing mitigation obligations, Pima County has prepared detailed written comments. The County's comments primarily relate to the Avra Valley alternative where the County has jurisdiction. Other impacts associated with the I-10 alternative have been provided by the City of Tucson. Many of our comments are also applicable to urban dislocation and impacts to historic and cultural places that will occur as a result of the I-10 alternative.

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Email to: I-11ADOTSTUDY@hdrinc.com
Re: **Interstate 11 Corridor Draft Tier 1 Environmental Impact Statement Review and Comments by Pima County**
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PA-11-1


Attachment 1 is a detailed 14-page memorandum that comments on the Draft Tier 1 EIS. Our comments are contained within the July 5, 2019 memorandum from Pima County Transportation Director Ana Olivares. In addition, Attachment 2 is a more detailed environmental mitigation analysis prepared by Pima County staff regarding the mitigation obligations associated with the Avra Valley route or an intermountain west corridor. These comments and studies are designed to assist you in your deliberations of this matter and selection of a preferred corridor.

The County will object to any Avra Valley alternative I-11 corridor that does not adequately mitigate environmental, historic, archeological, and urban form impacts to the standards set forth in our detailed list of comments in Attachment 1 and our environmental mitigation analysis found in Attachment 2.

These mitigation standards are intended to ensure complete compliance with the locally adopted and nationally recognized Sonoran Desert Conservation Plan and to prevent an intermountain trade corridor such as I-11 from becoming a catalyst to promote urban sprawl and commercialization along the corridor.

We appreciate the opportunity to provide this review and comment on the I-11 Corridor Draft Tier 1 Environmental Impact Statement.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/anc

Enclosure

c: The Honorable and Chairman and Members, Pima County Board of Supervisors
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Ana Olivares, Director for Transportation Department

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PA-11-1	Introduction	Responses to Attachment 1 are provided on the following pages. The information provided in Attachment 2 was considered in the analysis for the Final Tier 1 EIS. See GlobalTopic_1 and GlobalTopic_4.
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Attachment 1



MEMORANDUM

DATE: July 5, 2019

FROM: Ana M. Olivares, P.E.
Director

TO: C.H. Huckelberry
County Administrator

SUBJECT: RE: I-11 Corridor Draft Tier 1 Environmental Impact Statement Comments

The Department of Transportation appreciates the opportunity to review and comment on the Draft Tier 1 Environmental Impact Statement (EIS) for the Interstate 11. We have circulated the Draft Tier 1 EIS to the Public Works Departments and compiled all comments received. We continue to support the environmental impact study process including full disclosure of all impacts and mitigation measures for all alternatives. We understand that any alternative for a major new interstate freeway is going to have impacts that must be carefully evaluated and weighed against each other. We also understand that the National Environmental Policy Act (NEPA) process requires full disclosure of all potential impacts and recommended mitigation measures to address those impacts. To this point, we are concerned that not all potential impacts have been adequately disclosed, nor adequate mitigation proposed.

Specifically, we agree with the particular findings of the Draft Tier 1 EIS that the Recommended Alternative through Avra Valley negatively impacts natural and cultural resources, but we do not believe that these impacts have been adequately evaluated. We also have concerns about the evaluation of impacts of the I-10/I-19 alternative or “orange” route. The remainder of this memorandum will address the following major concerns as well as minor comments and corrections:

1. The Draft Tier 1 EIS does not acknowledge potential impacts to the thousands of acres owned and/or managed by Pima County as part of the Conservation Lands System (CLS).
2. We disagree with the “net benefit” programmatic evaluation of the Tucson Mitigation Corridor (TMC) and insist that an individual 4(f) evaluation be conducted for the proposed use of the TMC. We believe this requires a revision to the Draft Preliminary Section 4(f) Evaluation.
3. We have significant concerns regarding the analysis methods, data integrity and accuracy of the information presented in Section 3.7 Archeological, Historical and Cultural Resources. Therefore, we believe the results presented in Section 3.7 and Chapter 4 are grossly inadequate for the purposes of a comparative analysis between alternatives.
4. Pima County’s Preserve System must be considered an “affected resource” and potential impacts must be assessed and mitigation strategies must be presented.
5. Information on the Pima County’s Multi-species Conservation Plan (MSCP) is incorrect and incomplete.

1. Conservation Lands System Impacts and Mitigation

The agencies must consider Pima County’s CLS an “Affected Resource,” assess likely impacts to it, and mitigate those impacts based on established CLS ratios. The Draft EIS includes no discussion of Pima County’s Maeveen Marie Behan CLS. This is a significant oversight when assessing I-11’s impacts to biological resources and planned land use in Pima County.

Developed with the assistance of the Bureau of Reclamation (BOR), U.S. Fish and Wildlife Service (FWS), and many other agencies, scientists, and land managers, the CLS is a key element of the County’s award-winning Sonoran Desert Conservation Plan (SDCP). It identifies areas where conservation should be prioritized as well

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PA-11-2	Biological, Mitigation (land use review for potential inclusion of Sonoran Desert Conservation Plan)	See GlobalTopic_1, GlobalTopic_4, GlobalTopic_8, and GlobalTopic_11. Pima County’s Comprehensive Land Use Plan and Sonoran Desert Conservation Plan are discussed in Section 3.3 of the Draft Tier 1 EIS. More detailed assessments of the potential impact to CLS lands and mitigation will occur during the Tier 2 studies.
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PA-11-2

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C.H. Huckelberry, County Administrator
RE: I-11 Corridor Draft Tier 1 Environmental Impact Statement Comments
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as areas more suitable for development, along with mitigation goals that help the region grow while maintaining and improving landscape-level connectivity, which is the foundational objective of the CLS. It has guided County land use planning since it was first integrated into Pima County’s Comprehensive Land Use Plan in 2001, and it has been included in each subsequent update including the 2015 update, *Pima Prospers*.

The CLS was used as a foundation for the County’s MSCP, and it provides a federally approved landscape-level framework for mitigating the effects of development. It identifies and maps areas where priority biological resources occur within Pima County, categorizes those resources based on their relative values for biodiversity, and establishes landscape-level conservation goals for each category. The most biologically sensitive categories are also assigned project-specific mitigation ratios specifying the amount of mitigation necessary to offset disturbances in that category. These categories include:

- *Important Riparian Areas:* Landscape-level goal is to conserve at least 95 percent of the lands within this designation; project-specific mitigation determined via compliance with Pima County’s *Watercourse and Riparian Habitat Protection and Mitigation Requirements* ordinance (Pima County Zoning Code Title 16.30).
- *Biological Core Management Areas:* Landscape-level goal is to conserve at least 80 percent of the lands within this designation; project-specific mitigation ratio is four conserved acres for each acre disturbed (4:1).
- *Special Species Management Areas:* Landscape-level goal is to conserve at least 80 percent of the lands within this designation; project-specific mitigation ratio is four conserved acres for each acre disturbed (4:1).
- *Multiple Use Management Areas:* Landscape-level goal is to conserve at least 66 ⅔ percent of the lands within this designation; project-specific mitigation ratio is two conserved acres for each acre disturbed (2:1).

Complete information on CLS categories and associated conservation guidelines can be found in Pima County’s General Plan, [Pima Prospers, Chapter 3.4 – Use of Land; Environmental Element](#).

Pima County has made extraordinary investment in securing property (fee title) and property interests (grazing leases, conservation easements, etc.) to conserve biologically diverse and culturally rich lands across the region. In many cases, these property interests also serve to fulfill the County’s long-term mitigation obligations under our MSCP and Section 10 Incidental Take Permit, which was issued by the FWS in July 2016.

The green and purple alternatives (or any combination of the two) running through Avra Valley will have broad impacts on multiple CLS categories; the orange alternative will likely have far fewer impacts. These impacts, wherever they occur, will require mitigation based on each category’s established mitigation ratio as described above.

Recommendation: The agencies must mitigate CLS impacts based on established mitigation ratios; it is estimated that approximately 11,000 acres would be required to mitigate CLS impacts in Avra Valley. Understanding that more detailed assessments will be conducted in the Tier 2 analysis, the Tier 1 EIS must consider the CLS an “Affected Resource” and generally assess both the likely impacts to this resource and potential mitigation strategies, just like the document does for other “Affected Resources.”

We conducted a preliminary assessment of potential impacts to the CLS if I-11 is routed through Avra Valley [See Attachment 1]. We estimate that, based on established CLS mitigation ratios, the amount of lands necessary to mitigate those impacts will be approximately 11,000 acres. This estimate and the potential costs associated with it need to be considered in the Tier 1 EIS in order to “to provide sufficient information for the public, agencies, and Tribes to comment on the analysis of the alternatives and the Recommended Alternative,” the stated objective of the Draft EIS.

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We also recommend that the following mitigation actions be taken if I-11 is routed through Avra Valley to address the significant impacts this project will have on landscape connectivity, which is the foundational objective of the CLS:

- Minimize or eliminate interstate entrance and exit points (interchanges) in Avra Valley;
- Acquire mitigation lands adjacent to the I-11 route to forestall future commercial and urban expansion in the Avra Valley;
- Establish additional wildlife movement corridors in Avra Valley via acquisition or other means; and
- Establish protected wildlife movement corridors north of Avra Valley between the Picacho Mountains/Durham-Coronado Plain area and the Ironwood Forest National Monument via acquisition or other means.

2. TMC and Draft Preliminary Section 4(f) Evaluation

Several separate but related comments, enumerated A through F, and recommendations are provided relating to the TMC.

PA-11-3

A. The agencies must conduct an individual 4(f) evaluation of the TMC.

The “net benefit” programmatic evaluation of the TMC provided in the Draft EIS is not applicable to this project’s proposed use of the TMC. The federal regulations governing 4(f) evaluations state that programmatic evaluations are to only be used “for certain minor uses of Section 4(f) property.” (23 CFR 774.3(d); emphasis added.) The use at issue here is the routing of a new interstate highway through the entire length of a 2,500-acre property set aside specifically to facilitate wildlife movement. It is critical to remember that the reason this property is considered a 4(f) property is because it currently serves as mitigation for the significant impacts to wildlife connectivity that resulted from a previous linear project – the Central Arizona Project (CAP) canal. To categorize a use that will almost certainly impair the ability of this specific property to continue to serve that important function as “minor” is simply not defensible.

The use of the “net benefit” programmatic evaluation is also inappropriate because in order for it to apply, the “net benefit” must be realized on the 4(f) property at issue. According to Federal Highway Administration guidance, “A “net benefit” is achieved when the transportation use, the measures to minimize harm and the mitigation incorporated into the project results in an overall enhancement of the Section 4(f) property... A project does not achieve a “net benefit” if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection.”¹

Here, regardless of the type and scope of measures implemented off-site to mitigate impacts to the TMC, this project will undoubtedly result in a substantial diminishment of the TMC property itself, as well as substantial diminishment of its value in facilitating wildlife movement and its ability to continue to serve as mitigation for the CAP canal’s impacts.

Recommendation: The agencies must conduct an individual 4(f) evaluation for the proposed use of the TMC. This evaluation must be supported with sufficient information regarding the proposed use of the TMC and the associated impacts to the property to allow decision-makers and the public to make an informed choice between the alternatives presented.

¹ “Section 4(f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f) Property.” Federal Highway Administration Environmental Review Toolkit.
https://www.environment.fhwa.dot.gov/legislation/section4f/4f_netbenefits.aspx. Accessed June 12, 2019 (emphases added).

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PA-11-3	Section 4(f)	See GlobalTopic_11. Chapter 4 of the Final Tier 1 EIS contains the Preliminary Section 4(f) Evaluation.
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C.H. Huckelberry, County Administrator
RE: I-11 Corridor Draft Tier 1 Environmental Impact Statement Comments
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PA-11-4

B. Pima County must agree to any future development within the TMC property.

As detailed in a letter dated April 13, 2018, Pima County has decision-making authority regarding developments within the TMC [See Attachment 2]. In 1990, the BOR’s acquisition of the TMC was authorized under 16 U.S.C. 663, which directs that “such properties shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.” (Emphasis added.) These regulations also require that the use of such lands “shall be in accordance with general plans approved jointly” by the BOR, the Secretary of Interior, and other agencies that administer the resources at issue. (16 U.S.C. 663(b).)

After the BOR acquired the TMC property, the Department of Interior entered into the *Cooperative Agreement for the Use of Project Lands for Wildlife and Plant Conservation and Management, TMC, Central Arizona Project* with Pima County, the Arizona Game and Fish Department (AGFD), and the FWS. The *Cooperative Agreement* provided that Pima County would manage TMC as part of the Tucson Mountain Park system in accordance with the *Master Management Plan* that was attached to that agreement. The *Master Management Plan* was also attached to the 2002 *Cooperative Agreement* which replaced the 1990 agreement.

The *Master Management Plan* explicitly requires that BOR “prohibit any future developments within the area other than existing wildlife improvements, management, or developments agreed to by [BOR], [AGFD], [FWS], and Pima County.” (Section II.2.) After several extensions the 2002 *Cooperative Agreement* was terminated in 2009; however, the *Master Management Plan’s* Section II “Management Goals” and “Management Actions” survived the 2009 termination and stands as the jointly approved plan required under 16 U.S.C. 663(b). This means that BOR is obligated to prohibit any future developments within the TMC unless jointly agreed to by all parties to *Master Management Plan*, including Pima County.

Recommendation: The Draft EIS needs to acknowledge Pima County’s authority over the use of the TMC property. The agencies should begin engaging with Pima County directly regarding the use of this property, as was previously requested in the County’s April 13, 2018 letter [See Attachment 2].

C. The agencies must revise the entire Draft Preliminary Section 4(f) Evaluation to include sufficient information for informed decision-making, and it must be recirculated for public comment.

As we have explained above, the “net benefit” programmatic evaluation cannot be applied to the TMC; instead, an individual 4(f) evaluation must be done for this property. Because it overwhelmingly relies on the incorrect assumption that a “net benefit” can be achieved for the TMC, the entire *Draft Preliminary Section 4(f) Evaluation* is fatally flawed. The assumption that a “net benefit” will be achieved for the TMC supplanted a true examination of potential impacts to that property, and that omission now precludes any meaningful comparison of the alternatives and their potential use of 4(f) properties. This renders moot virtually every finding that supports the evaluation’s least overall harm assessment and summary of findings.

The agencies have an overarching responsibility under the NEPA to obtain the information necessary to evaluate significant environmental impacts when such information is “essential to a reasoned choice among alternatives,” and to take a “hard look” at the environmental consequences of this proposed action. (40 C.F.R 1502.22; *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989). The Draft EIS fails to do either, as virtually all of the information provided in the Draft Preliminary Section 4(f) evaluation is woefully insufficient in this regard, rendering the entire so inadequate as to preclude meaningful analysis.

Recommendation: The agencies must revise the *Draft Preliminary Section 4(f) Evaluation* and recirculate it for public comment. The *Draft Preliminary Section 4(f) Evaluation* must be redone once the individual evaluation for the TMC is completed, and it must provide sufficient information for all 4(f) properties to allow for a proper evaluation of the significant impacts and so that decision-makers and the public can make a reasoned choice among the alternatives presented. Once completed, the revised draft must be recirculated for public comment before being finalized.

PA-11-5

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PA-11-4	Section 4(f)	Final Tier 1 EIS Section 4.6.3.3 clarifies Pima County’s role in managing the TMC. Reclamation is the sole official with jurisdiction (OWJ), as defined in 23 CFR 774.17, for the TMC for Section 4(f) purposes. However, under the TMC Master Management Plan referenced in the comment, any development other than wildlife habitat improvements require agreement by Reclamation, Arizona Game and Fish Department, the U.S. Fish and Wildlife Service, and Pima County. FHWA and ADOT have coordinated with Pima County regarding the TMC during the Tier 1 EIS study and coordination with the County will continue during the Tier 2 studies.
PA-11-5	Section 4(f)	See GlobalTopic_1 and GlobalTopic_11. Chapter 4 of the Final Tier 1 EIS contains the Final Preliminary Section 4(f) Evaluation.

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C.H. Huckelberry, County Administrator
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PA-11-6

D. The Draft EIS provides no assurances that sufficient resources will be available to implement the measures required to mitigate impacts to the TMC.

According to the Council for Environmental Quality guidelines for the “Appropriate Use of Mitigation and Monitoring” published in January 2011, “Agencies should not commit to mitigation measures considered and analyzed in an EIS or EA if there are insufficient legal authorities, or it is not reasonable to foresee the availability of sufficient resources, to perform or ensure the performance of the mitigation.” We understand that at the Tier 1 Draft EIS stage, the discussion of mitigation measures is focused on planning-level efforts. However, the I-11 Tier 1 EIS and Record of Decision (ROD) will make the final determination on whether the Build Corridor will run through the TMC property or not. If the decision is made to route I-11 through the TMC and that decision is rationalized by the promised implementation of mitigation measures to offset impacts to the TMC, then those measures must be discussed in more detail at this stage. That discussion should include at least some consideration of whether the legal authority and funding necessary to perform the promised mitigation measures exist now and/or will exist in the future.

Given the long planning horizon for future studies and design of I-11, there are legitimate questions about whether these mitigation commitments will actually be implemented in light of the lack of commitment or funding to stabilize the future of private and state trust lands that may potentially serve as mitigation for this project. In fact, it is likely that much of the potential land suitable for mitigation will be developed in advance of any construction and will thus be unavailable for use as mitigation. Most of the private lands will be exchanged on the market in coming years, and there is no agent who will buy mitigation land absent an agreement to do so with the federal agencies. Additionally, because the mission of the Arizona State Land Department is to manage State Trust Lands in a way that optimizes economic return for the Trust beneficiaries, there are no assurances that these lands will be made available for purchase as mitigation in the future. The agencies need to consider these important issues before deciding whether the Build Corridor will be routed through the TMC; if that decision is ultimately founded on mitigation commitments that cannot be implemented, the agencies may be forced to redo their NEPA analysis.

Recommendation: The agencies must discuss proposed mitigation measures for the TMC in more detail, including where and how potential land acquisitions will occur. Because the I-11 Tier 1 EIS and ROD will make the final determination of whether the Build Corridor will run through the TMC, the mitigation measures proposed to offset impacts to the TMC must be discussed in more detail at this stage in order to meaningfully inform that decision. Meaningful mitigation must include substantial land acquisition if an Avra Valley route is chosen. The agencies must consider the current and future availability of private and state lands that will be necessary to set aside in order to provide adequate mitigation for use of the TMC, and they must provide more information regarding whether and how the agencies will ensure these lands will be available to serve as mitigation in the future. Without a partnership with Pima County, how will this be achieved?

E. General Comments on the Preliminary Draft Section 4(f) Evaluation. The agencies need to consider the following when revising the Preliminary Draft 4(f) Evaluation:

PA-11-7

- The determination that the Ironwood Forest National Monument is not protected by Section 4(f) is incorrect and needs to be reassessed.** It is demonstrably false to assert that the Ironwood Forest National Monument (IFNM) “does not function as or is not designated within its BLM Resource Management Plan as a “significant park, recreation area, or wildlife and waterfowl refuge.” (DEIS p. 4-12.) The IFNM was absolutely designated for its habitat values and wildlife connectivity. The June 9, 2000, presidential proclamation establishing the IFNM talks extensively about the significant diversity of wildlife species found there and cites this “richness of species” as a primary reason for its establishment. It was also clearly established for its cultural landscape that includes numerous archaeological and historic sites. It is also clearly managed for recreational purposes, as outlined in its Resource Management Plan. In light of this, the determination that IFNM is not protected by Section 4(f) must be reassessed.

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PA-11-6	Section 4(f)	See GlobalTopic_1 and GlobalTopic_11.
PA-11-7	Section 4(f)	<p>When considering whether Section 4(f) may apply to IFNM, FHWA first applied the test of whether the land is under public ownership and is open to the public. FHWA assessed that IFNM is primarily publicly-owned land that is open to the public and only the publicly-owned lands that are open to the public within the property have the potential to be protected by Section 4(f).</p> <p>Section 4(f) requires FHWA to apply a second test, whether the land has been formally designated as a park, recreation area, or wildlife and waterfowl refuge, or historic site. FHWA interprets formal designation as meaning that the land has been identified through an official process, such as a Presidential or legislative action, or is included in an adopted master plan by the OWJ over the property. As part of the formal designation, the primary purpose and function of the land is identified.</p> <p>In applying the second test to IFNM, FHWA found that the property was designated in 2000 by Presidential Proclamation 7320 for the protection and management of “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.” This formal designation serves as the definition of the primary purpose of the property as a whole. Within the BLM’s 2013 Ironwood Forest National Monument, Record of Decision and Approved Resource Management Plan, the agency states that other, secondary uses (recreation, timbering, and rangeland, for example) may be allowed under specific criteria so that the primary purpose of the property is supported. However, these other, secondary uses are not relevant to the Section 4(f) test of primary purpose.</p> <p>Related to the second test, FHWA recognizes that IFNM contains within its boundaries resources that accommodate recreation activities or may have historic significance as defined by the National Historic Preservation Act. However, those resources are only two of numerous other types of natural and cultural resources within the property boundary as outlined in the RMP. BLM acknowledges in the RMP that its charge is to balance the availability and function of all resources within IFNM for multiple uses.</p> <p>On the basis of these Section 4(f) tests, FHWA assessed that, although IFNM contains publicly-owned land that is open to the public, the primary purpose of the IFNM is not a park, recreation area, wildlife or waterfowl refuge, or historic site as defined by Section 4(f). Thus, FHWA made the preliminary determination in the Draft and Final Tier 1 EIS that IFNM is not protected under Section 4(f).</p>

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PA-11-8	<p>2. The imbalance of available data for the alternatives in Section 3.7 and Chapter 4 renders the results grossly inadequate for comparative analysis. It is very telling that there are essentially no historic properties identified as potential 4(f) properties within the build corridors for the green and purple alternatives. It is disingenuous to compare the alternatives as if the available data for each of the alternatives were of an equivalent level of reliability. The imbalance of available data for the alternatives make the results grossly inadequate for the purposes of a comparative analysis of potential effects between alternatives. Moreover, given the 2,000-foot wide corridor, many more impacts are posited for the existing I-10 route through urban Tucson than would ever occur.</p>
PA-11-9	<p>3. The assumption (stated on pages 6-6 and 4-102) that impacts to historic properties are “unmitigable” is incorrect and contrary to federal law. It is untrue that impacts to historic properties in the urban Tucson alternative are “unmitigable,” and the statement is contrary to the federal process outlined in Section 106. Funds for adaptive reuse and rehabilitation of historic district buildings in areas adjacent to the interstate would serve to both enhance these historic properties and mitigate impacts from the improvements.</p>
PA-11-10	<p>4. The assumption that all 4(f) properties are equally significant is incorrect and contrary to federal law requirements. The agencies are statutorily required to consider the relative significance of each Section 4(f) property (<i>see</i> 23 C.F.R. 774.3(c)(1)(iii).) Additionally, the Arizona Department of Transportation’s <i>Section 4(f) Evaluation Guidance and Requirements</i> published in April 2019 states that when considering the properties’ relative significance, agencies should “Discuss the significance of each of the Section 4(f) properties used by the project. <u>Not all Section 4(f) properties are created equal in their value.</u>” (p. 8-10; emphasis added.) To provide a single sentence asserting that “none of the properties has been determined through this evaluation to be of different value” completely negates this statutory requirement and renders it meaningless, violating the spirit and letter of the law, as well as Arizona Department of Transportation guidelines.</p>
PA-11-11	<p>F. The agencies’ proposal to compromise lands that serve as key mitigation for a previous project undermines public trust in the agencies’ mitigation commitments moving forward.</p> <p>The primary purpose of the TMC is to mitigate impacts resulting from the Central Arizona Project (CAP) canal. In fact, protection of the TMC was critical to the approval of the CAP and it was a key part of the mitigation mandated in that project’s own EIS. As the AGFD states in its letter to FHWA dated February 1, 2017, the acquisition of the TMC as mitigation was “[t]he <u>key commitment</u> of [Bureau of Reclamation (BOR)] as mitigation for the CAP aqueduct severing wildlife movement... As stated by the FWS, without the acquisition of the TMC, the other mitigation measures were “grossly inadequate” and would have likely resulted in FWS withdrawal of support for BOR’s preferred West Side Plan.” (Emphasis added.)</p> <p>Here, the agencies are proposing to significantly impact the TMC, which would compromise that property’s ability to continue to serve as mitigation for the CAP. In light of this, obvious questions arise regarding the credibility of mitigation promises being made in this Draft EIS. As the AGFD points out in its “Initial Scoping Comments for the I-11 Tier 1 EIS” dated July 8, 2016, “if such a commitment can be made in an EIS and later be broken by a subsequent project, what does that mean for the commitment being made here?” The agencies need to address this issue directly; otherwise, there is a significant risk of undermining the public trust when developing mitigation measures for projects such as this.</p> <p><u>Recommendation:</u> The agencies must provide assurances that mitigation promises will be kept. Considering the agencies are proposing to significantly impact the TMC which was previously set aside to serve as mitigation for the CAP canal, the agencies must provide assurances that the mitigation promised for this project will not suffer the same fate, and will actually be implemented and maintained into the future for as long as it is necessary to offset impacts. Pima County is an essential partner in any such efforts.</p>

ID	Topic	Response
PA-11-8	Section 4(f)	See GlobalTopic_1 and GlobalTopic_8.
PA-11-9	Section 4(f) & Mitigation	See GlobalTopic_1.
PA-11-10	Section 4(f)	While the references to the Section 4(f) regulations and guidance are accurate, during the Tier 2 studies the properties and continued agency coordination will be required for ADOT to confirm the relative significance of each Section 4(f) property and Project-level impacts of alternatives to those properties. Chapter 4 of the Final Tier 1 EIS contains the Final Preliminary Section 4(f) Evaluation.
PA-11-11	Section 4(f) & Mitigation	FHWA and ADOT appreciate Pima County’s concerns. All mitigation identified in the Record of Decision is legally binding.

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3.	<p>Section 3.7 Archaeological, Historical, Cultural Resources - Analysis Methods, Data Integrity and Accuracy</p> <p>A. Several important historic contexts overlooked in this analysis should be considered. Several important historic contexts may have been overlooked in this analysis, namely reflecting two Diasporas, African Americans and Chinese Americans. Further, the dislocation and resettlement of the Yaqui at the turn of the twentieth century does not appear to be included. To accurately assess the potential impacts of the alternatives, these contexts should be acknowledged and provided the same level of consideration as those that were identified in the analysis.</p> <p>B. Cemeteries are inconsistently classified as structures or sites in the Class I reports. Therefore, it is unclear how these properties are being quantified in the Tier 1 analysis, based on National Park Service (NPS) guidelines which classify all cemeteries as sites and not structures.</p> <p>C. Conclusions on impacts to cultural resources are based on incomplete and incorrect data. Conclusions regarding the measure of impacts to cultural resources as presented for each alternative are drawn from computational estimates that are assembled from incomplete and often inaccurate datasets. Further, it is problematic to project estimates by grouping all archaeological sites types by all time periods given the noted deficiencies in datasets. The selection of resource types that are cited in analysis are also inconsistent between datasets. More transparency in the methods used to estimate sites and for that matter, districts, is requested.</p> <p>D. The Draft 1 EIS fails to consider changing professional standards in the analysis. Professional standards for cultural resources surveys have changed over the years, and while it appears that the year of the survey was documented in the spatial data provided, this information is not weighted in the resulting analysis. For example, survey and site recordings that did not have the ability of using a GPS-device provide entirely less accurate data than a modern day survey/site recording (State Historic Preservation Office (SHPO) guidance point No. 5 [2004]).</p> <p>E. National Register of Historic Places (NRHP) eligibility recommendations and determinations by SHPO are highly variable. Eligibility recommendations and determinations can change over time based on several variables, including but not limited to: 1) whether the entire area of an archaeological site/historic resource was documented, as opposed to a portion; 2) a change in condition of the property, e.g. increase in the quantity of and type of artifacts/features observed on the surface at the time of recording; 3) opinion of the recorder at the time of recording; 4) new information/research methods at the time of recording.</p> <p>F. No information is provided to explain why the downtown Tucson segment of I-10 would need to be dramatically expanded. Section 3.7.4, page 3.7-17 and Section 4, page 4-73 states that six miles of I-10 from the I-19 interchange to Prince Road will require “four to six additional lanes” and “120 feet wide” of additional right of way to accommodate a co-located I-11, expanding I-10 from 8 lanes to 12 to 14 lanes. What is the justification for this statement and what are the projected traffic volumes for this section of I-10?</p>
4.	<p>Recommended Alternative</p> <p>The imbalance of available data precludes the meaningful analysis required to identify a recommended alternative.</p> <p>As discussed above, the imbalance of available data for the alternatives make the results presented in Section 3.7 and Chapter 4 grossly inadequate for the purposes of a comparative analysis between alternatives. This</p>

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3A	Cultural Resources	The historic contexts discussed in the Class 1 overviews identify the major themes of the human occupation of the region. Additional relevant historic contexts would be identified and considered as cultural resources inventories are prepared for each subsequent Tier 2 project study.
3B	Cultural Resources	The compiled primary data regarding cemeteries classifies them in various ways. Whether cemeteries are classified as structures or sites has little importance, particularly for the Tier 1 EIS, because there are very few in the study area and it is unlikely that any would be affected. Evaluation of the National Register of Historic Places (NRHP) eligibility and assessment of potential levels of impacts on cemeteries during the Tier 2 project studies would be consistent, regardless of classified type (i.e., site versus structure).
3C	Cultural Resources	As described in Draft Tier 1 EIS Section 3.7.2, FHWA and ADOT adopted a phased approach to inventory, evaluate, and assess effects to cultural resources for I-11 between Nogales and Wickenburg, which is consistent with regulations implementing the National Historic Preservation Act (NHPA) when alternative corridors are being considered (36 CFR 800.4(b)(2)). Surveys to inventory and evaluate the eligibility of resources for the NRHP and assess effects will be done during the Tier 2 project studies. In the absence of complete inventories of cultural resources within the Build Corridor Alternatives for the Tier 1 EIS, the analysis used available information (which is of variable quality having been compiled over several decades but nevertheless constituted a relatively large sample) to make estimates of the types and numbers of cultural resources that might be affected. Like any estimate, there are margins of errors but the approach was applied consistently among the alternatives and provided adequate information about potential levels of impacts of the Build Corridor Alternatives on cultural resources that was considered, along with many other factors in selecting the Preferred Alternative. Best practices for inventorying and evaluating cultural resources will be used to assess and address the impacts of each subsequent Tier 2 project.
3D	Cultural Resources	Despite the variable quality of the information in the AZSITE database, it is the most useful and readily available geographic information system database. FHWA and ADOT concluded the effort to evaluate each survey in the database was not warranted for the Tier 1 EIS because detailed inventories and findings of effect would not be made until Tier 2 projects are studied and more detailed designs are developed. The studies done for the Tier 1 EIS were intended to compile and analyze readily available data to adequately consider and compare potential levels of impact on cultural resources at a level of detail appropriate for the selection of a Preferred Alternative, which includes multiple options in Pima County that would be analyzed in more detail during Tier 2.
3E	Cultural Resources	For this Tier 1 study, information from prior eligibility evaluations was used; no re-evaluation of prior recommendations or determinations was undertaken. The Tier 1 preliminary NRHP evaluations of unrecorded historic-period districts and buildings were an initial assessment limited to historic integrity and architectural significance and are not formal NRHP eligibility recommendations. Tier 2 studies will evaluate the eligibility of previously recorded and newly recorded cultural resources.
3F	Traffic	Appendix E1 of the Draft Tier 1 EIS documents conceptual drawings and identifies the additional capacity needs on I-10. Between the I-19 interchange and Prince Road, an additional 2 to 3 lanes in each direction would be needed to accommodate 2040 traffic demands. A variety of solutions to increase capacity were considered, and an envelope for potential right-of-way requirements was identified to encompass a range of solutions in this area. For the purposes of the Tier 1 EIS analysis, the area of potential right-of-way needs could be as much as 120 feet. The 120 feet could be on either side of the existing I-10, all on the east, or all on the west. See GlobalTopic_1.
4	Cultural, Section 4(f)	The historic properties assessed in the Section 4(f) Evaluation are the same historic properties that are assessed in Chapter 3. Because of the large-scale nature of Tier 1 analysis of broad corridors, the analysis of historic sites protected by Section 4(f) considered properties listed in, or previously determined eligible for, the NRHP that warrant preservation in place. The preliminary evaluation of unrecorded historic-period properties presented in Section 3.7.3.2 and summarized in Table 3.7-6 indicated that the number of potential unrecorded historic districts and buildings likely eligible for the NRHP does not vary substantially among the Build Corridor Alternatives (22 for the Purple Alternative, 20 for the Green Alternative, and 21 for the Orange Alternative), but many more properties along the Orange Alternative in the Tucson area are listed in the NRHP. Tier 2-level analysis would further assess the Pima County options identified in the Preferred Alternative, including updated evaluation of previously listed and previously determined eligible properties and surveys to identify other unrecorded historic sites protected by Section 4(f). See GlobalTopic_1.

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general observation should be extended to the methods employed to identify the Recommended Alternative. Beyond the issues surrounding data integrity and accuracy, the quantity of known NRHP-eligible or potentially eligible resources in the orange alternative, passing through the urban core of Tucson, is a result of the volume of development activities that caused these resources to be identified over several decades as compared to the purple or green alternatives which remain rural, undeveloped and certainly under-studied. The indirect and cumulative impacts that are posited concerning cultural resources cannot be extended to the proposed alternatives west of the urban core of Tucson as there is not sufficient baseline data to offer any conclusion.

Lastly, the statement asserting that impacts to historic districts and structures in the orange alternative through Tucson’s urban core are unmitigable (pages 6-6 and 4-101) could further be assessed as an inequitable valuation favoring the built environment over all other historic property types (buildings, districts, objects, sites, and structures), whether known, or yet to be identified and evaluated for NRHP-eligibility, in the other alternatives. Impacts to the built environment in urban Tucson may occur should the orange alternative be constructed; however, the Tier 1 analysis should acknowledge that an updated assessment of all properties within affected NRHP-districts or individually NRHP-eligible buildings and structures in the orange alternative should be undertaken to understand current integrity before impacts can be scored as “high”. NRHP nomination forms are not cited, the number of contributing properties affected are not consistently presented and if Historic Property Inventory Forms exist for any of the affected properties, these are not included in the analysis.

Recommendation: Additional and updated inventories for all build corridor alternatives are required before impacts can be assessed and applied comparatively between alternatives. The significant oversights discussed above, taken with all other comments concerning cultural resources, underscore the inadequacy of the analysis in selecting the Recommended Alternative. Without additional inventory in the Recommended Alternative and updated inventories for the whole of the build corridor alternatives, adverse effects—direct, indirect, and cumulative—cannot be assessed and applied comparatively between alternatives.

5. Pima County Preserve System

The agencies must consider Pima County’s Preserve System an “Affected Resource” likely to be impacted by this project and must consider mitigation for those impacts. Over the last two decades, Pima County has been actively acquiring lands specifically for conservation purposes, primarily through the use of open space bonds approved by voters in 1997 and 2004. The County has recorded restrictive covenants for these lands requiring that they are managed for conservation purposes in perpetuity. Much of this Country Preserve System will serve as mitigation required under the Multi-species Conservation Plan (MSCP).

According to the Draft EIS, the “Land Management and Special Designated Lands” Section (3.3.1) “discusses major land management in the Study Area and special designated lands, such as wildernesses, national monuments, areas of critical environmental concern (ACECs), designated roadless areas, and *other deeded properties*.” (p. 3.3-8; emphasis added.) However, Pima County’s preserve system, the bulk of which are *deeded properties* specifically acquired and designated for conservation, are not included for consideration. Despite this omission, this project has the potential to impact several County-owned preserves, including Canoa Ranch, Diamond Bell Ranch, and Pima County floodplain preserves.

Recommendation: The Tier 1 EIS must consider the Pima County Preserve System an “Affected Resource” and generally assess potential impacts and mitigation strategies. Understanding that more detailed assessments will be conducted in the Tier 2 analysis, the Tier 1 EIS must, at a minimum, consider the Pima County Preserve System an “Affected Resource” and assess both the likely impacts and potential mitigation strategies, just like the document does for other “Affected Resources.” In future analyses, Pima County expects the agencies to conduct a detailed assessment of impacts to County-owned preserves and propose mitigation for those impacts consistent with the CLS mitigation ratios discussed above, which are essential to provide meaningful levels of mitigation.

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5	Land Use	Section 3.3.2.2 of the Final Tier 1 EIS describes Pima County Conservation Land Systems. More detailed assessments of the potential impact to CLS lands and mitigation will occur during the Tier 2 studies.
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6.	<p>Specific Comments on Sections 3.7 and Section 3.14</p> <p>A. Section 3.7 – Archaeological, Historic, Architectural, Cultural Resources. This section of the Draft EIS must be corrected to consider and include the following information:</p> <ol style="list-style-type: none"><u>Page 3.7-1, Line 16:</u> Should “highways” be “buildings”?<u>Page 3.7-2, Lines 1-10:</u> TCPs should be expanded to allow for and include groups other than Tribes. For example, in Tucson and Pima County, there are several places of traditional importance to living communities other than Tribes. From Archaeological Sites and Historic Structures Class I appendix, Pg. 15, Lines 5-8, “Studies to support the Tier 1 level of conceptual planning involved FHWA and ADOT consultation with agencies, Tribes, and other interested parties, as well as collection and analysis of data compiled by prior archaeological and historical studies.” How were “other interested parties” selected?<u>Page 3.7-2, Lines 23-26:</u> It is noted that a preliminary GIS model was built using environmental factors in order to estimate the potential for unrecorded archaeological sites and historic structures in the alternatives that have not been surveyed for cultural resources. What type of model was derived? How were the parameters of the model chosen, what data were they based on, what were the individual parameters selected for each of the identified variables? The results of this analysis do not appear to have been made available, and furthermore, the results of the data analysis provided in 3.7-2, particularly the “Estimated Total of Resources” appear limited to the following equation: Total Sites/Structures x Average Density of Recorded Resources/Mile.<u>Page 3.7-7, Lines 10-22:</u> AZSITE is deficient both qualitatively and quantitatively, as it has known errors associated with misplotted spatial data, and is missing data that is held by the Archaeological Records Office (ARO) of the Arizona State Museum. Because the discrepancy of data between ARO and AZSITE has yet to be resolved, AZSITE should only have been used as a reference, however, ARO should have been the primary source of data for the Tier 1 analysis.<u>Page 3.7-7, Lines 19-22:</u> Additional resources should have been investigated and contacted. For example, Pima County operates multiple databases that contain information not available in AZSITE. Pima County tracks data for both archaeological sites and historic buildings and structures on private land that often never makes it in to AZSITE. Lastly, Pima County has authored several local environmental planning documents, most notably, the Sonoran Desert Conservation Plan, which contains an archaeological sensitivity model for all of eastern Pima County and identifies a list of Priority Cultural Resources that should be targeted for preservation during local and regional planning efforts. These types of documents were not utilized in this analysis.<u>Page 3.7-7, Lines 23-27:</u> Based on the noted problems with the integrity of the analyzed data stated above, all conclusions on estimations for low, moderate and high potential levels of impact on archaeological sites and historic structures are drawn in question.<u>Page 3.7-7, Line 28:</u> There should be some acknowledgement considering additional types of historic districts or aspects of the built environment, for example rural historic landscapes (NPS bulletin 30), historic designed landscapes (NPS bulletin 18) or cemeteries (NPS bulletin 41).<u>Page 3.7-7, Lines 35-39:</u> Why was Pima County not contacted, as SHPO A) does not typically sponsor survey projects, B) does not have a comprehensive database of survey projects within County, Municipal and Private (Local) jurisdictions, as local projects are not subject to compliance with the AZ State Historic Preservation Act, and thus SHPO consultation is not mandated, unless such projects involve State funding or State land.<u>Page 3.7-7, Lines 43-45:</u> Google imagery does not provide adequate information for assessing historic integrity and architectural significance for many reasons. Among them is that Google Street

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6A1	Cultural Resources	"Highways" is a direct quote from 40 CFR 1508.27(b)(8) as cited. No change made.
6A2	Cultural Resources	The scoping and public outreach for the project were extensive and did not identify other groups that might have significant traditional cultural resources in the study area. Other groups who came forward during the study process and asked to be consulting parties were added.
6A3	Cultural Resources	The model used to gauge the potential for unrecorded archaeological sites and historic structures in the most substantial unsurveyed lengths of the corridors is described in Section 6 of the Class 1 overview that was distributed to the Section 106 consulting parties (including Pima County) for review. The model was used to provide general qualitative estimates of high, moderate, and low potential, with an emphasis on identifying high potential areas important for comparing alternatives. The quantitative estimate of the total number of resources in each assessed option are, as indicated in the comment, based on densities of recorded archaeological sites and historic structures in areas surveyed for cultural resources.
6A4	Cultural Resources	Despite the shortcomings of the AZSITE database it is the most useful and readily available geographic information system database. As discussed in the Draft Tier 1 EIS, the AZSITE database was supplemented with information from the ADOT Historic Preservation Team Portal, additional information from the paper files of Bureau of Land Management field offices, and data provided by Archaeology Southwest. FHWA and ADOT concluded that detailed research of files at the Arizona State Museum Archaeological Records Office was not necessary for the Tier 1 EIS. Detailed records review would be completed for subsequent Tier 2 projects.
6A5	Cultural Resources	When Certified Local Governments were contacted in 2017 to determine whether they had relevant data, the Pima County Cultural Resources & Historic Preservation Division indicated they had developed a GIS database but had no capacity to share the data. The I-11 analysis identified the Orange Alternative along the Santa Cruz River as highly sensitive zone for cultural resources, which is consistent with the general sensitivity model of the cultural resource element of the Sonoran Desert Conservation Plan.
6A6	Cultural Resources	As with any model, there are margins of error but consistent application of the inventory and assessment across all three Build Corridor Alternatives provided an adequate basis for considering and comparing cultural resources along with all the other factors relevant for selecting the Preferred Alternative at a Tier 1 level.
6A7	Cultural Resources	The goal of the analysis of historic districts and buildings for the Tier 1 EIS was a preliminary analysis of properties that appear to date to the historic period. Although the analysis had limitations it provided useful information for comparing the Build Corridor Alternatives. More detailed inventories and evaluations would be conducted for each Tier 2 project and other types of potential historic districts and resources would be considered in conjunction with the full development of historic contexts for evaluating the significance of those resources.
6A8	Cultural Resources	In 2017, CLGs were contacted to determine whether they had relevant data for the Tier 1 EIS analysis. The Cultural Resources & Historic Preservation Division informed us that they had developed a GIS database but had no capacity to share the data. FHWA and ADOT have continued coordination with Pima County following receipt of their comments on the Draft Tier 1 EIS. Pima County submitted supplemental documentation and shapefiles on December 6, 2019. Response to this letter is also included in Final Tier 1 EIS Appendix H. Review of the shapefiles provided indicate refinement of the data used for the Tier 1 analysis but do not substantially alter the overall characterization of cultural resources in the Build Corridor Alternatives in Pima County, nor the assessment of potential levels of effect. FHWA and ADOT concluded that reanalysis based on the provided shapefiles was not warranted for the Tier 1 EIS because it would not alter selection of the Preferred Alternative, which includes the east and west options in Pima County that will be assessed in detail during the Tier 2 studies.
6A9	Cultural Resources (NEPA)	The goal of the Tier 1 analysis was a preliminary evaluation of unrecorded properties that appear to date to the historic period. Although the analysis had limitations it provided useful information for comparing the Build Corridor Alternatives. More detailed inventories and evaluations would be conducted for each Tier 2 project and other potential types of historic districts and resources would be considered within applicable historic contexts.

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View is not available for every assessed parcel, and therefore it is assumed the assessment is based solely on an aerial view. The effective construction date found in the Assessor's records is not always accurate in listing build out dates and materials used in building constructions. Additionally, the analysis weighted identifying "potential districts" over buildings but did not consistently consider objects or structures. The sources cited in this analysis are not appropriate for employing this method. Lastly, the analysis makes no mention of consulting plat maps, property record cards held on the Pima County Assessor's website, or other resources that would provide critical information needed for evaluating properties under Criteria A, B or C to "link" individual resources together under a unifying Criterion of significance, and thus analyze a district as a whole that may be eligible, despite each individual resource being individually not eligible.

10. Page 3.7-8, Lines 3-12: See above for issues surrounding limiting research to Google Imagery. The classification system of "not NRHP eligible, possibly eligible, or likely eligible" based solely on Google imagery raises significant questions as to the integrity/adequacy of the analysis.

11. Page 3.7-8, Lines 14-20: Why were Tribes the only parties consulted with regard to identifying TCPs and the potential I-11 impacts?

B. Section 3.14.1.3 – Biological Resources; Local Ordinances and Plans. The Draft EIS reflects outdated and incomplete information about Pima County's local ordinances that protect biological resources. Section 3.14.1.3 must be corrected to consider and include the following information:

1. Pima County's Multi-species Conservation Plan (MSCP): The Draft EIS needs to correct its description of the MSCP to include information regarding the associated federally authorized permit under Section 10(a)(1)(B) of the Endangered Species Act, which has already been issued to Pima County. In July 2016, the FWS approved the MSCP and issued Pima County a Section 10 permit, which allows the County to move forward on development activities in full compliance with the ESA in exchange for implementing the conservation commitments outlined in the MSCP. These commitments include implementing various County conservation ordinances and policies, and conserving in perpetuity lands acquired to serve as mitigation for the MSCP. Restrictive Covenants have already been placed on these lands to restrict future land uses to only those that are consistent with those commitments.

2. The Pima County Comprehensive Land Use Plan and Conservation Land System (CLS): While the Draft EIS implicitly references the CLS when describing how the County's 2001 Comprehensive Land Use Plan "incorporated land use concepts, policies, and principles of conservation that were identified in the draft Preliminary SDCP" (p. 3.14.3), the Draft EIS must reference the CLS explicitly in light of its importance in conserving biological resources. The CLS, which is discussed in more detail above, is specifically designed to preserve the contiguity of habitat at the landscape level and retain the connectivity of natural open space reserves with functional wildlife corridors. The Draft EIS should also note that the CLS has been formally adopted as part of each County Comprehensive Land Use Plan update since 2001, including the 2015 *Pima Prospers*, and also serves as a foundation for the federally approved MSCP.

3. Pima County Floodplain Management Ordinance Title 16.30 – Watercourse and Riparian Habitat Protection and Mitigation Requirements: the Draft EIS should include information regarding this ordinance when considering biological resources and local ordinances in Pima County. The goal of this ordinance is to protect riparian habitat and ensure the long-term stability of natural floodplains, which allows for the survival of plants and animals indigenous to Pima County. It outlines the process for developing property containing riparian habitat, provides guidance for mitigating impacts, and requires mitigation for disturbances to riparian habitat that exceed 1/3 acre.

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6A10	Cultural Resources	See response to comment 6A9.
6A11	Cultural Resources	The scoping and public outreach for the project were extensive and did not identify other groups that might have significant traditional cultural resources in the study area. Other groups who came forward during the study process and asked to be consulting parties were added.
6B1	Biological	The text in Final Tier 1 EIS Appendix E14, Section E.14.1.3 has been updated to include additional information on Pima County's Sonoran Desert Conservation Plan.
6B2	Biological, Land Use	The text in Final Tier 1 EIS Appendix E14, Section E.14.1.3 has been updated to include additional information on Pima County's Maeveen Marie Behan Conservation Lands System.
6B3	Biological	The text in Final Tier 1 EIS Appendix E14, Section E.14.1.3 has been updated to include additional information on Pima County's Floodplain and Erosion Hazard Management Ordinance 2010.

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7. Pima County Regional Flood Control District Comments

The following general comments and preferences are with respect to the Recommended Alternative alignment and are organized from north to south in Pima County.

- A. Regarding the Santa Cruz River crossing near Marana, the Recommended Alternative alignment runs parallel to the Santa Cruz and will be both expensive and extremely disruptive to the floodplain. Crossing the Santa Cruz River perpendicular to flow (purple alternative) is the traditional design method for roadway crossing and would be far less disruptive.
- B. Regarding the Brawley Wash area, the Recommended Alternative alignment crosses the Brawley Wash where the watercourse is a wide sheetflow floodplain. This alignment would be expensive and disruptive to the floodplain. The purple alternative is preferred as it avoids crossing this large sheet flooding area.
- C. Black Wash, south of Shuck Toak Farms, the Recommended Alternative alignment attempts to by-pass SAVSARP through the Black Wash in an area with significant riparian resources. Replacing Sandario Road with an all-weather road would reduce the environmental impact and provide more reliable access to the residents in the area.
- D. Sierrita Mountains, south of Ajo Highway, the Recommended Alternative alignment in this location is the least disruptive to drainage. The Recommended Alternative alignment should connect to Ajo Hwy at the Sandario Road alignment and continue along Sandario Road.
- E. The following comments are specific to the pages and sections identified.
 - 1. Page ES23, after line 5: Minimizing impacts to floodplains, especially distributary flow floodplains where flow diversions and roadway embankments may create new backwater areas and increase sediment deposits.
 - 2. Page E23, line 7: Please add Pima County Regulated Riparian Habitat.
 - 3. Page 2-40, Section 2.5.5: The District supports use of solar technologies because of their potential to reduce demand on water resources for power generation and to reduce carbon footprint. Both reductions benefit habitat, water quality and groundwater resources. All of these benefits support floodplain health and sustainability.
 - 4. Page 3.13-4, line 8: Revise to: “All county Flood Control Districts and incorporated jurisdictions’ floodplain managers require a Floodplain Use Permit (FPUP) when a project is within a regulatory floodplain. In Pima County, Federal Emergency Management Agency (FEMA) floodplains and other floodplains associated with 1% chance storm event peak discharges greater than 100 cfs are regulatory for permitting purposes. Other jurisdictions may require permitting in floodplains associated with another storm event category.
 - 5. Page 3.13-4, line 8: In unincorporated Pima County, disturbance of mapped Regulatory Riparian Habitat may be subject to FPUPs and mitigation measures. Because riparian habitat generally is associated with watercourses, at a planning level, mapped habitat indicates where watercourses, even though not yet mapped as floodplains, impact the project corridor.
 - 6. Page 3.13-4, line 8: During Tier 2, local studies floodplain information will be provided. In rural areas, often, little floodplain information is available, and this project will assess needed analyses during Tier 2.”

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7A	Water Resources	See GlobalTopic_6.
7B	Water Resources	See GlobalTopic_1.
7C	Water Resources/ Biological	See GlobalTopic_1 and GlobalTopic_4.
7D	Water Resources	See GlobalTopic_1 and GlobalTopic_4.
7E1	Water Resources	Section ES1.9.3 of the Executive Summary in the Draft Tier 1 EIS provides examples of mitigation measures and is not an exhaustive list. All potential mitigation strategies are listed in Chapter 7 of the Final Tier 1 EIS.
7E2	Water Resources	See GlobalTopic_3.
7E3	Chapter 2	FHWA and ADOT note Pima County’s support of solar roadways, which will be considered during Tier 2 studies. See GlobalTopic_3.
7E4	Water Resources	Section 3.131.3 of the Final Tier 1 EIS was revised to acknowledge that Floodplain Use Permit requirements may vary by jurisdiction.
7E5	Water Resources	Future Tier 2 studies would include location-specific analyses of floodplains and would identify the need for Floodplain Use Permits. Text discussing how mapped Regulatory Riparian Resources within Pima County may be used to inform future Tier 2 floodplain analyses has been added to Section 3.13.5.1 of the Final Tier 1 EIS.
7E6	Water Resources	Tier 2 analysis of uncategorized floodplains is discussed in Section 3.13.5.1 of the Final Tier 1 EIS. Additional text has been added to this section regarding potential approaches to assess uncategorized floodplains, such as analysis of Regulatory Riparian Resources.

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	<p>7. <u>Page 3.13-4, after line 18</u>: Add Town of Sahuarita, City of Tucson, Town of Oro Valley and Town of Marana.</p> <p>8. <u>Page 3.13-5, lines 22 and Page 3.13-15, line 23</u>: Please add Sopori Wash.</p> <p>9. <u>Page 3.13-15, line 34</u>: Please revise last sentence: “Some of these areas may be mapped as approximate depth or shaded Zone X FEMA Special Flood Hazard Zones, while sheet flooding has not been mapped in many areas, especially more rural regions. Defining these floodplains, determining the optimal locations for cross drainage within sheet flood areas and minimizing upstream ponding potential is more complex than evaluating the same constraints in riverine flow regimes. Sediment transport further complicates design and maintenance in sheet flooding areas. These areas can be expected along the project limits where the steeper slopes of higher elevations transition to a low gradient.”</p> <p>10. <u>Page 3.13-16, upper right corner</u>: Revise title to FEMA FLOODPLAINS; Add to ** 500-year floodplains have not been identified for all FEMA floodplains; Add additional note: FEMA has not mapped all floodplains. Flood Control Districts and Jurisdictions will provide additional floodplain information which has been determined locally.</p> <p>11. <u>Page 3.13-19, Table 3.13-1</u>: Please revise the last sentence of the Floodplains bullet: “Placement of fill within a floodplain generally increases base flood elevation upstream. If the fill is associated with a cross drainage structure, downstream velocities and erosion could increase in the project corridor.”</p> <p>12. <u>Page 3.13-20, line 14</u>: Consider adding after “...other Build Corridor Alternatives.” Reconstruction along the Purple and Green Alternatives alignment through the Town of Sahuarita provides opportunities to improve known historic floodplain impacts of the existing highways.</p> <p>13. <u>Page 3.13-22, line 26</u>: The District supports use of permanent BMP’s to slow stormwater runoff from impervious surfaces and to maximize capture of stormwater runoff for supplemental irrigation of landscaping and native vegetation.</p> <p>14. <u>Page 3.14-2, Section 3.14.1.3</u>: Please add: <i>Pima County Floodplain and Erosion Hazard Management Ordinance 2010</i>. Chapter 16.30, Watercourse and Riparian Habitat Protection and Mitigation Requirements, specifies avoidance and mitigation criteria for habitat included on the riparian classification maps adopted by the Pima County Board of Supervisors (BOS). Justification for non-avoidance of this habitat shall be provided when disturbance is proposed. Proposed disturbance may require a permit from the Pima County Regional Flood Control District and a mitigation plan.</p> <p>15. <u>Page 3.14-10, Section 3.14</u>: Consider adding Pima County Mapped Regulated Riparian Habitat to an exhibit. Include text indicating that the Pima County Regional Flood Control District owns and manages approximately X acres of floodprone land which often coincides with Important Riparian Area, areas providing critical watershed and water resources management functions, along the Santa Cruz River and its major tributaries. While the Draft EIS describes Biological Resources and Water Resources separately, both are integrally related and co-dependent. The District attempts to regulate both together to support the vital relationship between the two resources.</p> <p>16. <u>Page 3.14-10, after line 23</u>: Consider adding Pima County Classifications:</p> <p>A. <i>Hydroriparian</i>. Riparian habitats generally associated with perennial watercourses and/or springs. Plant communities are dominated by obligate or preferential wetland plant species such as willow and cottonwood.</p>

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7E7	Water Resources	Text has been added to Section 3.13.1.3 of the Final Tier 1 EIS to include these municipalities. Identification of additional municipalities that administer the issuance of Floodplain Use Permits would occur during Tier 2 analysis.
7E8	Water Resources	According to the US Fish and Wildlife Service’s National Wetlands Inventory dataset, potential wetlands occur along Sopori Wash. These wetlands were included in the wetlands analyses presented in the Draft Tier 1 EIS. A revised methodology was used to assess wetlands in the Final Tier 1 EIS, which excludes wetlands identified as riverine by the National Wetlands Inventory due to the inaccuracy of this designation within this dataset. Wetlands with other designations along Sopori Wash are included in the analyses in Section 3.13.3.7 of the Final Tier 1 EIS. The revised wetlands analysis methodology is described in Section 3.13.2 of the Final Tier 1 EIS. Sopori Wash has been added to the list of floodplains in Section 3.13.3.8 of the Final Tier 1 EIS as requested.
7E9	Water Resources	Section 3.13.3.8 of the Final Tier 1 EIS was revised to include a more detailed discussion of sheet flooding and the limitations of the FEMA floodplain mapping.
7E10	Water Resources	Title revised as suggested. A discussion of the limitations of FEMA floodplain mapping has been added to Section 3.13.3.6 of the Final Tier 1 EIS. Additional floodplain analyses that would occur during Tier 2 analyses are discussed in Final Tier 1 EIS Section 3.13.6; additional detail has been added to this section regarding additional sources of data.
7E11	Water Resources	Text added as suggested in Section 3.13.4.2 of the Final Tier 1 EIS.
7E12	Water Resources	Future Tier 2 studies would include location-specific analyses of floodplain impacts and would identify opportunities to improve known floodplain issues. Additional text has been added to Final Tier 1 EIS Section 3.13.6 describing future analysis of floodplain impacts.
7E13	Water Resources	The potential for storm water runoff to be used for supplemental irrigation has been added to Final Tier 1 EIS Section 3.13.5.
7E14	Biological	The text in Appendix E14, Section E14.1.3 has been updated to include the Pima County Floodplain and Erosion Hazard Management Ordinance 2010.
7E15	Biological	See GlobalTopic_1.
7E16A – 7E16D	Biological	We appreciate the comment and information, but this level of detail is beyond that of a typical Tier 1 EIS and would contradict with the desktop analysis we completed of riparian vegetation using the best available SWReGap GIS layer. There is not a GIS layer containing all the hydroriparian, mesoriparian, and xeroriparian habitat for the entire I-11 corridor, and if a resource could not be analyzed with available GIS data for the entire corridor it was typically not included. No change has been made. See GlobalTopic_8.

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B. *Mesoriparian*. Riparian habitats generally associated with perennial or intermittent watercourses or shallow groundwater. Plant communities may be dominated by species that are also found in drier habitats (e.g., mesquite); but contain some preferential riparian plant species such as ash or netleaf hackberry.

C. *Xeroriparian*. Riparian habitats generally associated with an ephemeral water supply. These communities typically contain plant species also found in upland habitats; however, these plants are typically larger and/or occur at higher densities than adjacent uplands. Xeroriparian habitat is further divided into four subclasses for Class A, B, C, and D habitat as defined in the mitigation standards approved by the BOS as maintained by the Floodplain Administrator. Mitigation in xeroriparian habitat is to be determined based at least on total vegetative volume (TVV) as provided within the mitigation standards as adopted by the BOS as well as replacement of other lost riparian habitat functions necessary to sustain riparian habitat.

D. *Important Riparian Areas*. Important Riparian Areas occur along the major river systems and provide critical watershed and water resources management functions as well as providing a framework for landscape linkages and biological corridors. Important Riparian Areas are valued for their higher water availability, vegetation density, and biological productivity, compared to adjacent uplands. Important Riparian Areas are essential for floodplain management and every effort should be made to protect, restore, and enhance the structure and functions of these areas including hydrological, geomorphological, and biological functions.

17. Page 4.82, after line 13: Consider obtaining concept level floodplain mapping for the project corridor for non-FEMA floodplains. Pima County and Maricopa County can provide maps. Regression equations or other approximate hydrology methods can provide important information on the expected 1 percent chance storm flows and extent.

8. Additional Comments

- a. Chapter 6, page 6-6, lines 29-31: We disagree with the conclusion that the Recommended Alternative and green alternative each “facilitate efficient mobility for emergency evacuation...” While this may be true from a regional or interstate perspective, neither Avra Valley routes provide efficient evacuation routes for the nearly 3/4 million persons living in greater Tucson/Pima County which would have no other option but to use I-10. For this centrally located population, a widened I-10 would provide the most efficient emergency evacuation route.
- b. Chapter 6, page 6-7, lines 19-20: We disagree with the analysis and conclusion that Avra Valley and Picture Rocks communities do not contain low-income or minority populations. Pima County’s Community Development & Neighborhood Conservation Department identifies both as Community Development Target Areas (CDTA), eligible for Housing and Urban Development project grant funding. Other CDTAs through which the Recommended Alternative alignment passes include Robles Junction and Helmet Peak.
- c. Chapter 6, page 6-7, lines 19-20: The Recommended Alternative alignment passes through two Pima County 2010 Census Tracts designated low income: 004313 and 004424 (on the south and north side of State Hwy 86 at the junction of State Hwy 286, Robles Junction).
- d. Chapter 6, page 6-7, lines 37-39: We disagree with the statement that the Recommended Alternative through Avra Valley “would serve the aerospace, defense, manufacturing, and logistics industries in the region’s two largest employment areas: Tucson International Airport and the University of Arizona Tech Park.” On the contrary, these employment areas as well as Davis-Monthan Air Force Base,

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7E17	Water	See GlobalTopic_1 and GlobalTopic_8.
8a	Purpose & Need	See GlobalTopic_1.
8b	EJ/Community	<p>This Tier 1 EIS used census data (both decennial census and American Community Survey) to characterize the communities within the study area. Portions of Pima County’s Avra Valley CDTA falls within the Picture Rocks Census Designated Place (CDP), Robles Junction CDTA within the Three Points CDP, and West Valencia CDTA within the Valencia West CDP. Based on the census data provided in Appendix E5 of the Draft Tier 1 EIS:</p> <p>Avra Valley CDP – 28% minority, 18% low-income</p> <p>Picture Rocks CDP – 21% minority, 12% low-income (portions of County’s Avra Valley CDTA)</p> <p>Three Points CDP – 44% minority, 23% low-income (portions of County’s Robles Junction CDTA)</p> <p>Valencia West CDP – 73% minority, 12% low-income (portions of County’s West Valencia CDTA)</p> <p>The Draft Tier 1 EIS identified Valencia West CDP as having a high percentage of minority individuals. The US Census Bureau data used in this analysis identifies the number of individuals at or below poverty level, while Pima County identifies eligible target areas as having more than 51% of the households below 80% of the median income.</p> <p>The Project Team took a more conservative approach in identifying potential minority and low-income communities along the Recommended and Preferred Alternatives. As described in Section 3.5.2, the Final Tier 1 EIS identified communities whose minority and low-income percentages exceed 50 percent or are equal to or greater than county percentages as a potential minority or low-income population. Section 3.5.2 of the Final Tier 1 EIS was also revised to explain there may be smaller pockets of minority or low-income individuals and/or communities not apparent in the census data used in the Tier 1 analysis and recommends more detailed community profiles be developed as part of a community impact assessment (CIA) completed during Tier 2 studies.</p>
8c	EJ/Community	<p>The Three Points CDP is also located in the subject area (north and south of SR 86 at junction of SR 286). Based on the census data provided in Appendix E5 of the Draft Tier 1 EIS:</p> <p>CT 004313/43.13 – 45% minority, 20% low-income</p> <p>CT 004424/44.24 – 47% minority, 24% low-income</p> <p>Three Points CDP – 44% minority, 23% low-income (portions of County’s Robles Junction CDTA)</p> <p>The Project Team took a more conservative approach in identifying potential minority and low-income communities along the Recommended and Preferred Alternatives. As described in Section 3.5.2, the Final Tier 1 EIS identified communities whose minority and low-income percentages exceed 50 percent or are equal to or greater than county percentages as a potential minority or low-income population. Section 3.5 of the Final Tier 1 EIS was revised to explain there may be smaller pockets of minority or low-income individuals and/or communities not apparent in the census data used in the Tier 1 analysis and recommends more detailed community profiles be developed as part of a community impact assessment (CIA) completed during Tier 2 studies.</p>
8d	General (Alternatives)	<p>While the Recommended Alternative reasonably meets the need for access to the Sonoran Corridor economic development zone, the Orange Alternative best responds to growth and better serves continued population and employment growth centered along existing I-10 and I-19 (as summarized in Table 6-1 of the Draft Tier 1 EIS).</p> <p>See GlobalTopic_1.</p>

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Aerospace Parkway, and Port of Tucson are located much closer to Alternative B along the I-19/I-10 corridor, so that route would better serve these employment areas.

e. Page 2-32, Table 2-7: Under Alternatives, Purple column, text should read “emerging” instead of “emergency”.

f. Page 4-108, Table 4-9: Pima County is mis-identified as a municipality, instead of a county agency.

Pima County again appreciates the opportunity to comment on the Draft Tier 1 EIS.

AMO:KS:pm

Attachments

c: Carmine DeBonis, Deputy County Administrator for Public Works
Yves Khawam, PhD, Assistant County Administrator
Dr. John Moffatt, Director, Economic Development Office
Linda Mayro, Director, Office of Sustainability and Conservation

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8e	Alternatives	See GlobalTopic_3.
8f	Section 4(f)	The Pima County entries in Table 4-6 of the Final Tier 1 EIS were moved up into the county section.

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Attachment 2

The Intermountain West Corridor through Avra Valley

An Environmental Mitigation Analysis

Draft Report



June 2014

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Study Need and Purpose

Pima County has a key location in the path of a number of national and international infrastructure projects, including new pipelines for transporting fossil fuels, improvements to the Western U. S. electrical grid, opening of the Port of Tucson, and additions to major transportation networks. One such project is the Intermountain West Corridor, which is at present includes “[high-level visioning](#)” for a north-south transportation corridor extending from Phoenix south to Mexico.

This report is needed because Pima County’s previous experience with national infrastructure projects is that the proponents seldom fully mitigate effects on the local communities (Huckelberry 2013). Project proponents seldom propose mitigation measures that are consistent with local practice and needs, in part because dialogue with the local community is too little and too late, and federal agencies have limited authority or in some cases lack the knowledge of the local situation to direct the proponent’s selection of mitigation measures. A good example is the recent Kinder-Morgan pipeline through Avra and Altar Valleys, which will result in a myriad of costs and impacts that will be borne by local ranch owners and managers of protected lands. While mitigation was provided, none of the local parties believe it will be sufficient to offset the impacts.

This study seeks early identification of some of the environmental impacts that would be associated with a proposed route through Avra Valley. This study builds upon the initial Pima County conceptual alignment described in the report *Intermountain West Corridor in Pima County; A Preliminary GIS-Based Roadway Alignment and Impact Study*, dated June 21, 2013. This study also proposes mitigation strategies to address several environmental impacts including impacts to the county’s Conservation Land System. This study does not identify all environmental impacts and further study is required to determine if such a route is feasible and if so, the full extent of impacts that could be expected with various alignment alternatives. The corridor alignment assumed in this report is simply one alternative that is used to identify and develop avoidance, minimization and mitigation strategies at the earliest possible opportunity. This will inform future dialogue about alternatives and mitigation measures.

Any state or federal planning process for the Intermountain West Corridor would evaluate and compare a full range of alternative routes, including the county’s proposed Avra Valley alignment, the Interstate 10/19 alternative, and the no-build alternative. Such a planning process would be much broader than this report, and it would look at multiple alignment options through Avra Valley. This report only examines one Avra Valley alignment and only considers some of the environmental impacts that should be studied through a state or federal planning process. For example, this report does not address social impacts, neighborhood impacts, access impacts and many other impacts. Many of these impacts would be better understood when state or federal planning is undertaken for the Mexico-to-Phoenix segment of the Intermountain West Corridor.

Study Background and Methods

Corridor Location and Description

This corridor extends from Interstate 19 at El Toro Road in the Town of Sahuarita west and northward through Avra Valley to the Pima/Pinal County line as shown in Figure 1. This route was located to traverse undeveloped State Trust Lands as much as possible and to minimize impacts to populated areas. The route avoids Ironwood National Forest, Saguaro National Park, and the Town of Marana. The 56-mile long

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corridor was analyzed with a 400-foot wide right-of-way, which is typical for an interstate facility. The corridor encompasses 2,640 acres of land.

The corridor route traverses through almost 60 miles of Pima County, passing through a variety of landscapes. From the interchange at I-19, the route passes by a large mining district and skirts around the undeveloped foothills of the Sierrita Mountains and the San Xavier District of the Tohono O’odham Nation. The corridor passes through low elevation desert, ranch lands, and scattered areas of rural development. The route enters Avra Valley as it crosses Ajo Highway. Here, the landscape is relatively low and flat and characterized by the floodplains of the Black and Brawley washes. The route passes through areas of undeveloped desert scrub, low density rural development, Tucson’s groundwater recharge facilities, former and active agricultural fields.

Study Methodology

The corridor was mapped and analyzed using the Pima County Geographic Information System (GIS), which provides numerous types of geographic spatial data, including environmental data such as conservation lands, floodplains and floodways, wildlife crossings, riparian habitat, and other data. No field studies were conducted and a full inventory and analysis of environmental conditions and impacts is not within the scope of this study and report. The resulting maps and summary data are presented in the remainder of the report. Pima County staff from several departments also contributed to this report. The following key statistics summarize the environmental impacts:

Summary of Draft Alignment #1 Impacts

- 2700 acres ROW needed for an interstate highway, 4800 acres with 2 interchanges
- 2600-4600* acres of Conservation Lands System impacted
- 1000-2000* acres of State Trust land impacted
- 900-2100* acres high risk floodplains impacted, at a cost of up to \$80-\$100 million
- 600-1200* acres of private land impacted
- 600-700* acres of City of Tucson land impacted
- 200-600* acres of Agricultural land impacted
- 80 acres of Important Riparian Areas impacted
- 24 acres of Tohono O’odham Nation lands impacted

*Low number roadway only, high number includes 2 interchanges

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Right of Way Challenges

The most significant physical challenge to locating an interstate roadway facility through southern Avra Valley is the lack of available right of way along Sandario Road in particular. As shown in the map below, the initially proposed route runs between the Tohono O’odham Nation (Garcia Strip) to the west, the Bureau of Reclamation (BOR) Wildlife Mitigation Corridor to the east, and through the middle of the City of Tucson’s Southern Avra Valley Storage and Recovery Project (SAVSARP). The route also passes through portions of Central Avra Valley Storage and Recovery Project (CAVSRP). CAVSRP and SAVSARP are the principal groundwater storage sites for City of Tucson water. The Tucson Water Department has indicated that a route through SAVSRP is not feasible due to the existing and planned infrastructure and the significant expenditure of public investment in Tucson’s water supply. The Garcia Strip is approximately 2.5 miles wide north to south and 13 miles long east to west and is part of the Tohono O’odham Nation. The BOR Wildlife Mitigation Corridor is a 4.25 square mile conservation area that was established in 1990 as mitigation for environmental impacts caused by the Central Arizona Project (CAP) and it is managed by Pima County.

Sandario Road runs north-south between the Garcia Strip and the BOR Mitigation Corridor, but the existing roadway right of way is only 80 feet wide. The route is shown running along portions of Sandario Road, but additional right of way would be required for a typical 400-wide interstate right of way. The route could potentially be elevated, but additional right of way may still be needed, and the costs would be significantly higher than if the route is at grade. If a new freeway alignment is to be found through this region, it will require negotiations with many stakeholders including the Nation, the Bureau of Reclamation, the City of Tucson, Arizona State Land Department, and others to determine if it is feasible or not.

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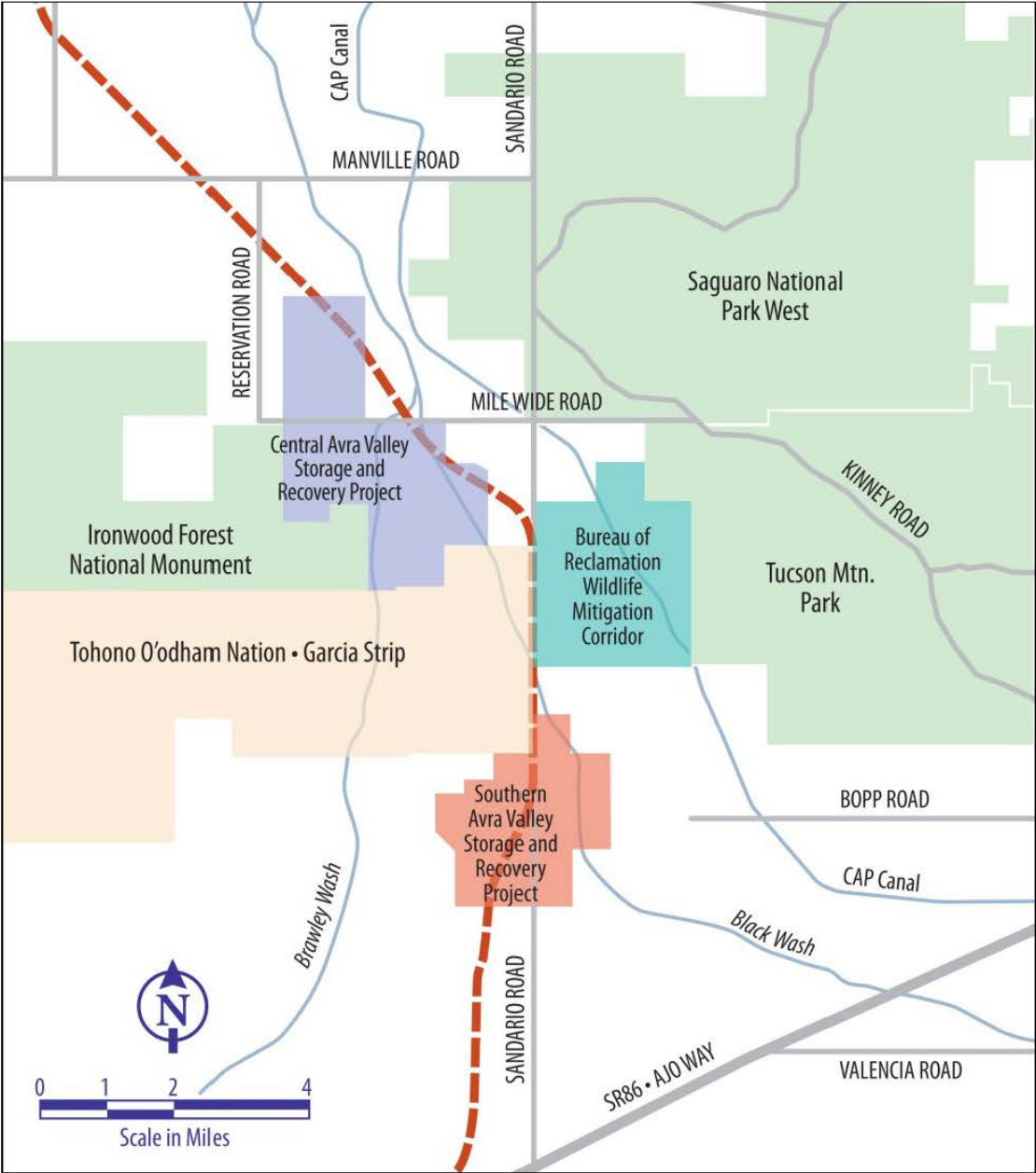


Figure 1. The proposed draft alignment runs through the Tohono O’odham Nation Garcia Strip, Bureau of Reclamation Wildlife Mitigation Corridor, and Central and Southern Avra Valley Storage and Recovery Projects.

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Environmental Impacts and Mitigation Measures

This report discusses some of the ways to minimize and mitigate the effects of an interstate highway through Avra Valley. Each type of impact is discussed, along with quantitative information if available, followed by potential minimization and mitigation measures. Where possible, the siting of mitigation measures is also discussed. The potential for completely avoiding impacts through design measures or relocation of the route is also discussed. This is followed by a summary of some infrastructure issues that could arise as a consequence of a freeway constructed along the Corridor.

Conservation Land System

Avra Valley includes a high percentage of biologically important conservation lands that are identified in the Sonoran Desert Conservation Plan (SDCP). These lands are associated with the Brawley and Black Washes and generally represent habitat that is valuable to the conservation of biological diversity based on numerous SDCP studies. Much of the Corridor would pass through the Maeveen Marie Behan Conservation Lands System (CLS), a reserve system designed to protect biodiversity and provide land use guidelines consistent with the SDCP. The CLS land categories include Special Species Management Areas, Biological Core Management Areas, Important Riparian Areas, Multiple-Use Management Areas and Agricultural Inholdings.

Most of the corridor (91%) impacts one or more categories of the Conservation Land System (CLS). The largest impacts are to the Multiple-Use Management Area (61%) followed by the Biological Core Management Area (13%), Special Species Management Area (9%), and Important Riparian Area (2%). Adjustments to the route could reduce, but not eliminate, direct impacts to some of the Biological Core and Important Riparian Areas. As shown in Table 1, over 11,000 acres of other conservation lands would be necessary to mitigate for direct impacts to the CLS.

Table 1: County Conservation Land System (CLS) Impacts

Conservation Land Category	Acres	Percent	Multiplier	Mitigation Acres
Multi-Use Management Area	3132	61%	2	6264
Special Species Management Area	447	9%	4	1788
Biological Core Management Area	677	13%	4	2708
Agricultural inholdings	307	6%	NA	0
Outside Conservation Land System	459	9%	NA	0
Important Riparian Area	80	2%	4	320
TOTAL	5102	100%		11080

Conservation Land System - Special Elements

The Sonoran Desert Conservation Plan identified unique landscape features known as Special Elements. These special elements were a critical component in the development of the Conservation Lands System. The draft alignment passes through several of these landscape features, including *mesquite woodland*, *ironwood desert scrub*, and a small area of *limestone outcrops* near El Toro Road. From 2012 orthophoto imagery, the limestone outcrops appear to have been mined, or are in the process of being mined.

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The *mesquite woodland* landscape occurs in a widespread area near Ajo Highway and Sandario Road and the proposed route passes through several stands of this special element. Mesquite woodlands have historically suffered disproportionate loss through urban and agricultural development throughout Pima County. The SDCP has set a target value of 1,000 restored acres of mesquite woodland to offset historic and future losses, in addition to mitigation efforts related the County’s Multi-Species Habitat Conservation Plan. Possible mitigation measures for impacted mesquite woodlands include avoidance, bridging over, and riparian restoration.

The proposed route passes through a small section of mapped ironwood desert scrub near Sandario and Mile Wide Roads. Ironwood trees have immense ecological value in the Sonoran Desert and are considered keystone species, harboring and supporting hundreds of plant and animals. Possible mitigation measures include avoidance, bridging over, and riparian restoration.

Regulated Riparian Habitat

The Pima County Floodplain and Erosion Hazard Mitigation Ordinance includes provisions that seek to preserve continuous and connected corridors of riparian habitat, coexistent with floodplain areas, which provide stable environments for wildlife, slow down flooding and reduce erosion, and increase natural groundwater recharge potential. The ordinance recommends that development avoid or minimize riparian habitat and it requires mitigation if development disturbs more than 1/3 acre of habitat. Mitigation options include planting replacement riparian habitat, preserving other offsite riparian parcels, or paying a fee in-lieu of performing on-site mitigation.

Public highways, roads and streets are exempt from the Floodplain Management Ordinance, but reducing the proposed highway impacts to floodplains and riparian habitat would reduce project costs, minimize Conservation Land System impacts, and reduce riparian and CLS mitigation costs.

The proposed interstate alignment impacts 377 acres of riparian habitat regulated through the Floodplain Management Ordinance. Over half of the impacts (187 acres) are to Xero-riparian C habitat which contains moderate to low-density riparian vegetation. The following chart shows that some of the impacted riparian habitat is also classified as Important Riparian Areas, which are areas designated in the County Comprehensive Plan for the importance as wildlife habitats and linkages for wildlife movement.

The best mitigation option would be to avoid and minimize as much riparian habitat as possible. A second strategy would be to replace any impacted habitat by planting new habitat. A third approach would be to purchase and preserve other riparian habitat off-site, but along the corridor. The fourth measure would be to pay a fee in-lieu of the other mitigation measures. The cost of such an in-lieu fee would be over \$8.1 million as shown in the chart below.

It may be possible to reduce these impacts through route selection that would minimize impacts, especially those associated with the Important Riparian Areas. If the mitigation strategy were to use to the money for compensatory land acquisition, then we estimate that 2,000 to 4,000 acres could be acquired at today’s market prices with this amount of funding. However, there are also opportunities to restore riparian habitat through restoring floodplain functions with the funding that will be discussed in the wildlife portion of this report.

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Riparian Classification	Acres of Disturbance	In-Lieu Fee
Xero-riparian B	37.3	\$ 597,280
Xero-riparian C	186.7	\$ 2,613,100
Xero-riparian D	1.2	\$ 14,760
Hydromesoriparian	72.2	\$ 2,888,800
IRA w/ Xeroriparian B	4.2	\$ 117,600
IRA w/ Xeroriparian C	51.2	\$ 1,279,250
IRA w/ Xeroriparian D	18.2	\$ 401,280
IRA w/ Hydromesoriparian Area	6.1	\$ 242,000
TOTAL	377.1	\$ 8,154,070

*IRA = Important Riparian Area

Floodways and Floodplains

The draft freeway alignment through Avra Valley generally runs parallel to a very wide and complex floodplain associated with the Brawley and Black washes that flow north along the valley. The floodplain varies in width from 1 to 5 miles wide throughout the corridor. The draft alignment crosses this floodplain at several locations, most notably between Mile Wide Road and Manville Road for a distance of approximately 4 miles. Throughout the floodplain, the draft alignment also crosses the main channels and administrative floodway of the Black Wash (at Sandario Road), at its confluence with Brawley Wash (at Mile Wide Road), and the Brawley and Los Robles Wash confluence (just south of Silverbell Road). At the Pinal/Pima County line, the draft alignment crosses the Santa Cruz River floodway and floodplain as it merges with the Black, Brawley, and Los Robles washes. These floodplain and floodway features present significant constraints and challenges and associated costs to designing and building a new interstate facility in this valley.

The Federal Emergency Management Agency (FEMA) identifies “floodways” and high risk flooding areas known as “special flood hazard areas”. When development (including roadways) is proposed within a floodway, FEMA generally requires that it must not increase the water surface elevation, and/or it must show that it does not cause adverse impact to any structures in the floodplain. The implications for the proposed Avra Valley freeway are:

- 1. The freeway would need to be built up and out of the floodplains.
- 2. The freeway would require multiple bridges over the Black Wash, Brawley Wash, Robles Wash, and Santa Cruz River floodway.
- 3. Portions of Black Wash, Brawley Wash, Robles Wash and the Santa Cruz River could need to be stabilized.
- 4. Significant drainage structures, channels and retention/detention basins could be required along the corridor to address FEMA floodplain requirements.

In addition to the requirement that limits the rise in the water surface elevation to 1 foot, Interstate freeways are required to be designed and built to accommodate the 50-year flood to provide all-weather

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access. This would mean that significant portions of the freeway would need to be elevated (essentially a bridge) over floodways and floodplains. It also means that portions of the Black, Brawley, and Los Robles washes and the Santa Cruz River could require bank stabilization and other flood controlling design features to minimize impacts to the freeway corridor and adjacent property. Based on the current alignment, the following washes are crossed along the corridor and would require bridges for the larger more complex floodplains, and box culverts or corrugated steel culverts for the smaller washes and overbank flows, as well as other potential improvements.

Wash Crossings in the Study Area

Wash Name	Location	Discharge Size (cubic feet/second)	Estimated Span Length (ft)	Planning Cost Estimate
Santa Cruz River	South of Pinal County line	> 10,000	2000	\$ 16,000,000
Brawley/Los Robles Washes	South of Silverbell Road	> 10,000	2000	\$ 16,000,000
Black/Brawley Washes	Across Sandario Road	> 10,000	1800	\$ 14,400,000
Black/Brawley Washes	North of Mile Wide Road	> 10,000	1000	\$ 8,000,000
West Branch Brawley Wash	East of Reservation Road	5,000-10,000	500	\$ 4,000,000
Unnamed Wash #1	South of Trico Marana Road	Unknown	200	\$ 1,600,000
Unnamed Wash #2	East of Amway Road	> 2,000	200	\$ 1,600,000
Unnamed Wash #3	South of Mile Wide Road	2,000 - 5,000	100	\$ 800,000
Unnamed Wash #4	Across Sandario Road	5,000 - 10,000	100	\$ 800,000
Unnamed Wash #5	Along Snyder Hill Road	> 2,000	50	\$ 400,000
Unnamed Wash #6	Along Tara Lane	> 2000	50	\$ 400,000
Unnamed Wash #7	North of Ajo Way	2,000 - 5,000	200	\$ 1,600,000
Unnamed Wash #8	North of Ajo Way	> 2,000	50	\$ 400,000
Unnamed Wash #9	North of Ajo Way	2,000 - 5,000	200	\$ 1,600,000
Unnamed Wash #10	South of Ajo Way	2,000 - 5,000	100	\$ 800,000
Unnamed Wash #11	South of Ajo Way	> 2,000	100	\$ 800,000
Unnamed Wash #12	South of Ajo Way	> 2,000	100	\$ 800,000
Additional washes s. of Ajo Way				
TOTAL				\$ 70,000,000

Mitigation Measures

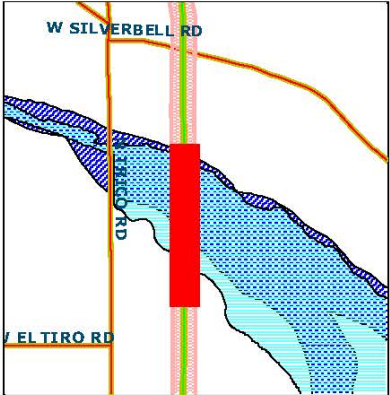
The proposed freeway and any potential traffic interchange(s) should avoid major washes to the greatest extent possible. Where wash crossings are unavoidable, the alignment should be moved to cross the watercourse where the floodplain and floodway is at its narrowest, if possible.

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Historic Berms and Channels

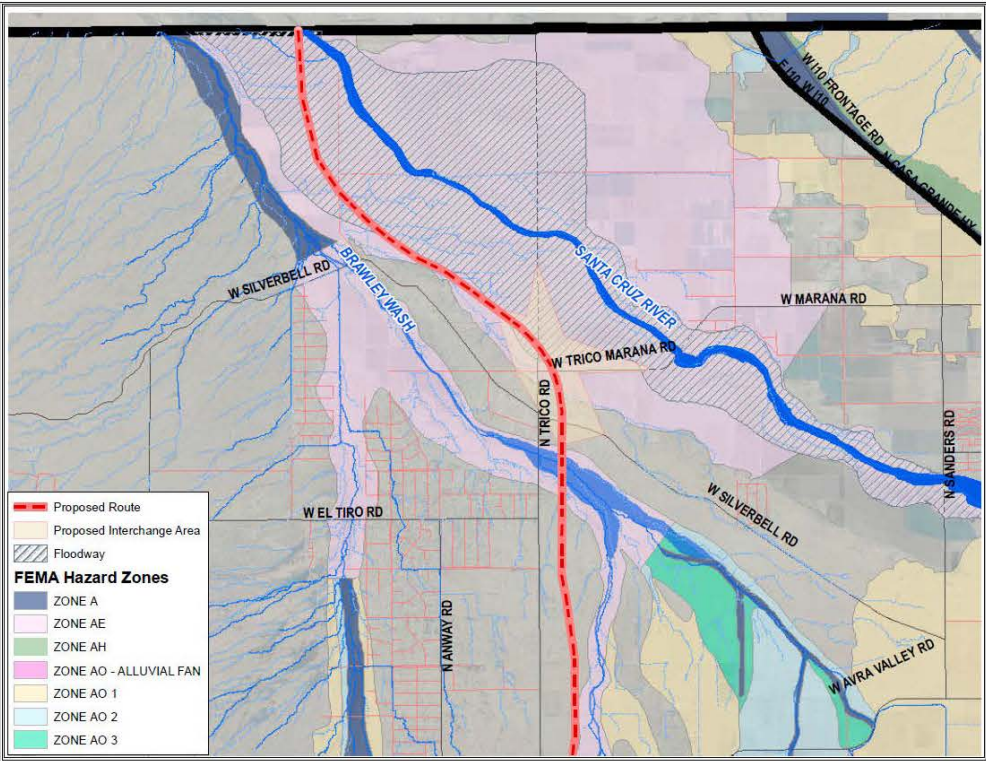
Throughout portions of Avra Valley, numerous historic agricultural infrastructure were constructed that have real but unquantified impacts on floodplain functions and riparian habitat. These improvements, typically berms or channels, were constructed before floodplain regulations existed and were intended to protect farm fields from flooding. The alignment of the highway could take advantage of these relic structures by augmenting the existing infrastructure, avoiding locations where flow paths have been created as a result, or by removing some the infrastructure to restore natural flows and reduce the impact the highway would have. The use or modification of these relic structures could be part of the environmental mitigation strategy. To better determine where these opportunities exist better floodplain mapping would be necessary for the Brawley Wash through Avra Valley. The current mapping, done by FEMA, is approximate and does not take into account localized drainage features, small elevation changes, or the agricultural improvements. Due to the broad shallow nature of the Black/Brawley/Los Robles wash floodplains, all of these features have significant impacts on the extent and duration of flooding. The use of newly available two-dimensional modeling is recommended prior to or during any future location and floodplain analysis to best take advantage of these features.

Example inset map showing potential bridge over Brawley/Los Robles wash:



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Drainage and Clean Water Act Impacts

If and when an environmental assessment or environmental impact statement of the proposed route is conducted, the U.S. Army Corps of Engineers (Corps) would review all wash crossings along the proposed route. The Corps would determine which of the washes are under its jurisdiction and a Clean Water Act Section 404 Permit would be required for each affected wash. Mitigation requirements would be determined at that time. The Corps requires that practicable steps must first be taken to avoid and minimize impacts to aquatic resources at all possible steps in the design process. Methods of providing compensatory mitigation include aquatic resource restoration, establishment, enhancement, and in certain circumstances, preservation. The Corps is ultimately responsible for determining the appropriate form and amount of compensatory mitigation required. Several of the washes crossings throughout the draft corridor would likely require a Section 404 Permit.

Biological Resources

Impacts to Species

Habitat Loss, fragmentation, and degradation. Habitat loss and fragmentation are the most important drivers of species decline (Fahrig 2003; Stuart et. al. 2004). Direct loss and fragmentation of habitat from the construction and maintenance of the road corridor would impact a number of species and their habitats. Important areas with respect to species is the wash/bajada system near the confluence of the Brawley and Black washes. Another key site of concern is at the north end of the planning area where the highway runs west of—and parallel to—the Santa Cruz River. Undoubtedly home to riparian species, the roadway is in the floodplain and thus could impact riparian species that live in that spatially restricted zone.

Most of the road corridor through the Sierrita and Altar valleys passes through areas with typical desert vegetation communities. As noted earlier, the corridor contains no Special Elements nor wetlands and mesic riparian areas that may harbor regionally rare or sensitive species. Provided here is an overview of plant and animal species and groups of species that are likely to be impacted by the corridor and/or might not be present. This is not a comprehensive evaluation. The number of acres in parentheses is from a GIS analysis of the proposed route; all the figures are for Priority Conservation Areas for the species unless otherwise noted.

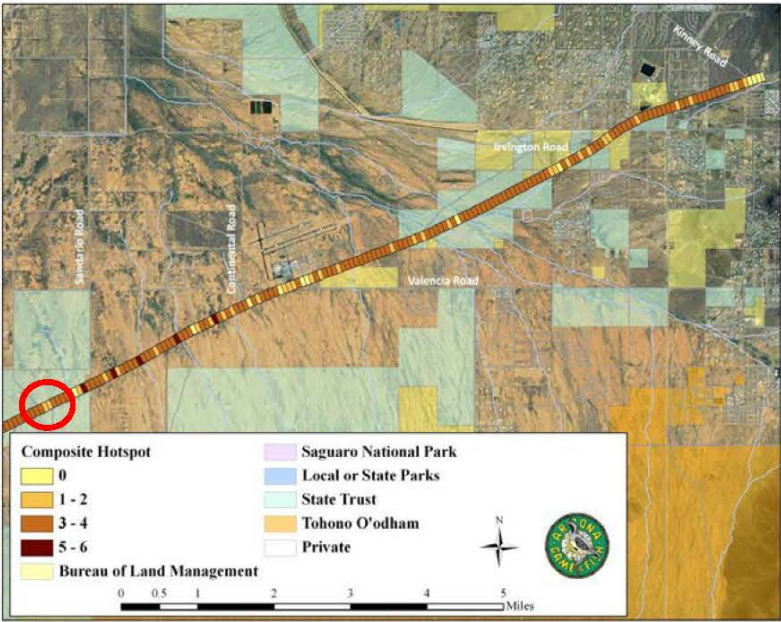
- **Plants:** Habitat of two species of interest to Pima County’s Multi-species Conservation Plan (MSCP): Pima pineapple cactus (702 acres) and Tumamoc globeberry (1,842 acres of modeled habitat);
- **Invertebrates:** No known populations of sensitive species. No habitat for talus snails would be impacted;
- **Fish:** None along route;
- **Birds:** Impacts on MSCP species are possible for the cactus ferruginous pygmy owl (930 acres), Swainson’s hawk (853 acres), rufous-winged sparrow (862 acres), Abert’s towhee (56 acres), and especially the western burrowing owl (1,377 acres; the route follows closely this species’ habitat). In general, the corridor contains a rather unremarkable bird community (Powell 2007);
- **Reptiles and amphibians:** The Avra Valley, in particular, has high diversity and abundance of lizards, snakes, and Anuran toads (Lowe and Holm 1991; Flesch et. al. 2007). Species of interest to the Pima County MSCP that would be impacted include: lowland leopard frog habitat (545 acres), Sonoran desert tortoise (537 acres; south of Highway 86, but not north), Tucson shovel-nosed snake (610 acres), and ground snake (267 acres);
- **Mammals:** There is a chance for four MSCP covered species to occur along the corridor: lesser long-nosed (507 acres), Mexican long-tongued bat (238 acres), western red bat (174 acres), and pale Townsend’s big-eared bats (161 acres). The bajada areas of Avra Valley contain high diversity of rodents and species of state concern such as kit fox, American badger (Swann and Powell 2007). Concerns over the impact of the Central Arizona Project Canal on mule deer and mountain lions led to the creation of mitigation lands there. The highway corridor adds to concerns for these and other highly mobile, terrestrial species.

The direct loss of habitat resulting from the construction of the corridor is a critical consideration in determining impacts of the project on species. It is also important to consider the long-term impacts of road, which are considered one of the leading causes of decline for wildlife populations in North America (Forman and Alexander 1998). In fact, road impacts are so wide ranging that the study of roads on their impact on nature has become an entire area of study, known as *road ecology*. The three most

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important impacts of the corridor project on wildlife are the loss of habitat, direct mortality of animals by vehicles, and the loss of an animal’s ability to move across the highway to adjacent habitat. These challenges can be mitigated to various degrees (more on that in the following section), but below is a brief overview of potential impacts, particularly for the species/groups of species noted above.

Direct mortality from vehicles is considered to the most significant direct cause of wildlife injury and death in the United States (Forman and Alexander 1998). The problem of wildlife mortality is particularly acute in desert environments, where most reptiles seek the warmth of roads after sunset during the warm months. In one study of snakes along State Route 85 in western Pima County, Rosen and Lowe (1994) calculated that as many as 4,000 snakes are killed per mile per year. In the Avra and Altar valleys, mortality of Anuran toads are likely to be high in low-lying areas during the monsoon season. Lowery et al. (2011) found that areas of relatively high mortality of a host of species (birds, mammals, reptiles and amphibians) occurred along wash crossing along Highway 86 (Figure below). Wildlife collisions along the length of the road corridor are similarly expected to be greatest where the road crosses washes and in areas of the bajada and valley bottoms with the highest abundance of reptiles, amphibians, and small mammals occur. Within Avra Valley, wildlife corridors follow the West Branch of the Brawley Wash, the Santa Cruz River basin, and broad areas of lowlands that connect the Tucson Mountains to the Ironwood National Monument and mountain ranges west and south of Avra Valley. Wildlife corridors are most often associated with large washes, but for larger animals, areas away from housing developments can also be important crossing points. These important areas include near to the CAP Wildlife Mitigation Corridor and just north of there where there are CAP land bridges (e.g., near where Mile-wide Road intersects the CAP and corridor). These areas are near to the confluence of the Black and Brawley washes, areas that are also problem sites from sheet flooding and land/ownership and siting concerns.



Wildlife mortality along Highway 86. Red circle is the approximate location of the IWH. From Lowery et al. (2011). Note the areas of highest composite scores (5-6) and how they align with areas of relatively high diversity.

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In addition to direct loss of habitat and mortality of individuals, the highway would also cause edge effects that would further degrade wildlife habitats adjacent to the highway by way of invasive species, illegal dumping and highway trash, lights, and noise. The relative impact of each of these elements would vary. A key design feature of this highway is the relatively low number of access and entry points onto the highway, which would reduce the secondary developments that inevitably cluster around access ramps. Those development activities have not figured into this analysis.

Species Mitigation Approaches

The proposed project would have significant impacts on plant and animal species along the proposed corridor. Yet mitigation of some of these impacts is possible by implementing a host of actions, from avoiding problem areas to off-site mitigation activities.

Avoidance actions. As noted in the previous section, there are a number of sites that would be ideal to avoid by rerouting the alignment, if possible. Those problem areas include:

- Confluence of the Black and Brawley washes and adjacent to the Wildlife Mitigation Corridor. These nearby areas likely contains a number of important species of concern (e.g., Abert’s towhees, Anuran frogs, etc), but more importantly, they are likely important for wildlife movement. A preferred alternative for largely avoiding the Brawley Wash would be to put the road through the Garcia Strip.
- Parallel to the Santa Cruz River. Putting the alignment in the floodplain increases habitat loss and fragmentation for important riparian species. Suggest running road perpendicular to river by crossing at Trico Road.

Minimization actions. Minimization is an area that would have significant benefits for all species impacted. Key among these design features is to:

- Reduce the number of access ramps, which would, in turn, reduce the chance for urban sprawl.
- Incorporate wildlife features. These feature could include bridges, elevated road surfaces (over sheet flooding areas such as at the confluence of the Black and Brawley washes), box culverts, and even a wildlife overpasses. Fences could be used extensively to discourage wildlife from entering the road, which would reduce wildlife mortality and increase human safety.
- Restore former agricultural lands throughout the valley to restore flood flows (see Page 11). Much of this restoration potential is on City of Tucson HCP mitigation lands.

Off-site Setasides. Off-site mitigation in the form of conserved lands should be in an area with similar or better environmental assets as the area being impacted (Bull et. al. 2013), and for this, using the CLS provides a valuable approach. Also, mitigation lands should be located in a geographic area that is as near as possible to those lands being impacted (McKenney and Kiesecker 2010). A few areas that would be ideal to focus off-site mitigation include:

- Near to the CAP canal land bridges to ensure no new development on key sites.
- Protection of lands in the Sierrita Mountains;
- Buffers around Ironwood National Monument, Saguaro National Park
- Additional flood-prone lands along the Brawley Wash.

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Air Quality Impacts and Mitigation

Potential impacts on air quality in Pima County associated with a proposed freeway through Avra Valley would include short and long term impacts due to air emissions along the corridor from construction activities during construction and from highway traffic once the corridor is complete and in use. It is anticipated that some traffic would shift from the current Interstate 10 (I-10) route through Tucson to the new corridor through Avra Valley. Short-term increases in emissions could occur during the construction of the freeway; these air emissions would include emissions from construction vehicles and fugitive dust emissions from construction activities. The most favorable option for reducing short-term impacts would be to use the lowest emitting construction equipment available.

Long-term air quality impacts could include increased air pollution from vehicles traveling along the freeway and at interchanges with planned services. However, air emissions also could decrease along I-10 through Tucson if many of the commercial trucks transporting goods would utilize the new highway for transport rather than I-10. The best measure for reducing long-term impacts would be to eliminate or limit the number of interchanges along the corridor. If interchanges are included, they should provide options to limit truck idling including truck stop electrification. Consideration should also be given to installing charging equipment for electric vehicles.

Pima County operates air quality monitors to demonstrate compliance with the National Ambient Air Quality Standards (NAAQS). The NAAQS are standards set for six criteria pollutants: particulate matter (10 micrometers or less and 2.5 micrometers or less), ozone, carbon monoxide, lead, nitrogen dioxide, and sulfur dioxide. Pima County is currently in attainment for all NAAQS (with a maintenance plan for carbon monoxide, and two areas on nonattainment for particulate matter that are under the jurisdiction of the Arizona Department of Environmental Quality); however, the NAAQS for ozone is currently undergoing revisions by the US Environmental Protection agency. If the NAAQS for ozone is lowered and levels of ozone remain similar to climatological levels in Pima County, the county could be reclassified to nonattainment for ozone. A nonattainment classification would require the evaluation and adoption of effective emission control strategies which may affect vehicles and fuels.

Light Pollution Impacts and Mitigation

The proposed highway could directly and indirectly impact the quality of astronomical research at Kitt Peak and the preservation of a naturally-dark environment in the Ironwood National Forest and Saguaro National Park. At its closest point, the proposed corridor alignment is approximately 20 miles from the summit of Kitt Peak and approximately 30 miles from the summit of Mt. Hopkins both of which are economically important astronomical research facilities. This places the corridor within the most restrictive special areas (E1b and E1c) designated by the Pima County Outdoor Lighting Code to minimize lighting and ensure a naturally dark environment. The corridor also comes within about 1 mile from the most sensitive and restrictive zone (E1a) which includes both Ironwood National Forest and Saguaro National Park. In this zone, the preservation of a naturally-dark environment, both in sky and in the visible landscape, is considered of paramount concern and unshielded lighting is not allowed. The Code restricts illumination levels (total lumen output) and curfew times, regulates light color temperature, and requires shielding to minimize light pollution.

To mitigate light impacts, the proposed interstate should not be lighted, but lights impacts from vehicle headlights would not be able to be mitigated. Impacts would be more significant at any interchanges and with any associated roadside commercial development. More importantly, any future land development that occurred as a result of the new freeway would contribute to light degradation along the corridor and

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within the impact areas of both Kitt Peak and Mt. Hopkins. Mitigation measures to discourage and limit development along the corridor are discussed in more detail later in this report.

Prime and Unique Farmland and Mitigation

Avra Valley has historically been an important agricultural area in Pima County, producing mostly cotton but also alfalfa hay and other crops. Pima County ranks 5th in the state for barley production, 6th for cotton and 7th for alfalfa hay¹. Significant areas of active farmland remain at the north end of Avra Valley and especially east of the draft alignment within the Town of Marana. The Garcia Strip portion of the Tohono O’Odham Nation also remains irrigated and under agricultural production. In central and southern Avra Valley, the City of Tucson acquired nearly 20,000 acres of former farmland and has developed recharge basins and associated infrastructure to recharge CAP water into underground aquifers for Tucson’s potable water supply.

The proposed interstate corridor has the potential to affect some prime and unique farmland, especially at the north end of Avra Valley. Such determination would typically be made by the U.S. Department of Agriculture, Natural Resources Conservation Service, at the request of Federal Highway Administration. Significantly, none of the local jurisdictions has policies to protect or conserve prime and unique farmland in the area of the corridor, however the 1981 Farmland Protection Policy Act (FPPA) is intended to minimize the impact that federal programs, including highways, have on the unnecessary and irreversible conversion of farmland to nonagricultural uses.

Mitigation methods to preserve farmland could include set-asides in proportion to the amount of farmland impacted, purchase of agricultural conservation easements, and transfer of development rights. These methods are similar to those that could be used to conserve wildlife habitat and environmentally sensitive lands and to discourage development along and near to the corridor.

Federal and Local Preserve Impacts and Mitigation

The proposed freeway corridor impacts several federal and local parklands and preserves, including Ironwood National Forest, Saguaro National Forest, Tucson Mountain Park, and the Bureau of Reclamation Wildlife Mitigation Corridor. Also impacted are Tucson Water’s Wildlife Mitigation Lands, the City of Tucson’s proposed Avra Valley Habitat Conservation Plan, the Tumamoc Globerry Preserve, and Diamond Bell Ranch. The following sections discuss impacts to each preserve in more detail.

Ironwood National Forest and Saguaro National Park

The draft corridor would impact Ironwood National Forest, Saguaro National Park, and Tucson Mountain Park. The alignment does not cross any of these park lands, but it is located within 1 mile of each at several locations and would impact each. The potential impacts include noise, air quality, lights, views, and impacts to wildlife and plants through habitat loss and fragmentation. Additional development - including any interchanges - that might occur as a result of the interstate corridor being built would further impact these park lands. Construction activities would also impact and disrupt wildlife breeding and movements for a period of years. Identifying all the impacts to these parklands and potential mitigation measures is beyond the scope of this report, but these agencies would be consulted as part of any federally-required environmental assessment or impact statement.

¹ Arizona Farm Bureau

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Bureau of Reclamation Wildlife Mitigation Corridor

The draft corridor impacts the federally-designated Wildlife Mitigation Corridor (WMC), a 4.25 square mile preserve which strattles the CAP Aquaduct between Sandario Road and Tucson Mountain Park. The WMC contains both endangered and candidate species of plants and wildlife and provides habitat and wildlife corridors over CAP aqueduct. The draft alignment currently follows Sandario Road, which runs along the 2-mile western boundary of the WMC. Even if sufficient right of way to build a freeway (400 ft) could be obtained from the Tohono O’Odham Nation and/or the Department of the Interior, the wildlife habitat and corridor functions of the WMC would be compromised and the Bureau of Reclamation and other agencies would need to be consulted.

The WMC was established to allow free plant and wildlife movement back and forth across the CAP aquaduct, and between the Tucson Mountains to the east and the Ironwood National Forest and Roskrige Mountains to the west. Maintaining wildlife movements would likely require that the proposed freeway, if approved, be either raised up as a bridge overpass or sunken below grade and covered with land bridge(s) to allow wildlife to cross freely. Noise and other impacts would also likely need to be mitigated. It is important to note that previous proposed roadway planning efforts that potentially impacted the Wildlife Mitigation Corridor have been reviewed, rejected and opposed by the Bureau of Reclamation, Arizona Game and Fish, Pima County Board of Supervisors, Saguaro National Monument and local landowners.

Tucson Water Wildlife Mitigation Lands

The draft corridor cuts through environmental mitigation lands associated with the Tucson Water Central Avra Valley Storage and Recharge Project (CAVSARP). The alignment also impacts existing and planned recharge basins, wells and pipelines but these impacts are discussed in later sections of this report. The Tucson Water mitigation lands, including designated wildlife corridors between the basins, were established to provide for wildlife habitat and movement. These mitigation lands are encumbered by restrictive covenants enacted by the Environmental Protection Agency in consultation with the US Fish and Wildlife Service (USFWS) to mitigate against impacts from CAVSARP on the Cactus Ferruginous Pygmy Owl, a federally endangered species. The draft corridor bisects portions of this 473 acre conservation preserve (Figure W-1, dark green area). Because the proposed freeway would reduce the size and impact the function of this conservation habitat, consultation with USFWS would be required. It is unknown whether USFWS would allow impacts to this mitigation preserve area, or if they would recommend that the corridor be moved, most likely along San Joaquin Road. Using San Joaquin Road as the alignment for the freeway could minimize impacts to wildlife and habitat, but it would impact residential properties and require new roadways to provide for local access.

Avra Valley Habitat Conservation Plan

The draft corridor cuts through portions, including “priority areas”, of the City of Tucson’s proposed Avra Valley Habitat Conservation Plan (HCP). The HCP is proposed to minimize and mitigate the impacts of its water recharge facilities and infrastructure on listed and sensitive species and their habitats in Avra Valley. The HCP will help project seven species including the federally listed Lesser Long-nosed Bat, the candidate Western Yellow-billed Cuckoo, and rare and/or sensitive species including the Cactus Ferruginous Pygmy-owl, Western Burrowing Owl, Desert Tortoise, Pale Townsend’s Big-eared Bat, and the Tucson Shovel-nosed Snake (Figure 2). Use of any of this land for the freeway would likely require approval by City of

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Tucson and consultation by the US Fish and Wildlife Service and other federal agencies. While specific properties and restoration projects are not discussed within the draft HCP, the need to remove drainage/channelization structures that preclude sheet flow, braiding, and sediment deposition within the Brawley Wash system is recognized.

Tumamoc Globerry Preserve

The draft freeway corridor is located within 250 feet of the Tumamoc Globerry Preserve, an 80 acre site purchased by the Bureau of Reclamation where globerry plants in the path of the Central Arizona Project Tucson Aqueduct were transplanted. This preserve is located just east of the draft alignment, between Mile Wide Road and Manville Road. This species is listed as “sensitive” by the USFS and the BLM and Arizona Native Plant Law lists it as “Salvage Restricted”. This preserve could be enhanced with additional wildlife crossings over the CAP aqueduct.

Diamond Bell Ranch Preserve

South of Ajo Highway at the northern limits of the Altar Valley, the draft alignment cuts through the eastern most portion of the Diamond Bell Ranch preserve, a 30,000 acre ranch acquired by the county in 2008. As part of the Sonoran Desert Conservation Plan, this area was identified as the Northern Altar Valley Reserve in an effort to bring together large private landowners and natural resource agencies to better coordinate long-term conservation efforts. Over 2.5 miles of the draft alignment lies directly over county managed grazing leases. Approximately three additional miles of the proposed route closely parallel the northeast corner of the Diamond Bell Ranch. Diamond Bell Ranch and the associated grazing leases are all part of the Multi-species Conservation Plan mitigation land bank.

The proposed alignment would bisect over 1,400 acres on the northern edge of the Pinto Blanco pasture, on the State grazing lease. The immediate impact would be to make operational use of the area more difficult, if not functionally impossible, without providing corridors for livestock and wildlife to move freely under the roadway. Alternatively, the “stranded” triangle of one pasture could be left ungrazed. Depending on location of existing water resources and the final alignment of the road, additional waters might have to be developed and maintained to support the existing livestock operation.

If the new freeway directly, or indirectly, created additional access points to the network of unimproved dirt and two-track roads, the ranch would experience additional vandalism and illegal traffic. Vandalism concerns would include loss of livestock, destruction of fences, water systems, and other conservation or livestock management infrastructure. This portion of the ranch currently falls within active illegal border traffic routes involving both undocumented human migrants and significant drug running. Until just recently, the Altar Valley was in the most active zone on the border between Mexico and the United States according to the US Border Patrol.

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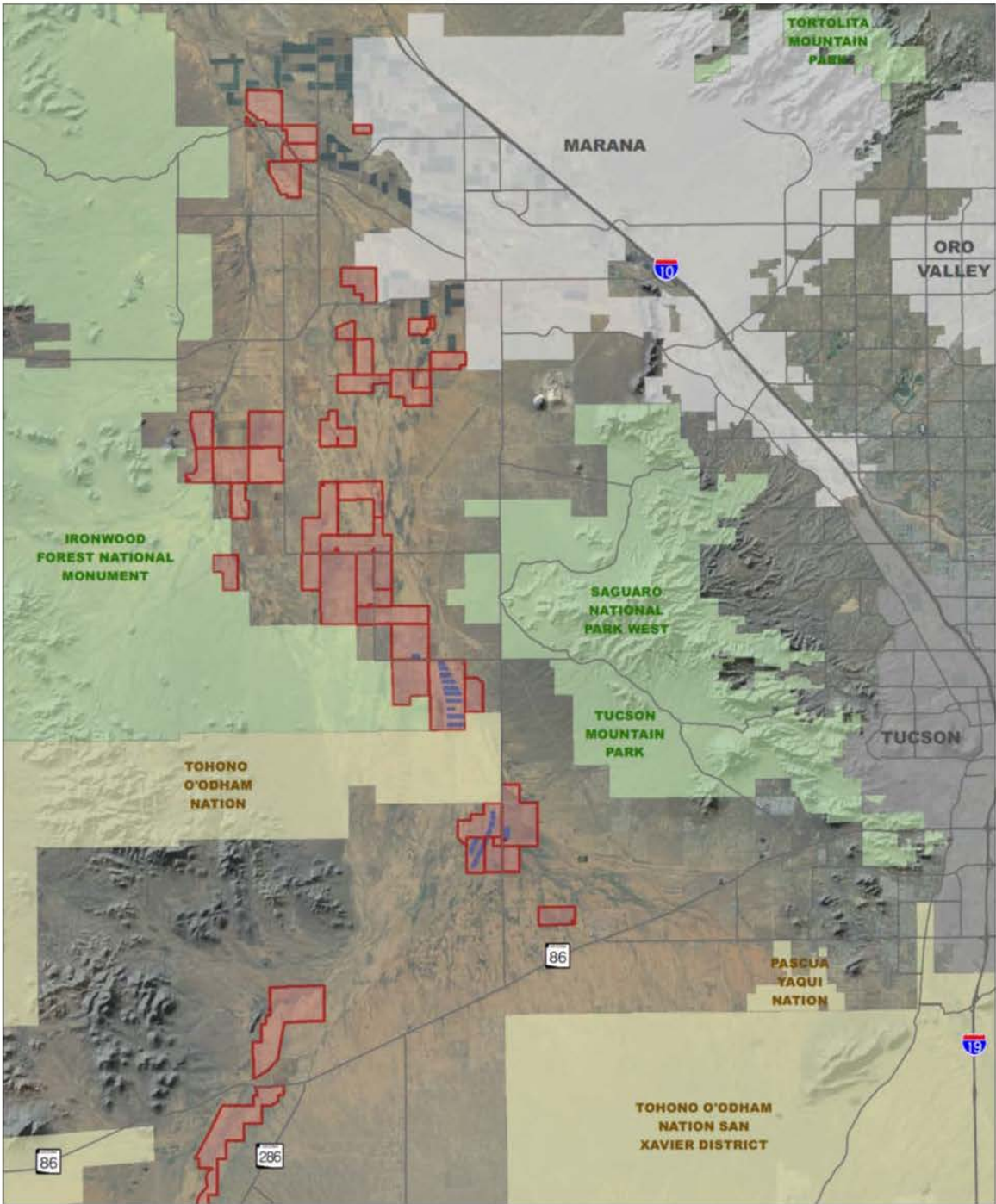
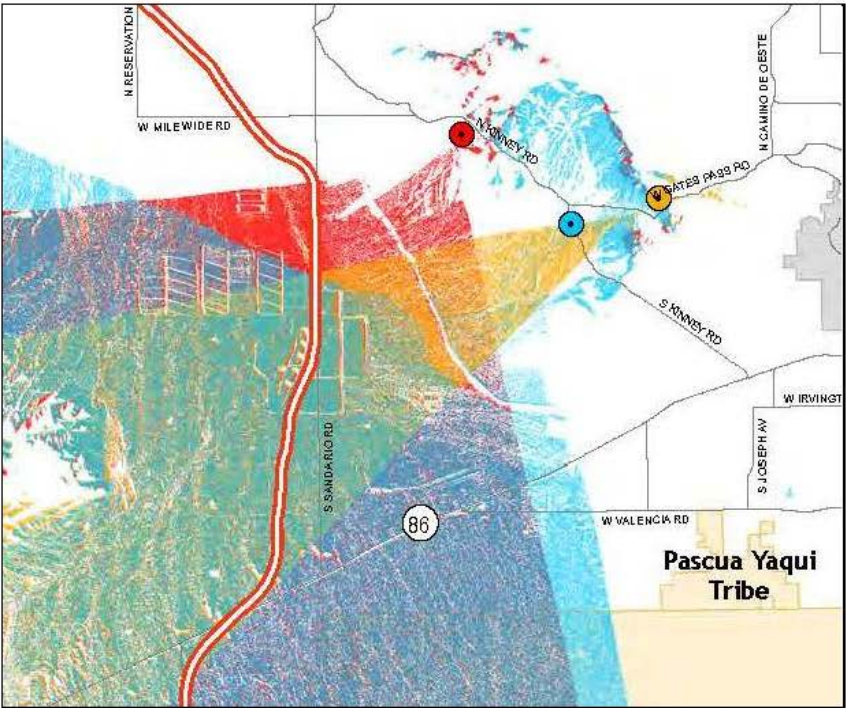


Figure 2. Avra Valley Habitat Conservation Plan Permit Area shown in red areas

Scenic View Sheds

The proposed road corridor passes within sight and ear shot of significant conservation and open space areas, including the Ironwood Forest National Monument, Saguaro National Park and Tucson Mountain Park. All of these national resources have been designated and managed as far back as the late 1920's to protect their core natural resource values, including natural view sheds, natural quiet, dark skies and protection of native and migratory plants and wildlife. The current state of the visual resources is of very high quality. Because much of the draft route lies downhill topographically from the major public view points on both Saguaro National Park and Tucson Mountain Park, view shed deterioration and noise pollution is of special concern.

Substantial work would be required to determine the extent of impacts and potential mitigation measures. The parks receive 2.5 million visitors annually and the Arizona Sonora Desert Museum (ASDM) alone receives over 450,000 visitors annually, including International visitors who contribute to the regions ecotourism economy. Most of the ASDM is outdoors and has views directly down the natural bajada to the west and onto the proposed roadway corridor for over 10 miles of the proposed highway route. The map below shows affected view sheds for three particular sites - ASDM, Old Tucson Studios, and Gates Pass, each of which would view significant portions of the proposed highway.



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Recreation

Tucson Mountain Park and Saguaro National Park receive over 2.5 million visitors annually. Most of those visitors are drawn to the area for its natural open space and diverse nature-based recreational activities in undeveloped Sonoran desert landscapes. Recreational activities include hiking, mountain biking, nature study, star gazing, picnicking, hunting, nature photography, rock climbing, wildlife observation and equestrian trail riding. Tucson Mountain Park alone has over 275,000 active recreational user days a year. A sense of solitude and natural open space are qualities that form the foundation of many of the recreational experiences.

The proposed freeway could have mixed impacts to recreation. The interstate could reduce the user experience due to noise, visual and wildlife impacts. The freeway could also increase access to recreation sites if an interchange is located in Avra Valley. The benefit of improved access would need to be evaluated against the potential negative consequences of more vehicles and traffic adjacent to recreational areas. Extensive survey work would need to be completed to determine factors that might reduce recreational use in the area, reduce the quality of the experiences, or create new opportunities to access available opportunities. Experiences that would be anticipated to be negatively impacted include the loss of the iconic view sheds especially to the west, sound intrusion from a major highway, lights of vehicles at night, direct and indirect impacts to wildlife viewing opportunities and others. Mitigation measures that would facilitate wildlife movement across the highway and CAP aqueduct could also improve recreational access to the proposed CAP trail and to other public parks and preserves along the route.

Cultural and Archaeological Resources Summary

Archaeological and Historical

Archaeological knowledge of the area is uneven, depending on whether or not previous archaeological surveys have been conducted. The proposed 400-foot-wide corridor and interchanges encompass approximately 4,775 acres of lands within the Archaeological Sensitivity Zones defined in the Cultural Resources Element of the Sonoran Desert Conservation Plan (SDCP). The Corridor crosses approximately 1,390 acres of High Sensitivity lands, nearly 900 acres of Moderate Sensitivity and about 2,500 acres with Low Sensitivity. The Sensitivity Zones were mapped through an intensive knowledge-based modeling exercise based on the best available scientific expertise of the professional archaeological community in Pima County and Southern Arizona. Sensitivity Zones are often associated with Important Riparian and Biological Core Areas in valley drainage systems because the distribution of recorded cultural resources identified through surveys reveals a pattern of higher site densities associated with these areas. This demonstrated association makes the SDCP Archaeological Sensitivity mapping a useful predictive tool for estimating the locations and densities of as yet unrecorded cultural resources in areas that have not been surveyed. Independent quantitative predictive modeling confirms the high level of accuracy of the knowledge-based SDCP Sensitivity mapping, tested and found to be over 80% accurate. The Sensitivity Zones mapping produces a relatively reliable means of estimating the potential for cultural resources within the foot prints of proposed undertakings such as the Intermountain West Corridor and, absent archaeological survey data, allows estimates of the potential impacts from construction on these resources

Traditional Cultural Places, Priority Cultural Resources, Cultural Landscapes

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Avra and Altar Valleys and associated uplands contain cultural landscapes that are important to the Tohono O’odham and other concerned Tribes for the plants, animals, springs, ancestral homes, ancestral burials, and ancestral religious places that are embedded within the natural landscape, all of which have tremendous present day cultural and religious importance to the Tribes. Considering the complex of cultural and sacred resources residing within the valleys holistically at the landscape scale reveals the broader picture of the importance of the cultural and sacred landscape to the Tribes and reinforces the importance of addressing the archaeological past at the landscape scale. The Tohono O’odham believe the Altar Valley is a sacred cultural landscape that should be considered as a Traditional Cultural Property (TCP) and the effects of construction of the Corridor on such cultural and historic resources should be evaluated holistically under the criteria of significance of the National Register of Historic Places, under Section 106 of the National Historic Preservation Act (NHPA).

The Corridor intersects or passes near several other categories of significant cultural and historic resources that are listed either on the National Register of Historic Places, or identified as priority sites in the SDCP. Among the recorded resources are portions of two Archaeological Districts listed on the National Register (Gunsight Mountain and Los Robles Archaeological Districts) and a large National Register-eligible archaeological site (AZ AA:11:12[ASM] Hog Farm Ballcourt Site). There is some overlap between the National Register-listed resources and Priority Cultural Resources identified in the SDCP, including three Priority Archaeological Site Complexes (Los Robles PASC, Eastern Sierrita PASC, Gunsight Mountain PASC), and one Priority Site (Hog Farm Ballcourt Site). Both National Register Districts contain numerous significant archaeological sites protected under Section 106 of the NHPA. Under the NHPA, sites that are not listed, but which are considered eligible for listing on the National Register, are afforded the same protections as listed resources.

Impacts: direct, indirect, cumulative, visual impacts, applicable federal laws & regulations

About 1,550 acres, or 34%, of the total acreage of the Intermountain West Corridor have been surveyed for cultural resources. Thirteen archaeological sites have been recorded within the Corridor, totaling 208 acres potentially subject to direct impacts. Projected site numbers based on 100% survey coverage indicate the potential for 39 archaeological sites within the 400-foot-wide Corridor, totaling about 625 acres subject to direct impacts. Based on the tested accuracy of the predictive model, projected site numbers could be subject to a margin of error of about ±18% (32 to 46 sites). The Corridor also crosses the alignment of the Juan Bautista de Anza National Historic Trail on the west side of the Santa Cruz River, near the Pima-Pinal County line. Over all, the alignment is well placed to avoid archaeological and historic resources.

Visual effects require different standards of evaluating impacts, resulting in different Areas of Potential Effect that could range up to five miles distance from the proposed action. Mitigation could involve modifying construction to reduce the visual profile of the proposed undertaking, either by physically reducing it or by integrating design and construction into a more aesthetically acceptable relationship with the affected resources, thereby minimizing adverse effects.

Construction of the Intermountain West Corridor would certainly have a federal nexus, so the federal cultural resources compliance standard would be appropriate, under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR Part 800) as part of the implementation of the National Environmental Policy Act (NEPA) process (EA or EIS).

Mitigation is the strategy for treatment(s) implemented to address adverse effects to Historic Properties, including direct, indirect, cumulative, and visual effects. Treatments can include avoidance of Historic

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Properties and other actions to mitigate or minimize adverse effects to Historic Properties. Mitigation requirements cannot be determined at this time. A Project Agreement under the NHPA would structure the mitigation strategies and approaches to account for adverse effect, including determining the nature and scope of the project’s treatment plan to address effects. When avoidance is not possible, archaeological data recovery or, in the case of historic buildings and structures, mitigation documentation, or visual effect mitigation actions are implemented according to the Agreement and plan to mitigate and minimize adverse effects.

Infrastructure Impacts and Considerations for the Intermountain West Corridor

Natural Gas Pipeline Considerations

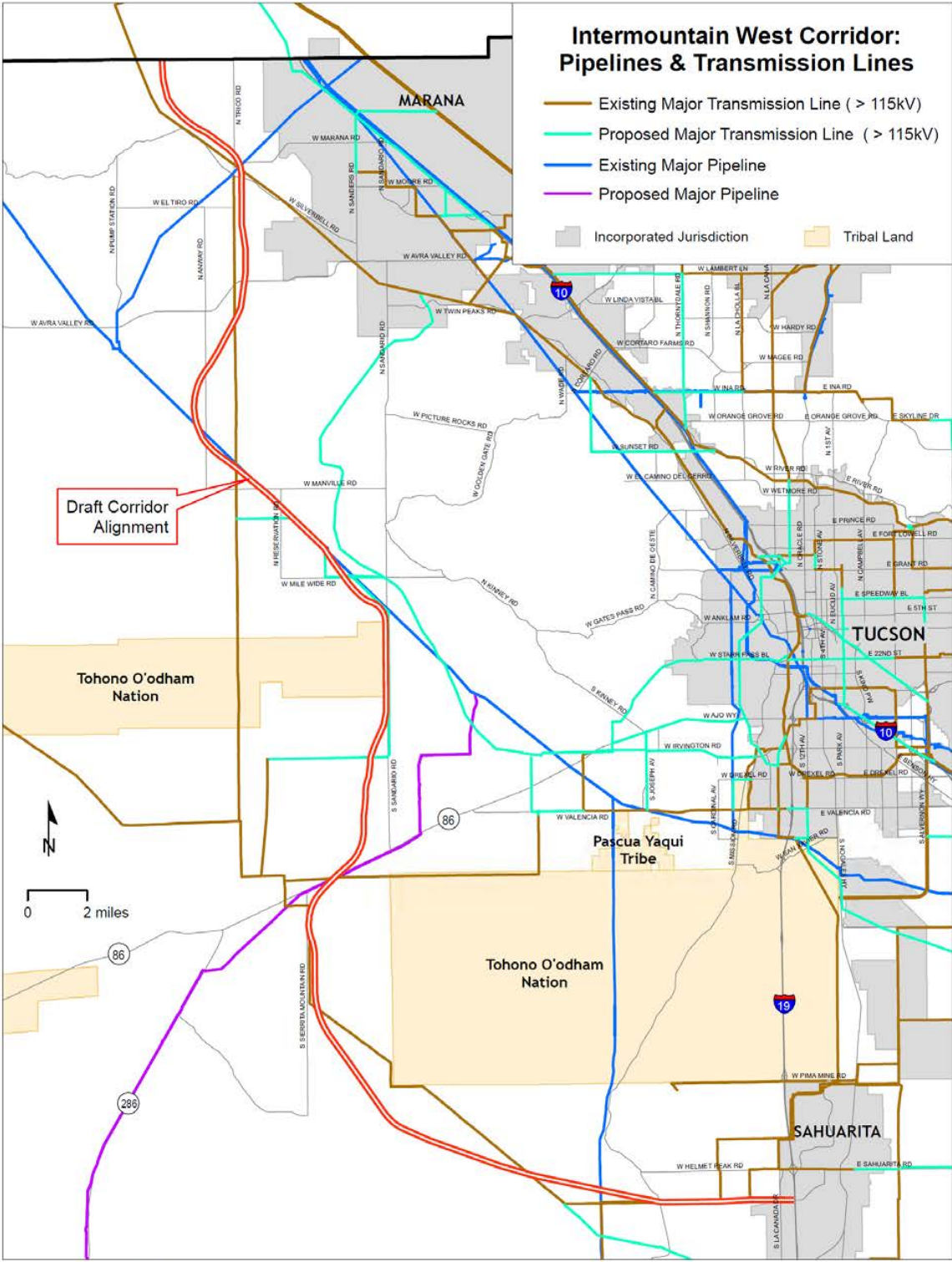
The draft alignment crosses and runs parallel to two collocated underground natural gas pipelines 30” and 26” in diameter. These pipelines are a major connection for the region to the national natural gas distribution network and are operated by El Paso Natural Gas, now part of Kinder Morgan, Inc. These lines run northwesterly from Sandario Road to Trico Road, crossing Mile Wide, Manville, and Trico Roads. The alignment could be adjusted to avoid running directly above the collocated pipelines. The roadway crosses another natural gas pipeline in the vicinity of Trico Road and Trico Marana Road. Along State Route 86, the roadway crosses the proposed 36” diameter Kinder Morgan Sierrita pipeline which would serve Mexico. Figure 4 shows the roadway corridor and natural gas facilities in the Avra Valley area.

Electrical Transmission Considerations

The proposed alignment does not impact any known electrical transmission facilities, i.e. substations, but at three locations it crosses a transmission line that runs along Trico Road. The roadway avoids a sub-station facility located east of Trico Road and south of Marana Road. At several locations, the alignment also crosses a larger transmission line that connects a sub-station north of Ajo Way and west of Sierrita Mountain Road to another sub-station on Pima Mine Road east of I-19. Figure 4 shows the roadway corridor and known electrical transmission facilities.

There are several potential and additions to transmission lines planned in the general vicinity of the Intermountain alignment (Figure 4). It may be beneficial to plan for and advocate for the co-location of these utilities along the Intermountain alignment. This may minimize additional linear impacts, including associated environmental, recreational, visual impacts, associated with utility lines.

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Water Supply Considerations

The proposed alignment passes close to several well fields, recharge facilities and the Central Arizona Project (CAP) canal that provide water for agriculture, municipal and industrial water supplies. The City of Tucson operates the Clearwater Renewable Resource Facility (CRRF) which annually recharges over 160,000 acre-feet of Colorado River water (CRW) from the CAP canal (Figure W-1, cyan lines). A managed recharge project stores up to 43,000 acre-feet of effluent annually. Four groundwater savings projects have the capacity to save 49,755 acre-feet of groundwater each year by using CAP water rather than groundwater (Figure 3). Two large well fields (Clearwater and South Avra Valley) and several isolated well fields supply over 95,000 acre-feet to metropolitan Tucson supplying 70% of water demand in eastern Pima County. The CAP canal delivers 220,000 acre-feet annually in southern Avra Valley.

Avra Valley is considered part of a federally-designated sole source aquifer. EPA defines a sole or principal source aquifer as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. These areas may have no alternative drinking water source(s) that could physically, legally and economically supply all those who depend on the aquifer for drinking water. Sole source aquifer designation is a tool to protect drinking water supplies from contamination.

Proposed federal financially assisted projects that have the potential to contaminate a designated sole source aquifer are subject to EPA review. As a result of EPA review of a proposed federally financed project in the designated SSA, concerns regarding ground water quality protection can lead to specific recommendations or additional pollution prevention requirements as a condition of funding (USEPA, no date). Most projects referred to EPA for review are expected to provide information about proximity to wells and pipelines, and information about structures that might be associated with the construction project, such deep pilings or underground storage tanks.

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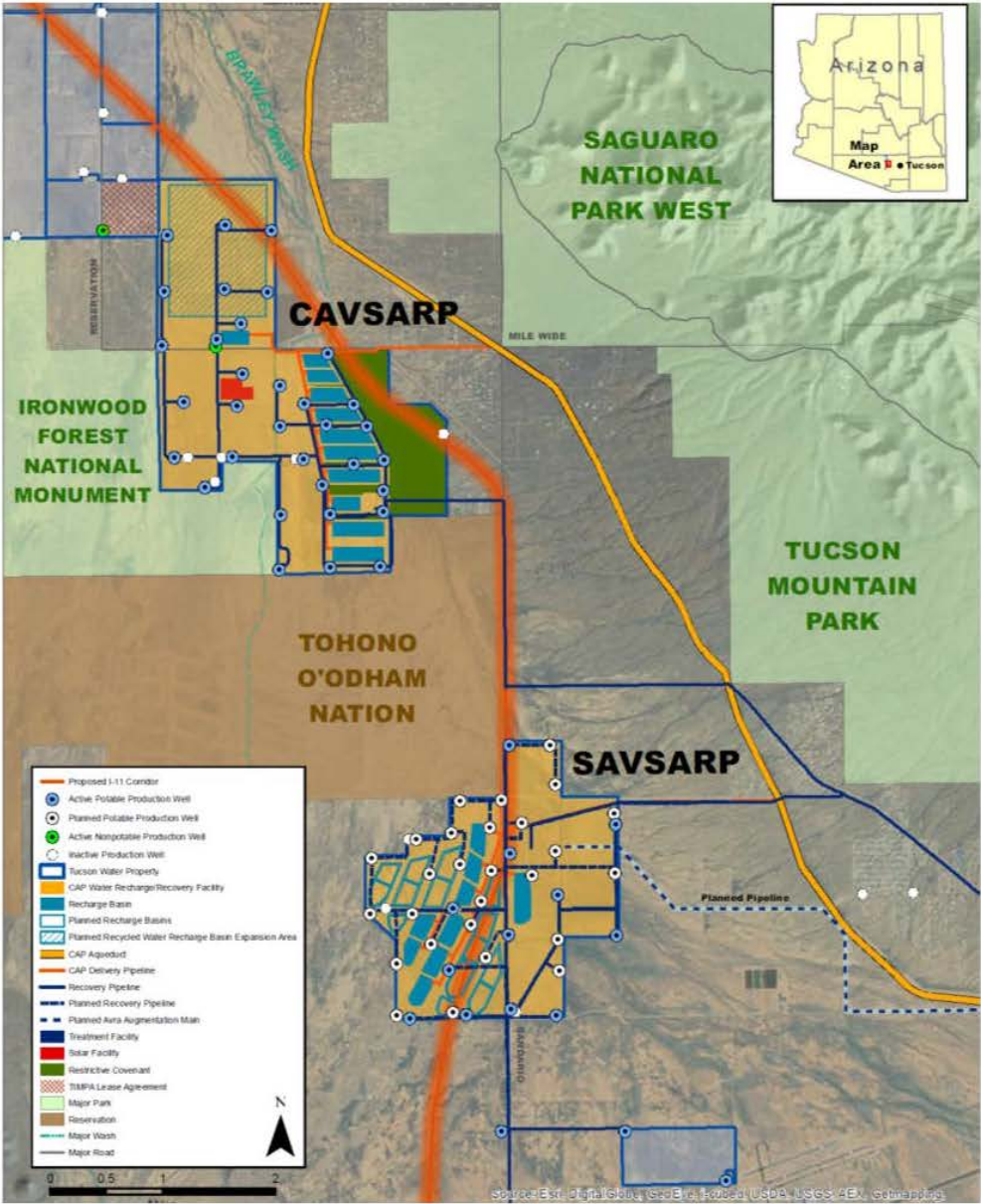


Figure 3. Clearwater Renewable Resource Facility

Clearwater Renewable Resource Facility (CRRF)

The two phases of CRRF, Central Avra Valley Storage and Recovery Project (CAVSARP) and the Southern Avra Valley Storage and Recovery Project (SAVSARP), comprise 20 recharge basins occupying 535 acres in the vicinity of Sandario Road between Mile Wide Road and Snyder Hill Road. Several delivery pipelines transport water to the basins and a series of recovery wells and collector pipelines transport the water to Hayden-Udall Water Treatment Plant.

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The proposed alignment avoids the 20 existing recharge basins and most of the wells. Minor adjustments at CAVSARP can be made to avoid one or two recovery wells potentially coincident with the proposed alignment. Future plans for wells and basins at CAVSARP can be accommodated by installing delivery and recovery pipelines beneath the freeway to connect northern recharge and recovery activities with that south of the proposed alignment. At SAVSARP, the distance between Sandario Road and existing wells is large enough to accommodate 300 feet for a freeway right-of-way; however, proposed basins and wells for SAVSARP are coincident with the proposed alignment requiring placement of the route outside the SAVSARP.

The roadway corridor intersects the delivery pipeline to CAVSARP and SAVSARP as well as the collector pipeline from SAVSARP. Accommodations need to address the additional load from the freeway as well as the traffic. Minor adjustments might be needed to avoid two small stations on Milewide Road just east of Brawley Wash. The most important issue to address would be finding an easement along Sandario Road between the Tohono O’odham Nation and the Bureau of Reclamation Tucson Mitigation Corridor that avoids the 60-inch collector pipeline from CAVSARP (Figure 3).

South Avra Valley Well Field

The City of Tucson has over seven wells in the South Avra Valley well field. Collector pipelines may be intersected by the proposed alignment. Accommodations need to address the additional load from the freeway as well as the traffic.

Isolated Well Fields

City of Tucson has several isolated well fields in Avra Valley providing water to residences that are outside the proposed alignment (Figure W-2). A number of other private wells and small Public Water Systems in Avra Valley would need to be evaluated for proximity to the proposed alignment.

Lower Santa Cruz River Managed Recharge Project

This recharge project begins at Ina Road and ends at Trico Road. Key infrastructure for the project is a stream gage just upstream from Sandario Road, which is not impacted by the proposed alignment.

Groundwater Savings Projects

The BkW Milewide Groundwater Savings Facility occupies 160 acres just east of CASARP (Figure W-1, green line). The Cortaro Marana Irrigation District, BkW Farms and Avra Valley Irrigation District form a block of farm land between Interstate 10 and Brawley Wash north of Avra Valley Road (Figure W-2) that receives up to 49,000 acre-feet of CAP water. If the proposed alignment intersects these farms, an evaluation would need to be performed to identify the location of canals and determine an alternative, such as installing below grade structures.

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Minimizing Land Development—An Indirect Impact

Why Limiting Development in Avra Valley Is Important

Development of the Intermountain West Corridor or any interstate freeway through Avra Valley would have many impacts, all of which would need to be fully identified and documented in an environmental impact assessment (EIS) as required by the National Environmental Policy Act (NEPA). These impacts include land development and urban growth, both directly and indirectly related to the proposed freeway. We discuss these land development impacts and ways to reduce or mitigate these impacts later in this section. But first, we discuss why limiting development along the Corridor is important.

1. Conservation Lands - As explained earlier in this report, much of Avra Valley is within the County’s Conservation Lands System (CLS), which means that these areas have significant biological resources and wildlife/habitat value. Development is discouraged in these areas but encouraged elsewhere outside of the CLS. The County is committed to conserving areas within the CLS to mitigate the impacts of public and private development within the Tucson metropolitan region.
2. Floodplains and Riparian Areas - Storm water flows north through the Avra Valley within broad flood plains associated with the Brawley Wash and Black Wash. Significant storm events may reach the Santa Cruz River at the north end of the Avra Valley. These waterways include the most valuable riparian habitats and corridors for wildlife. Discouraging development helps maintain natural floodplain functions that slow down damaging flood events, increases ground water recharge, and reduced the potential for flooding downstream in areas like Marana.
3. Groundwater - Decades ago decisions were made to retire numerous agricultural wells throughout Avra Valley and construct the Central Arizona Project canal such that water imported from the Colorado River is recharged in Avra Valley, blended with natural groundwater, and pumped back and piped across the mountains to serve the growing Tucson metro area. The City and County are dependent upon the CAP and recharge basins and infrastructure for their long-term water supply. This infrastructure limits the areas where development in Avra Valley can occur. Development in Avra Valley can’t occur without additional wells and impacts to the long-term Tucson water supply.
4. Limited Infrastructure, High Cost of Services – Avra Valley is predominantly rural and lacks the types of public services and infrastructure (including water and sewer) that would support more development. Extending services to this area is costly both to private developers and to public agencies.
5. Ranching and Farming – Much of Avra Valley is used for cattle ranching and farming. The County, through the Sonoran Desert Conservation Plan, has recognized the many diverse benefits of keeping ranchers ranching including maintaining the wide open spaces and natural landscapes that support plants and wildlife, natural floodplain functions, and scenic views. Farming and agricultural lands which support local food production are being recognized more and more as important land uses.
6. Dark Skies Support Astronomy – Because Avra Valley is so sparsely developed, its dark night skies help support active research at the Kitt Peak observatory and other astronomy related activities that

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- provide jobs and contribute to the local economy. The proposed freeway and any associated development along the Corridor, even if it were to comply with the Tucson/Pima Outdoor Lighting Code, would contribute to light pollution and threaten astronomical research at Kitt Peak.
7. Rural Land Uses – The existing land uses along the Corridor in Avra Valley are generally low density residential, ranching, farming or publically-owned natural parks. The County’s Comprehensive Land Use Plan and Zoning aims to maintain these types of land uses.
8. Development Generates Traffic – The new freeway would encourage more development with the promise of improved interstate access and reduced travel times. However, this development would generate more traffic which would reduce the effectiveness and efficiency of the route as a trucking and freight corridor or as a bypass. Because the route is so much longer than I-10, it only becomes an attractive alternative route if traffic remains light and travel speeds are high. Any new development that occurs as a result of the freeway would add traffic to the freeway and gradually diminish its value as a bypass.

Direct Land Development Impacts

The direct land impacts of new interstate freeway include the consumption of land required to accommodate the roadway facility itself, including travel lanes, paved shoulders, medians, clear zones, and roadway interchanges. A four-hundred foot wide freeway corridor is assumed in this analysis, but this width can increase if interchanges are built to accommodate on-off ramps, bridges, and the reconfiguration of intersecting roads. Approximately 2700 acres of right of way is anticipated for the entire length of the proposed freeway. Two additional interchanges could add 2100 acres to this. If a total of 4800 acres of acres were used for the entire system, this would utilize approximately 2200 acres of State Trust land, and 1200 acres of private land.

Indirect Land Development Impacts

Travel-Related Development

Besides the direct land impacts of any new roadway and the right of way it occupies, new roadways impact adjacent lands by encouraging development. Freeways and interstates in particular generate demand for travel-related development such as truck stops, gas stations, lodging and food. Even limited-access freeways require some basic level of services and access to operate safely. This type of travel-related development is typically concentrated more at interchange areas where vehicles enter and exit the freeway, but can also follow along intersecting roadways away from the freeway.

Residential and Commercial Development

Besides travel-related development, freeways also generate demand for nearby residential and commercial development that benefit from improved access and reduced travel times. Avra Valley is relatively remote and served by only a few rural roadways and minimal infrastructure and services. But a new freeway could open up vast areas to development that otherwise would not occur, or would occur much more slowly, due to direct access to the interstate system and associated trade and commerce. Limiting this type of indirect development would be difficult to accomplish, but several strategies are discussed below.

Measures to Minimize Development along the Route

Summary paragraph about measures and their effectiveness/limitations

1. Limit Interchanges and Access

The most effective and permanent way to minimize and control land development along the proposed corridor would be to control or limit access to this facility. With no local access, there would be no additional incentive for land development to occur along or adjacent to the route. A freeway with little or no access to local roads would minimize environmental impacts associated with direct and indirect land development. If a service area were required, even this could be provided with no access to local roads.

Making this facility a toll road or using some other measure of pricing would not control or limit traffic, but it could discourage some travel unless the alternative route is more costly. Unlike older toll highways which limited access to these facilities and required vehicles to stop and pay tolls, modern toll roads use technology that allows vehicles to travel at highway speeds while transponders charge their vehicle at specific points.

2. Elevate the Roadway

Elevating the proposed interstate above the ground could reduce the land impacts of the roadway itself. Bridges would be required over washes and low-lying areas. By physically separating the roadway from the land, the footprint of the roadway can be reduced to only the bridge piers that support the roadway deck. Elevated roadways can allow people, water, vehicles and wildlife to cross under the facility without conflict. In areas where limited right of way exists, such as along Sandario Road, an elevated roadway could potentially fit within the existing right of way without impacting the Tohono O’odham Nation to the west or the Bureau of Reclamation Tucson Wildlife Mitigation Corridor to the east. Elevated roadways do increase highway noise further away from the interstate, so other sound mitigation measures such as rubberized asphalt, trees and walls could be required as well.

3. Purchase Land for Conservation

Governmental agencies like ADOT or Pima County could purchase land along the Corridor and restrict its use to open space and/or agricultural activities if desired. For example, lands acquired along the Corridor could be actively managed as a County natural resource park like Tucson Mountain Park, or passively managed as a wildlife corridor, or even leased to ranchers or farmers – all with the goal of not developing the land for residential or commercial uses. As discussed earlier in this report, several thousand acres of land would need to be acquired for the mitigation of impacts associated with development of the Corridor itself (following Pima County’s Conservation Land System requirements). Those mitigation lands could serve dual purposes if sited along either sides of the Corridor; preventing future development along the corridor, as well as protection of natural open space, wildlife corridors, and riparian areas for necessary mitigation of the Corridor impacts. The County has a lot of experience in buying and managing land for these purposes with well over 100,000 acres for conservation purposes. If land were purchased to prevent development along the Corridor, a third party could hold an interest in those lands so as to prevent the County, or any other agency that owns the land, from selling the land in the future for development. For

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instance, the County or ADOT could purchase the land and convey an easement or enforcement right to another agency or non-profit organization.

4. Purchase Conservation Easements, Development Rights or Deed Restrictions

Another tool to prevent development along the Corridor is to purchase conservation easements, development rights or deed restrictions. As opposed to purchasing the land outright, governmental agencies could purchase just a portion of the property rights, which is less expensive. The landowner would then retain certain rights. However, the County has had limited success in acquiring conservation easements or development rights mainly because the appraised value of acquiring such rights is lower than value of purchasing land outright and therefore landowners have often chosen to receive a greater amount of money for selling outright.

5. Comprehensive Planning and Zoning

The planning and zoning of land provides some measure of controlling future land use development, but these tools are not permanent. Land is frequently up-planned and rezoned to support development projects that may not conform to existing plans and zoning. Public opinions about growth and development change over time, as do the elected officials who create and enforce policy. Therefore, any comprehensive plan or zoning designation that is intended to control land development along the corridor may not last and can always be changed.

Down-zoning or down-planning land to control development has limited appeal because of Proposition 207 which requires the County to reimburse landowners for any diminution of land value. The County could purchase private development rights, but this has similar financial drawbacks and may not be viable from a budget perspective. It would also require willing sellers. But with the exception of some higher intensity zoning at the northeast corner of Anway and Manville Roads, and along Avra Valley Road leading north to Trico-Marana Road, zoning is mostly low density/intensity along the projected route so there are few down-zoning opportunities.

The fact that much of the corridor through Avra Valley impacts the Conservation Lands System (CLS) could potentially limit the number and size of rezonings which might otherwise be approved. This is because for any impacted CLS lands, open space must be set-aside in proportion to the amount and conservation value of the impacted lands. However, these set-asides are not restricted to the site of the rezoning or impacted area, so important CLS lands can legally be developed if set-asides are provided. This is an important point, because CLS lands in Avra Valley are unique biologically and ecologically and setting aside lands elsewhere does little to preserve the native flora and fauna, habitats, and wildlife corridors in Avra Valley. *Also, the CLS allows more dense development such as cluster development and small lot development.*

As authorized by A.R.S. § 11-821.03, transfer of development rights (TDR's) is a process by which potential development associated with one lot or parcel of land may be transferred to another lot or parcel of land in unincorporated Pima County. Property owners in defined "sending areas" can transfer (sell) development rights to property owners in defined "receiving areas". All such transfers of development potential must be in compliance with the Comprehensive Plan for the receiving area. The value of the TDR's approach (and governmental purchase of development rights) is limited. The transactions are voluntary. The majority of the zoning along the projected route is RH, which is essentially the least intensive zone for residential density, at one dwelling per 4.12 acres. Receiving areas would need to be

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added and it may be difficult to find sufficient private land holdings that would qualify for this assignment in the unincorporated area.

As a temporary measure, the County could adopt Comprehensive Plan policies that would limit growth along and near the projected route, including assigning a mapped urban growth boundary beyond which higher density rezonings are discouraged and planned infrastructure improvements are limited. Such an approach could be combined with strategic up-planning within the boundary to ensure adequate lands for population growth and to avoid housing and other new development cost increases that could otherwise result. To be effective, the Town of Marana would need to agree to limiting growth near the corridor, but since this area is part of their own growth area, it is not likely they would agree to such controls. A "low-density/intensity" overlay zone could also be devised that adds development restrictions and standards to the underlying zone within a certain distance of the corridor or around public preserves in its vicinity.

7. Impact Fees and Financial Incentives

Impact fees are used to help fund infrastructure where growth is occurring or expected to occur. Some may suggest their use as a method for growth control, but there is disagreement over whether or not this works. Whether or not fees may or may not discourage or slow development, they do not ultimately prevent development for willing payers.

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Synthesis: Mitigation Approaches, Challenges, and Opportunities

Any state or federal planning process for the Intermountain West Corridor would evaluate and compare a full range of alternatives, including the county’s proposed Avra Valley alignment, the Interstate 10/19 alternative, and the no-build alternative. Such a planning process would be much more comprehensive than this report, and it would look at multiple alignment options through Avra Valley. This report only examines one Avra Valley alignment and only considers some of the environmental impacts that would be studied through a state or federal planning process. For example, this report does not address social impacts, neighborhood impacts, access impacts and many other impacts.

Avoid Impact Areas

The best way for the proposed freeway through Avra Valley to reduce environmental impacts is to avoid those impacts in the first place. Environmentally sensitive areas and natural and cultural resources should be avoided to the greatest degree possible. This can be achieved through realignment of the corridor around those sites. Some of the most significant resources to avoid include the Santa Cruz River floodway, the Brawley Wash riparian areas, the County lands along Black Wash, and the mitigation lands for the CAP canal.

Eliminate/Minimize Interchanges

The second best approach to minimizing environmental impacts is to eliminate or minimize the number of interchanges along the freeway. Freeway interchanges require significant amounts of land to accommodate long exit and on-ramps, and they encourage roadside development of travel-related uses such as like truck stops, gas stations, fast food, and lodging. Interchanges also increase land values and encourage residential and commercial development near to freeways because they provide direct transportation access.

Mitigation Measures

Land acquisition, purchase, conservation, zoning, etc.

Wildlife Crossings

Safe passage for wildlife (see Summary Map). Provisions can be made for wildlife passage under a freeway. The efficacy of wildlife passages depends on their careful design, location, and features such as vegetation, soils, water, and fencing that lie outside the right-of-way. Compatible land management outside the right-of-way, over time, can make or break the success of wildlife passages. In some places in Avra Valley, floodplain constraints or past investments in underground water storage or land conservation provide opportunities to ensure long-term compatibility for wildlife passages.

Interagency cooperation is critical to successful wildlife crossings. Regarding of the actual route chosen, land ownership is spread out among many different entities; without cooperation, many wildlife measures discussed in this report would simply be impossible to implement.

Reducing visual impacts. addressed within the right-of-way

Avoidance and minimization measures include:

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- Minimize number/eliminate freeway interchanges.
- Minimize impacts to Kitt Peak astronomy research and economy by limiting lighting.
- Avoid or minimize impacts to Tucson Water recharge ponds, wells, and pipe facilities by route adjustments.
- Avoid or minimize impacts to environmental mitigation lands, floodplains, and agricultural lands by route adjustments.
- Avoid or minimize impacts to ironwood desert scrub near Mile Wide Road.
- Avoid impacts to Santa Cruz River by route adjustments.
- Elevate longer sections of roadway to avoid floodplains and wildlife impacts.
- Minimize sound impacts through pavement type and sound attenuation measures.
- Avoid or minimize impacts to cultural resources by route adjustments around most sensitive sites.
- Protect important natural areas and historic properties through property acquisition, conservation easements and other preservation methods.
- Minimize and discourage future development along and adjacent to route by eliminating/limiting interchanges, buying land or conservation easements, maintaining low intensity land use and zoning designations, adopting overlay zone to further limit development in key areas.

Freeway construction could be scheduled to avoid impacts during certain wildlife breeding periods.

Freeway design could prohibit or reduce overhead lighting to protect dark skies and to avoid impacts on some types of wildlife.

There are many possible mitigation measures, but most do not prevent loss of natural or cultural resources. One of the few mitigation measures that provided an opportunity to reverse losses of riparian habitat is the idea of re-establishing natural vegetation and processes on the mix of City and County lands that exist along the Brawley Wash, an idea which is consistent with the City’s 2012 draft Avra Valley Habitat Conservation Plan. The challenge would be whether such an effort could be successful, and the extended time over which such an effort could be carried out. The best way to approach this would be to begin with small-scale efforts in advance of freeway construction, using adaptive management to see if actual outcomes match those predicted and then using these results to learn and adjust future management plans and policy (Walters 1986). Restoring damaged floodplains to natural functions would require significant long-term commitment to funding, perhaps using an endowment. In addition, it would require a long-term, interagency engagement to learn about how to restore the Brawley and meet agreed-upon objectives.

Mitigation measures include:

- \$8 million for in-lieu mitigation fees (or up to 2000-4000 acres of land acquisition) for riparian habitat mitigation within floodplains. In lieu fees could be dedicated to (1)working with Tucson Water to rehabilitate floodplain functions across former farmland in Avra Valley, and maintain or enhance areas of mesquite woodland and floodplain grassland, (2) revegetating former farmland to improve habitat quality for wildlife and reduce buffelgrass, and/or (3) acquiring and protecting areas of existing riparian habitat.
- 11,000 acres of mitigation for Conservation Lands System impacts to be used to maintain and restore wildlife connectivity in Avra and Altar Valleys and limit future development in key areas.

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- Provide more wildlife passages across Central Arizona Project (CAP) canal at Saguaro National Park and other areas north of the BOR mitigation corridor.
- Elevate extended sections of roadway to reduce floodplain and wildlife impacts and limit adjacent development.
- Provide livestock and wildlife crossings in Altar Valley or wildlife waters and pasture fencing to compensate for impacts to County's Diamond Bell ranch.
- Follow cultural resource compliance process (state and/or federal standard): site identification inventory in APE, determination of site eligibility to identify historic properties, determination of adverse effect to historic properties, mitigate adverse effect through avoidance and minimization of impacts, if avoidance is not possible mitigate impacts through archaeological data recovery and/or monitoring.

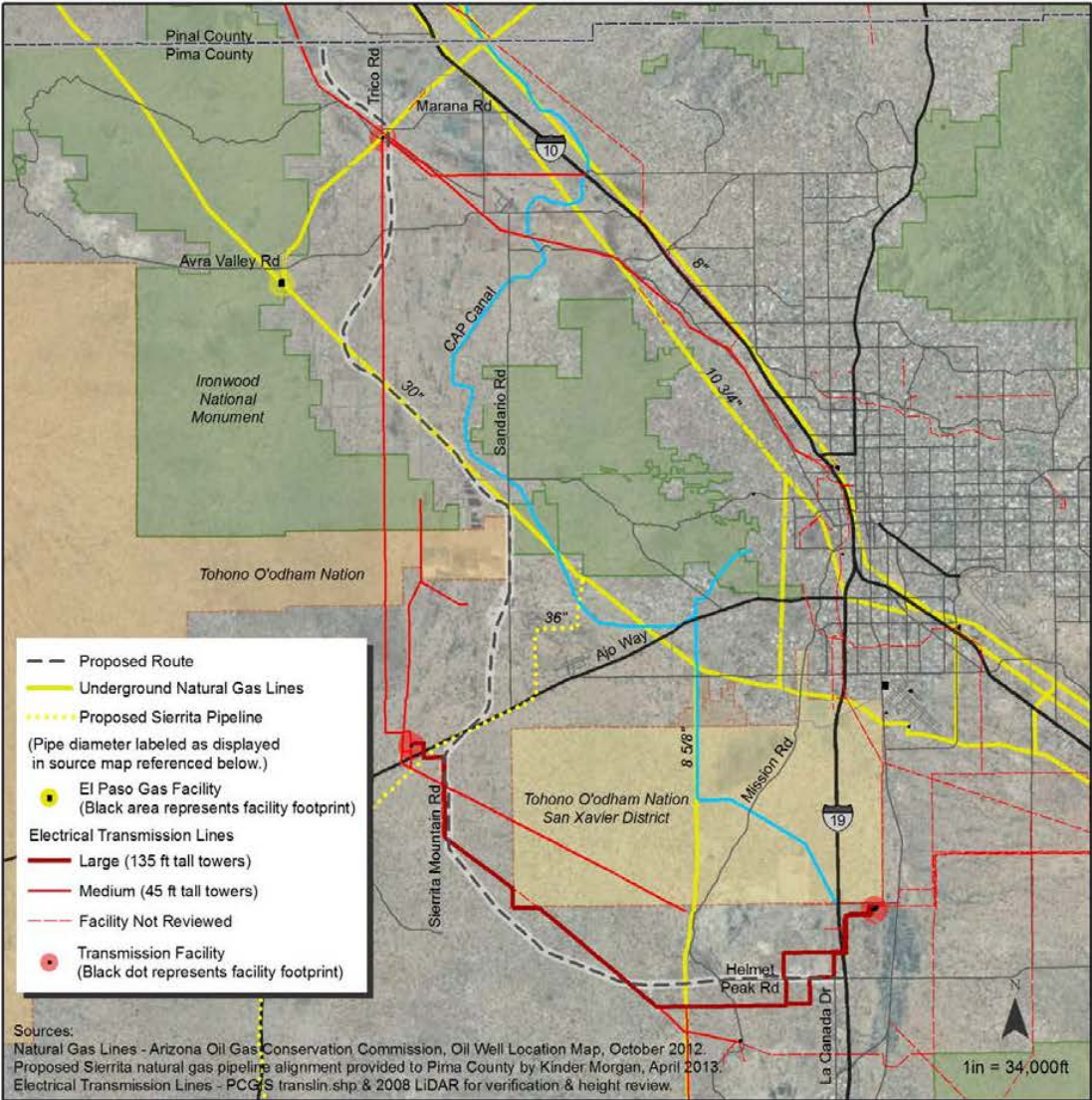


Figure : Natural Gas and Electrical Transmission Facilities

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Attachment 3



COUNTY ADMINISTRATOR'S OFFICE
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C.H. HUCKELBERRY
County Administrator

April 13, 2018

Alex Smith
Deputy Area Manager
US Bureau of Reclamation
Phoenix Area Office
6150 W. Thunderbird Road
Glendale, Arizona 85306

Re: **Decision-making Authority regarding developments within Tucson Mitigation Corridor**

Dear Mr. Smith:

The Bureau of Reclamation (Reclamation) has been negotiating directly with the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) regarding the potential future routing of the proposed Interstate 11 (I-11) through the Tucson Mitigation Corridor (TMC). The TMC compensates for decreased wildlife habitat connectivity between the rest of the Tucson Mountain Wildlife Area and areas to the west blocked by the Central Arizona Project (CAP) aqueduct. The TMC was purchased as a direct result of consultation with the Arizona Game and Fish Department (Department) and the United States Fish and Wildlife Service (USFWS) under the Fish and Wildlife Coordination Act (FWCA).

Reclamation accepted the Department's recommendation to acquire the TMC and worked with the Department in developing management prescriptions for wildlife found in the 1986 *Environmental Commitment Plan* (ECP) and the 1990 *Master Management Plan* (MMP).

The FWCA authorized the acquisition of the TMC under 16 USC § 663 (a) and (b), and Section §663(d) directs that such properties *"shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition."*

The Department inquired with the Office of the Arizona Attorney General (AG) regarding the ECP and MMP, and the AG returned a memorandum to the Department on March 16, 2017 concluding that the 1986 *Environmental Commitment Plan* is that wildlife conservation "project plan" required in 16 USC § 662(b), and the 1990 *Master Management Plan* is the "general plan" jointly approved by DOI and the Department for the management of TMC for wildlife conservation purposes pursuant to 16

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Mr. Alex Smith
Re: **Decision-making Authority regarding developments within Tucson Mitigation Corridor**
April 13, 2018
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USC § 663(b). According to Section II (2), "Management Actions," Reclamation is obligated to prohibit any future developments within the TMC unless jointly agreed to by Reclamation, the Department, the USFWS, and Pima County (parties).

Pima County has worked with Reclamation, the Department, and USFWS together with FHWA and ADOT to provide input to a mitigation plan intended to meet minimum obligations under the ECP and MMP to satisfy the environmental commitments of Reclamation and maintain the functionality of the TMC. To date, the parties have not seen the plan, nor have they been asked for agreement. Subsequently, the parties have not agreed to any future developments within the TMC, including the proposed I-11.

Pima County has worked in good faith with Reclamation to describe those actions which would maintain functionality of the TMC but heard at our recent meeting with Reclamation that we will not be afforded an opportunity to officially consent to the mitigation package that will be negotiated between Reclamation, ADOT and FHWA, for the purposes of including it in the administrative draft Tier 1 Environmental Impact Statement (EIS) on May 21. This is contrary to our expectations of parity as parties to the TMC Agreement.

Pima County requests that any mitigation package describing mitigation for the TMC provided for the Tier 1 EIS analysis requires routing through standard decision making processes through leadership of each party and signature from each agency head prior to any consideration of alternatives that utilize the TMC.

I hope this letter clarifies our position regarding the TMC and the commitment to joint decision-making authority spelled out in the MMP.

Sincerely,

C. H. Huckelberry
County Administrator

CHH/lab

Enclosure

c: Raul Vega, Arizona Game and Fish Department
Scott Richardson, US Fish and Wildlife Service

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MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
CONSUMER PROTECTION & ADVOCACY SECTION

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ATTORNEY / CLIENT PRIVILEGED INFORMATION - NOT FOR PUBLIC DISCLOSURE

MEMORANDUM

TO: John Windes, Habitat Evaluation and Lands Program Manager
Arizona Game and Fish Department

FROM: Linda Pollock, Assistant Attorney General

DATE: March 16, 2017

RE: The 1990 BOR/AGFD/Pima County *Master Management Plan* for the Tucson Mitigation Corridor (TMC)

Question presented:

Did the September 30, 2009 expiration of the 2002 *Cooperative Agreement* between the Bureau of Reclamation and Pima County Natural Resources Parks and Recreation Department also result in the expiration of its attached *Master Management Plan*, leaving the Department with no role in Bureau of Reclamation’s management of the Tucson Mitigation Corridor?

Background.

As mitigation for damages to wildlife and habitat due to the construction of the Central Arizona Project, Tucson Aqueduct – Phase B, the Bureau of Reclamation (BOR) committed to mitigation measures. These commitments were developed pursuant to the Fish and Wildlife Coordination Act, 16 USC §§ 661-667e and NEPA, 40 CFR Parts 1500-1508.

The 1985 EIS for the project and the ROD at Appendix F contained BOR’s *Environmental Commitments*, which included the future development of an *Environmental Commitment Plan* (ECP), described as the “the master environmental implementation document for construction, operation, and maintenance activities” for the Tucson Aqueduct – Phase B.

Many of the ROD’s *Environmental Commitments* dealt with actions to be performed during the construction phase of the CAP, such as revegetation of disturbed habitat, a rough

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John Windes
March 16, 2017
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finish on the canal side slopes to allow small animals to escape, wildlife-proof fencing, the construction of wildlife watering sites and barrier fences along portions of the canal to protect against desert tortoise and Gila monster drownings.

The *Environmental Commitments* also contained post-construction commitments, principally the “acquisition and management of a wildlife movement corridor” (the Tucson Mitigation Corridor, or TMC). Management requirements for the TMC included “no further residential or industrial development”, “[e]xclude grazing, mining, dumping, and off-road vehicles”, the construction of the wildlife watering sites and wildlife crossings. Adoption of these commitments was essential for the selection of BOR’s preferred CAP alignment alternative, the “West Side Plan” which of all alternatives posed the highest biological losses. BOR’s environmental commitments would reduce the biological impacts “to an acceptable level”. ROD at 7-8.

The following year BOR issued its 1986 *Environmental Commitment Plan, Tucson Aqueduct, Phase B* (the ECP) describing various commitments for vegetation, land and water resource management, wildlife, and special status species (plants), among others. The commitments in the ECP were in two categories, construction-related and nonconstruction-related. The ECP was basically a recap of the ROD’s environmental commitments with more details.

The ECP noted that some commitments would be initiated and completed after the construction phase:

These commitments will be completed by Bureau personnel or by contractor (sic). Some of these commitments, such as monitoring or additional studies, may continue for many years. Post-construction compliance will be the responsibility of the [BOR] Environmental Division under the direction of the [BOR] Project Manager. . . [a]ctual implementation of some commitments may be done by other agencies through interagency agreements.

ECP at 2.

Section II of the ECP, titled Non-Construction Related commitments, discussed the acquisition and management of TMC as mitigation for wildlife movement severance. The TMC “would be turned over to a natural resource agency for management as wildlife habitat”. Management requirements of the TMC includes “no further residential or industrial development, and “exclude grazing, mining, dumping and off-road vehicles”. Section II also states that “additional mitigation recommended by the FWS, AGFD, BLM and others would be implemented as appropriate” (Section II.C.10).

BOR first offered the Department the opportunity to manage TMC in a letter dated June 26, 1987, which the Department apparently turned down. In 1990 BOR entered into a *Cooperative Agreement for Use of Project Lands for Wildlife and Plant Conservation and*

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Management, Tucson Mitigation Corridor, Central Arizona Project with Pima County. The Agreement, which was also characterized within the body of the document as a “general plan” under the Fish and Wildlife Coordination Act, recites that the Department of the Interior and the Director of AGFD find that “it would be in the public interest” for TMC’s wildlife resources to be managed by Pima County Parks and Recreation in accordance with the attached Master Management Plan. BOR would provide Pima County with funding for operation, maintenance and repair of the wildlife facilities within TMC “for the life of the project”. The parties apparently contemplated that Pima County would provide this management in perpetuity, as the Cooperative Agreement had no termination date. Section 9 provided that if Pima County failed to administer TMC for conservation of plant and wildlife resources as described in the Master Management Plan, management responsibilities would transfer back to BOR.

The Master Management Plan and the Cooperative Agreement cross-reference each other, and the Master Management Plan contains several references to Pima County¹.

The management plan for TMC is found in Section II of the Plan:

II. Management Plan:
1. Management Goals:
a. Compensate for wildlife movement disruptions caused by aqueduct construction by providing an undeveloped wildlife movement corridor between the Tucson Mountains and the Nation to the west.
b. Preserve areas containing the Federally Endangered Tumamoc globe-berry and the night-blooming cactus, Thornber’s fishhook cactus desert tortoise, and Gila monster (all Federal Candidate Category 2 species) as compensation for populations impacted by project construction.
c. Compensate for wildlife habitat lost due to aqueduct construction by prohibiting deleterious activities within the area boundaries.
2. Management Actions:
a. Prohibit any future developments within the area other than existing wildlife habitat improvements described above or future wildlife improvements, management, or developments agreed to by Reclamation, Arizona Game and Fish Department (AGFD), Fish and

¹ In a letter dated December 27, 1988 from the BOR project manager to Pima County expressing BOR’s opposition to a proposed San Joaquin road extension through the TMC, BOR stated that “we are in the process of acquiring signatures on the final Management Plan for the Tucson Mitigation Corridor. This plan specifically prohibits all further developments within the area other than those for wildlife habitat improvement”. This strongly suggests that BOR and the Department had finalized the Management Plan well before BOR approached Pima County to manage the site.

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Wildlife Service (FWS), and Pima County. This will preserve this fragile desert habitat from urbanization and maintain an open wildlife movement corridor.
b. Prohibit grazing, mining, dumping, discharge of firearms, trapping, recreation developments, and off-road vehicles to maintain the integrity of the area for both wildlife and special status plant species.
Prohibited activities will be regulated according to Chapter 12 of the Parks and Recreation Commission, Pima County, under authority of A.R.S. § 11-931 et seq.
c. Maintain and repair 2 wildlife watering sites within TMC.
d. Post and maintain signs around TMC.
e. Ensure that trash is kept out of the TMC.
f. Maintain and repair 4-strand fences on perimeter of TMC.
g. Maintain locked gates on perimeter of TMS to exclude unauthorized motor vehicles.
h. Enforce all laws and regulations set forth in this document, and by the State of Arizona, for the entire 2,730 acres, including the 216 acre CAP right-of-way.

[Emphasis added].

The 1990 Cooperative Agreement was superseded and replaced in 2002 with Cooperative Agreement 02-FC-32-0150 between the United States Department of Interior, Bureau of Reclamation and Pima County Natural Resources Parks & Recreation for Wildlife & Plant Management in the Tucson Mitigation Corridor, and a related Assistance Agreement. The 2002 Agreement did not refer to itself as a “General Plan”, the Department was not a party, and the Fish and Wildlife Coordination Act was not referenced. The 2002 Agreement’s objectives and purpose was to transfer funds pursuant to the Endangered Species Act and the 1985 EIS to Pima County for the continued O&M of TMC “for wildlife movement disruptions caused by the aqueduct construction”. Pima County’s responsibilities were identical to its duties under the 1990 Agreement (the Master Management Plan was attached to the 2002 Agreement), with the addition of requirements to provide detailed quarterly and financial reports to BOR. In return, BOR would continue to fund the County for the five-year term of the Agreement.

On September 14, 2007 BOR sent to Pima County Modification No. 002 to the 2002 Cooperative Agreement and Assistance Agreement which extended the period of performance to September 30, 2008. On September 24, 2008 BOR sent Modification No. 3 extending the term of the Cooperative Agreement to September 30, 2009. Pima County later decided to end its involvement as BOR’s financial reporting requirements were too onerous.

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	<p>John Windes March 16, 2017 Page 5</p> <p>Analysis.</p> <p>The primary purpose of the Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661-666, is to protect wildlife and habitat from the impacts of federal or federally-authorized water resource development projects which impound, divert, or control waters from streams or other bodies of water. 16 USC §§ 661; 663(a).</p> <p>Prior to the implementation of any water project, the federal project agency is required to consult with the USFWS and the head of the state wildlife agency. 16 USC § 662(a). The consultation is directed toward the protection and development of wildlife resources. <i>Id.</i> The project report from the lead federal agency must give “full consideration to the reports and recommendations” that result from the consultations with FWS and the state wildlife agency, and “the project plan shall include such justifiable means and measures for wildlife purposes as the [federal project agency] finds should be adopted to obtain maximum overall project benefits”. 16 U.S. C. § 662(b).</p> <p>The FWCA also authorizes the acquisition and use of lands and water for wildlife conservation purposes:</p> <p>The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie.</p> <p>Section § 663(a) and (b). (emphasis added). Subsection § 663(d) states that such properties “shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition”.</p> <p>Section § 664 provides that such lands “shall be administered by the [Secretary of the Interior]” directly or in accordance with cooperative agreements entered into pursuant to section 661 in accordance with “general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas”.</p> <p>Pursuant to FWCA, BOR consulted with the Department by hiring the Department to catalog potential wildlife losses along the CAP alignment in the 1983 and 1985 <i>Biological Resource Inventory</i>. BOR also accepted the Department’s recommendation to acquire TMC and worked with the Department in developing the management prescriptions for wildlife found in the 1986 <i>Environmental Commitment Plan</i> and the 1990 <i>Master Management Plan</i>.</p>

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	John Windes March 16, 2017 Page 6	<p>In replacing the 1990 <i>Cooperative Agreement</i> with Pima County with the 2002 <i>Cooperative Agreement</i>, BOR likely made the decision that the 2002 Agreement should not be called a “general plan” (as contemplated by Section § 663 of FWCA), as the agreement was not in fact a management plan, but rather an agreement transferring TMC wildlife management responsibility to Pima County with a funds transfer for the costs of management. Accordingly, references to the FWCA and the signature of the Department are missing from the 2002 <i>Agreement</i>. The <i>Master Management Plan</i> remained as an attachment.</p> <p>The termination of the Cooperative Agreement in 2009 ended the County’s management responsibilities for the TMC, as well as BOR’s obligation to provide funding, and reverted the management of TMC back to BOR. The <i>Master Management Plan</i>’s Section II “Management Goals” and Management Actions” survived the 2009 termination of the Cooperative Agreement because it stands as the jointly-approved wildlife conservation plan between the Secretary of the Interior and the Department as required in Section § 663(b) of FWCA.</p> <p>Conclusion.</p> <p>The 1986 <i>Environmental Commitment Plan</i> is that wildlife conservation “project plan” required in FWCA 16 USC § 662(b), and the 1990 <i>Master Management Plan</i> is the “general plan” jointly approved by DOI and the Arizona Game and Fish Department for the management of TMC for wildlife conservation purposes pursuant to FWCA 16 USC § 663(b). According to Section II(2), “Management Actions”, BOR is obligated to prohibit any future developments within TMC unless jointly agreed to by BOR, the Arizona Game and Fish Department, the U. S. Fish and Wildlife Service and Pima County.</p>

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COUNTY ADMINISTRATOR'S OFFICE
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C.H. HUCKELBERRY
County Administrator

December 6, 2019

Jay Van Echo & Rebecca Yeldin
I-11 Tier 1 EIS Study Team
Arizona Department of Transportation
1655 West Jackson Street
Phoenix, AZ 85007

Submitted via email: rebecca.yedlin@dot.gov; jvanecho@azdot.gov

Re: Additional Information on Pima County 4(f) Properties Potentially Impacted by I-11 Project

Dear Mr. Van Echo and Ms. Yeldin:

We appreciate the opportunity to provide the Arizona Department of Transportation (ADOT) and the Federal Highways Administration (FHWA) with additional information regarding Pima County 4(f) properties that may be impacted by the proposed Interstate 11 (I-11).

As was stated by staff at the October 29, 2019, Section 4(f) Consultation meeting with ADOT and FHWA and in the County's previous comments on the Tier 1 Draft Environmental Impact Statement (EIS) submitted July 8, 2019, we understand the importance of I-11 as a trade corridor and do not support the "no-build" alternative for this project. We understand that the alternatives under consideration will all have significant environmental, historic, archeological, social, economic, and urban form impacts that will require extensive mitigation. Also as previously stated, Pima County will object to any I-11 alternative that does not adequately mitigate these impacts.

The goal of this submittal is to assist ADOT and FHWA in ensuring that all potentially affected County 4(f) properties are fully identified so that the project's impacts can be accurately assessed and adequate mitigation obligations can be developed.

I. Supplementary Information

The information provided in this submittal package is intended to supplement that which has already been considered by the I-11 Tier One EIS Study Team and does not represent a comprehensive list of properties owned by Pima County or the Regional Flood Control District (RFCD) that may potentially be impacted by I-11. The supplemental information

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I	General (Alternatives)	ADOT and FHWA confirm receipt of the supplemental documents and shapefiles; these were considered in the Final Tier 1 EIS analysis. See GlobalTopic_4 and GlobalTopic_1.
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referenced throughout this letter and summarized on the final page will be submitted by separate email to ADOT and FHWA.

The GIS shapefiles containing potential 4(f) Historic Sites will be transmitted directly to FHWA in order to maintain required confidentiality.

We ask that as part of your ongoing analysis that you consider the additional and supplementary information provided. We also wish to express our strong support for further consideration of the recommendation by the City of Tucson to consider a new I-11 alternative that would utilize the existing I-10 corridor, but eliminate frontage roads (as in Phoenix), thus potentially allowing ADOT and FHWA to avoid using a significant number of 4(f) properties.

II. **Pima County and RFCD 4(f) Parks, Recreation Areas, and Wildlife Refuges**

We conducted an assessment of likely Pima County or RFCD 4(f) properties potentially impacted by the four build corridor alternatives. This assessment included properties that are fee-owned or where the County or RFCD owns a less than a fee interest, such as a conservation easement. These non-fee interests deserve consideration as 4(f) properties due to case-specific factors, as well as their importance in meeting County objectives. All Pima County and RFCD 4(f) Parks, Recreation Areas, and Wildlife Refuges are listed in Attachment 1. Documentation that supports 4(f) status for all listed properties is provided in Attachment 2 and GIS shapefiles of these properties are provided in Attachment 3.

To ensure the assessment included those properties potentially subject to indirect effects, the assessment extended each 2,000-foot build corridor by another 1,000 feet on each side, resulting in a 4,000-foot review corridor. The resulting list of 4(f) Park, Recreation Area, and Wildlife Refuge properties in Attachment 1 thus includes those that may be directly impacted, potentially resulting in permanent use, or indirectly impacted, potentially resulting in constructive use.

In addition to providing the GIS shapefiles, we have prepared an online interactive map highlighting these additional 4(f) properties that can be viewed here:

<https://pimamaps.maps.arcgis.com/apps/webappviewer/index.html?id=1e4a8f1f844b482492b9f37b8ccc3384>

A. **Significance**

Per federal 4(f) regulations and policy guidance, the significance of a 4(f) property is presumed unless the Official with Jurisdiction states otherwise (23 C.F.R. 774.11.) Pima County considers all 4(f) properties included in this submittal to be significant in light of the role they play in the County’s related objectives. For example, 4(f) Wildlife Refuge properties under the Multi-species Conservation Plan (MSCP) Restrictive Covenant are uniquely significant in that maintaining these properties as

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II	Section 4(f)	See GlobalTopic_1. Chapter 4 of the Final Tier 1 EIS contains the Final Preliminary Section 4(f) Evaluation.
II.A	Section 4(f)	FHWA and ADOT appreciate Pima County’s statement of significance of the properties it owns and manages; significance as assessed by an official with jurisdiction is a component in assessing whether a property is protected by Section 4(f). See GlobalTopic_1. Chapter 4 of the Final Tier 1 EIS contains the Final Preliminary Section 4(f) Evaluation.

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undeveloped wildlife habitat in perpetuity is required for the County to meet its federal mitigation obligations under the MSCP and associated Endangered Species Act Section 10 Permit (#TE84356A), issued in July 2016 by the U.S. Fish and Wildlife Service (USFWS). The County has not yet acquired enough suitable acreage to cover all anticipated impacts from activities covered under the MSCP, so every acre of potential MSCP mitigation land is critical for the County to meet its federal obligations.

Similarly, 4(f) Wildlife Refuge properties serving as existing mitigation for previous impacts to the County’s Maeveen Marie Behan Conservation Lands System (CLS) or to wildlife habitat for MSCP-covered species are significant. Maintaining these existing mitigation properties is essential to the successful implementation of both the MSCP and the Board of Supervisor’s-authorized Sonoran Desert Conservation Plan (SDCP), and to meet the biological goal of the SDCP which is to “to ensure the long-term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the ecosystem structures and functions necessary for their survival.”

For 4(f) Parks, the County considers each designated park within its system to be significant regardless of size or location, as the County is committed to providing high-quality park and recreation services to all Pima County communities.

B. Public Access

All listed 4(f) Parks are open to the public. All listed 4(f) Wildlife Refuges are open to the public in the same manner as other identified 4(f) Wildlife Refuges, such as the Tucson Mitigation Corridor. That is, all are open to the public except to the extent necessary to protect the 4(f) values of the resource.

C. Primary Purpose

- 4(f) Parks, Recreation Areas:** Attachment 1 (and the associated GIS shapefile) lists potentially impacted properties the County has identified as 4(f) Parks and Recreation Areas that were not included in ADOT’s preliminary evaluation. All listed properties are officially designated as Parks and are part of Pima County’s Park System. Documentation regarding the official “Park” designation for the listed properties is included in Attachment 2. The 4(f) Parks and Recreation Areas being submitted here are in addition to those 4(f) Parks ADOT has already identified in the preliminary 4(f) evaluation.
- 4(f) Wildlife Refuges:** Attachment 1 (and the associated GIS shapefile) also includes potentially impacted properties the County has identified as additional 4(f) Wildlife Refuges that were not included in ADOT’s preliminary evaluation. The supporting documentation substantiating each property’s primary purpose is included in Attachment 2. All of the listed 4(f) Refuges are managed as “Preserves” and are designated as such internally; all fall within one or more of the following categories:

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II.B	Section 4(f)	FHWA and ADOT appreciate Pima County verifying that the properties for which additional information was provided are publicly accessible; public access is one of the requirements for considering whether a park or recreation property is protected by Section 4(f). See GlobalTopic_1. Chapter 4 of the Final Tier 1 EIS contains the Final Preliminary Section 4(f) Evaluation.
II.C1	Section 4(f)	FHWA and ADOT reviewed the property information Pima County provided and assessed that the following properties are protected by Section 4(f) because each property is publicly owned and the primary purpose of each is a park or recreation area: Abrego Trailhead, Anza Park, Camino de la Tierra Trailhead, Centro del Sur Community Center, Cortaro Mesquite Bosque, El Rio Preserve, Los Morteros Conservation Area, Mike Jacob Sports Park, Rillito Regional Park, and Segment of the Tortolita CAP Trail. These properties have been added to the Final Preliminary Section 4(f) Evaluation. The County’s data files included some park and recreation properties that are already listed in the Draft Preliminary Section 4(f) Evaluation. FHWA and ADOT appreciate that the County shared the shapefile information for those properties; the analysis in the Final Preliminary Section 4(f) Evaluation reflects the additional information the County provided about these properties. See GlobalTopic_1. Chapter 4 of the Final Tier 1 EIS contains the Final Preliminary Section 4(f) Evaluation.
II.C2	Section 4(f)	FHWA and ADOT appreciate Pima County providing information about properties it considers to be wildlife refuges. See GlobalTopic_1. Chapter 4 of the Final Tier 1 EIS contains the Final Preliminary Section 4(f) Evaluation.

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	<p>a. <u>MSCP Mitigation Lands</u>: These properties were acquired and are managed specifically to serve as federal mitigation under the County MSCP and Section 10 Permit. The MSCP and Section 10 Permit require the County to protect and manage these lands as wildlife habitat in perpetuity in order to mitigate for the impacts of certain development activities in habitat for species covered by the MSCP. A significant portion of the MSCP mitigation lands are owned in fee by Pima County or the RFCD, and the County receives full credit under the MSCP for these lands. In certain cases, the County holds long-term leases on MSCP mitigation lands, for which the County receives partial credit under the MSCP.</p> <p>All 4(f) properties listed in Attachment 1 are owned in fee by the County or RFCD except for a portion of Diamond Bell Ranch, where the County owns a portion in fee which anchors the leases from the Arizona State Land Department. The final MSCP approved by the USFWS explicitly lists both fee-owned and leased portions of Diamond Bell as properties that will be used to fulfill the mitigation obligations for the County’s Section 10 Permit (#TE84356A).¹ The entire property is key to the implementation of the MSCP and Section 10 Permit because it provides habitat for numerous MSCP covered species, including the federally endangered Pima pineapple cactus, and is a critical link in a connected system of County and federal conservation areas that allows wildlife to move across the landscape between the U.S. - Mexico border and AZ Highway 286.² If the I-11 project were to isolate and treat the fee-owned lands differently from the leased lands, the property’s value as MSCP mitigation land would be significantly undermined and rendered potentially unusable. For these reasons, we urge the agencies to consider this entire property as a 4(f) Refuge.</p> <p>b. <u>CLS Mitigation Land; Other Existing Mitigation Lands</u>: The primary purpose of 4(f) properties in this category is to serve as wildlife habitat mitigation, most commonly to offset impacts to the CLS. The CLS was constructed according to the most current tenets of conservation biology and biological reserve design and is specifically designed to promote the conservation of priority vulnerable species within Pima County. The CLS identifies and maps those areas where priority biological resources occur within Pima County and establishes policy guidelines for the conservation of these resources. These guidelines, as approved by the Board of Supervisors, include mitigation ratios that call for a certain amount of acreage to be set aside as undisturbed wildlife habitat for each acre developed depending on the specific CLS category</p>

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II.C2a	Section 4(f)	<p>FHWA and ADOT reviewed the information Pima County provided on the following properties: Avra Valley I-10 Wildlife Corridor, Cortaro-Hartman, Diamond Bell Ranch, FLAP (Brawley Wash-Twin Peaks), Valencia Property, and Wexler Property. ADOT will consult further with Pima County during Tier 2 studies to determine which properties are protected by Section 4(f) and to complete a Section 4(f) evaluation for protected properties.</p> <p>See GlobalTopic_1.</p> <p>Chapter 4 of the Final Tier 1 EIS contains the Final Preliminary Section 4(f) Evaluation.</p>
II.C2b	Section 4(f)	<p>FHWA and ADOT reviewed the information Pima County provided on the following properties: Los Robles Wash-Trico Wash, Red Point Cascada Donation and the CAVSARP open space preservation property. ADOT will consult further with Pima County during Tier 2 studies to determine which properties are protected by Section 4(f) and to complete a Section 4(f) evaluation for protected properties.</p> <p>See GlobalTopic_1.</p> <p>Chapter 4 of the Final Tier 1 EIS contains the Final Preliminary Section 4(f) Evaluation.</p>

¹ Pima County. 2016. Multi-species Conservation Plan for Pima County, Arizona: Final. Submitted to the Arizona Ecological Services office of the U.S. Fish and Wildlife Service, Tucson, Arizona. Table 8.4, p.110.

² Pima County. 2011. Protecting our Land, Water, and Heritage: Pima County’s Voter-Supported Conservation Efforts. pp. 60-61.

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impacted. Several 4(f) Refuges in this category were donated to the County or RFCD by private developers in order to fulfill CLS mitigation requirements applied by the Board of Supervisors. A few 4(f) Refuges also serve as mitigation compelled by authorities other than the CLS. For example, the Central Avra Valley Storage and Recovery Project property (CAVSARP), located near the intersection of Sandario Road and Mile Wide Road, serves as mitigation for impacts to habitat for the cactus ferruginous pygmy-owl habitat, an MSCP-covered species, and is under a property-specific restrictive covenant for that purpose. Regardless of the authority compelling mitigation, all 4(f) Refuges in this category are currently serving as mitigation for impacts to sensitive wildlife habitat, and the County is required to maintain all of these properties as undeveloped wildlife habitat in perpetuity.

- c. Pima County 2004 Bond Habitat Protection Priorities: Many listed 4(f) Refuges were acquired under the 2004 Open Space Bond specifically as "Habitat Protection Priorities." According to the Bond Ordinance, the purpose of this specific category of bond acquisitions was "to guide implementation of the County's Multi-Species Habitat Conservation Plan... The objective of developing the Habitat Protection Priorities was to apply a set of biologically based goals and criteria to the Conservation Lands System to: 1) identify the most important lands to protect first; 2) provide recommendations on the sequencing of land preservation efforts; and 3) design a project so that it can be easily incorporated into an adaptive management program to be implemented over the life of the Federal Section 10 Permit using the best scientific information available." Many 4(f) Refuges that fall into this category also fall into one or more of the other categories of 4(f) Refuge properties listed above.

III. Pima County and RFCD 4(f) Historic Sites

A. Supplemental Historic Site Information

Pima County is a Certified Local Government (CLG) and maintains a detailed and dynamic cultural resources database that contains digital data that provide some additional data compared to what is available at either AZSITE or the Arizona State Museum's Archaeological Records Office (ARO). Pima County, therefore, provides the below referenced data layers to assist with defining 4(f) Historic Properties for the Tier 1 EIS. As noted above, these shapefiles will be sent by separate email to maintain required confidentiality:

- pcsdpcrzones – Sonoran Desert Archaeological Sensitivity Zones: Defined in 2004 as a baseline predictive model for assessing the density and distribution of archaeological properties throughout eastern Pima County.
- pcsurvey2000buf – Pima County Archaeological Survey Records: Pima County survey data that intersect Blue, Purple, Green and Orange alternatives. These records

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II.C2c	Section 4(f)	FHWA and ADOT reviewed the bond program property information and assessed that the properties of interest to the Section 4(f) evaluation are already captured under the previous categories of parks, recreation areas, or refuges. See responses to comments II.C2a-b.
III.A	Section 4(f)/Cultural	Thank you for providing GIS data. In 2017, CLGs were contacted to determine whether they had relevant data for the Tier 1 EIS analysis. The Cultural Resources & Historic Preservation Division informed us that they had developed a GIS database but had no capacity to share the data. Review of the shapefiles provided indicates refinement of the data used for the Tier 1 analysis but do not substantially alter the overall characterization of cultural resources in the Build Corridor Alternatives in Pima County, nor the assessment of potential levels of effect. FHWA and ADOT concluded that reanalysis based on the provided shapefiles was not warranted for the Tier 1 EIS because it would not alter selection of the Preferred Alternative, which includes multiple options in Pima County that will be assessed in detail during the Tier 2 studies.

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have been verified by County staff, and while there is overlap with data presented in AZSITE, notable errors in AZSITE spatial representations have been rectified in the County dataset based on the associated report and/or shapefiles submitted directly from the consultant of record.

- pcnrhpd2000buf – National Register of Historic Places Listed Non-Districts: Non-Districts listed in the National Register of Historic Places (NRHP) that intersect Blue, Purple, Green and Orange alternatives. These records were digitized using NRHP nomination forms and/or using shapefiles submitted directly from the nominating authority of record.
- pcnrhpd2000buf – National Register of Historic Places Listed Districts: - Districts listed in the National Register of Historic Places (NRHP) that intersect Blue, Purple, Green and Orange alternatives. These records were digitized using NRHP nomination forms and/or using shapefiles submitted directly from the nominating authority of record.
- pccr2000buf – Pima County Archaeological Site Records: Pima County archaeological site data that intersect Blue, Purple, Green and Orange alternatives. These records have been verified by County staff, and while there is overlap with data presented in AZSITE, notable errors in AZSITE spatial representations have been rectified in the County dataset based on the associated report and/or shapefiles submitted directly from the consultant of record.
- anzatrIPC – Juan Bautista de Anza National Historic Trail: The provided alignment has been certified as a National Historic Trail by the National Park Service, and although National Historic Trails are exempt from being considered a 4(f) property, we provide the alignment for planning purposes.

Pima County also provides the following preliminary cultural resource (archaeological and historic sites) analysis for the 2,000-foot corridor together with recommendations for more detailed analyses to identify and evaluate 4(f) properties in relation to selecting the preferred alternative. Table A below provides details for historic properties along the full length of corridor for each Alternative. Table B provides a summary of the information broken down based on urban and rural segments of each Alternative. See Attachment 4 for maps showing these segments.

Table A - Full Corridor Analysis (Pima County only)

	Orange Alternative (14,832 Acres)	Purple Alternative (14,775 Acres)	Green Alternative (17,230 Acres)	Blue Alternative (18,715 Acres)
Previous Survey (Total Acreage)	9,456	2,486	4,230	3,300

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III.A	Section 4(f)/Cultural	(continued)
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Previous Survey (% of Corridor)	64 %	17 %	4,230	3,300
No. of Known Sites Present	204	39	24 %	18 %
No. of NRHP- Listed Districts	6	0	68	70
No. of NRHP- Listed Non- Districts	4	0	1	1

Table B - Urban vs. Rural Route Analysis (Pima County only)

	Orange Alternative (14,832 Acres)		Purple Alternative (14,775 Acres)		Green Alternative (17,230 Acres)		Blue Alternative (18,715 Acres)	
	URBAN (14,832)	RURAL (0)	URBAN (722)	RURAL (14,053)	URBAN (3,721)	RURAL (13,509)	URBAN (4,155)	RURAL (14,560)
Previous Survey (Total Acreage)	9,456	N/A	523	1,968	2,301	1,928	2,716	1,583
Previous Survey (% of Corridor)	64 %	N/A	72 %	14 %	62 %	14 %	65 %	11 %
No. of Known Sites Present	204	N/A	5	33	42	25	48	24
No. of NRHP- Listed Districts	6	N/A	1	0	1	0	1	0
No. of NRHP- Listed Non- Districts	4	N/A	0	0	0	0	0	0

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III.A	Section 4(f)/Cultural	(continued)
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B. Recommendations and Findings:

- AZSITE Site and Survey data are not reliable due to deficiencies related to spatial integrity of existing data, qualitative integrity of data related to NRHP recommendations/determinations, and quantitative deficiencies related to AZSITE not being updated reliably for the past six years. Pima County strongly recommends that ARO be directly consulted for ensuring the most accurate and up-to-date data is used for identifying and assessing potential 4(f) properties.
- The existing urban corridor contains a far greater number of known and previously recorded historic properties (archaeological and historic sits) as compared to the proposed rural routes; however, these numbers are misleading based on the percentages of the corridors that have been inventoried by prior cultural resources surveys. Pima County’s preliminary cultural resources analysis identified significant overlap of the analyzed corridors along the existing 1-19 urban route, which skewed the results of survey coverage for the Purple, Green and Blue Alternatives. Consequently, Pima County analyzed the corridors by separating new rural routes from existing urban routes, which more accurately represents the disparity of existing cultural resources data between alternatives. Table B demonstrates that 60% of each analyzed urban route has been previously surveyed compared to less than 15% of each analyzed rural route. The disparity of existing data between corridors is problematic when using such data to determine the preferred alternative, as the least harm determination cannot be made when the full population of resources that would be affected is not known.
- A review of County records indicates that a large number of known cultural resources properties that are located within the analyzed Alternatives do not have determinations of NRHP eligibility. Pima County recommends that ADOT consider ALL cultural resources properties that have been recommended eligible by consultants as potential 4(f) properties until determined otherwise, or preferably, that ADOT consult with SHPO, Tribes and other consulting parties, as applicable, on determinations of eligibility for known resources that intersect alternatives which cannot be avoided regardless of where the actual construction footprint will be located within an individual alternative.

Furthermore, the urban corridor is considerably more developed as compared to the rural routes, and because the standard in determining 4(f) properties is skewed to historic period properties, the analysis must acknowledge the singular emphasis placed on the built environment (buildings, structures, districts) as opposed to archaeological sites (See Attachment 4). In order for an archaeological site to be considered a 4(f) property they must not only be determined eligible for or listed in the NRHP, but must also be determined significant beyond its importance for information that it may yield in order to warrant preservation in place. This essentially means that individual archaeological sites must demonstrate significance

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III.B1	Section 4(f)/Cultural	Despite the shortcomings of the AZSITE database it is the most useful and readily available geographic information system data. As discussed in the Draft Tier 1 EIS, the AZSITE database was supplemented with information from the ADOT Historic Preservation Team Portal, additional information from the paper files of Bureau of Land Management field offices, tribal consultation, and data provided by Archaeology Southwest. FHWA and ADOT concluded that was adequate information for the Tier 1 EIS and detailed research of files at the Arizona State Museum Archaeological Records Office was not necessary. Detailed record reviews would be made for subsequent Tier 2 project studies. No changes were made.
III.B2	Section 4(f)/Cultural	The Draft Tier 1 EIS acknowledged and considered the varying extent of prior cultural resource surveys. A model was used to gauge the potential for unrecorded archaeological sites and historic structures in the ten options where less than 30 percent of the corridor had been covered by prior cultural resource surveys. (Most of the other options with greater survey coverage were co-located with existing highways.) The model was intended to yield a general qualitative estimate of high, moderate, and low potential, with an emphasis on identifying high potential areas important for comparing the Build Corridor Alternatives. Quantitative estimates of the total number of archaeological sites and historic structures were developed for each assessed option. Those estimates were based on the densities of recorded archaeological sites and historic structures in areas previously surveyed for cultural resources. Although the margin of error of those estimates is affected by the extent of prior survey, the estimates were not biased by varying extents of prior survey. FHWA and ADOT concluded the analyzed information provided an adequate basis for consideration of potential levels of impact in selecting a Preferred Alternative, which includes multiple options in Pima County that will be studied in more detail during the Tier 2 project studies. See GlobalTopic_1
III.B3	Section 4(f)/Cultural	The Final Tier 1 EIS documents FHWA and ADOT adopted a phased approach to inventory, evaluate, and assess effects of the Project on cultural resources. The Tier 1 analysis relied on information compiled by prior studies and consultation with agencies, tribes, and other interested parties. Surveys to inventory cultural resources, evaluate their NRHP eligibility, and assess and address effects will be undertaken during NEPA studies for individual Tier 2 projects. As the comment notes, historic properties protected by Section 4(f) typically are built environment resources. Because archaeological resources are rarely determined to be Section 4(f) resources, the analysis of historic properties protected by Section 4(f) focused on properties listed in, or previously determined eligible for, the National Register of Historic Places that warrant preservation in place. But unrecorded historic-period properties also were identified and preliminarily evaluated. The number of potential unrecorded historic districts and buildings preliminarily evaluated as likely eligible for the National Register of Historic Places did not vary substantially among the Build Corridor Alternatives evaluated in the Draft Tier 1 EIS (22 for the Purple Alternative, 20 for the Green Alternative, and 21 for the Orange Alternative), but many more properties in the Orange Alternative in the Tucson area are listed in the National Register of Historic Places. The Final Tier 1 EIS documents 24 unrecorded historic districts and buildings preliminarily evaluated as likely eligible along the Recommended Alternative, 22 along the Preferred Alternative with west option in Pima County, and 28 along the Preferred Alternative with east option in Pima County. There are two properties listed in the National Register of Historic Places along the Recommended Alternative and Preferred Alternative with west option in Pima County compared to 10 along the Preferred Alternative with east option and one additional historic district that has been determined eligible. Tier 2 analysis would further assess the Pima County options of the Preferred Alternative if a Build Alternative is selected in the ROD. Extensive agency and tribal consultation and public involvement did not identify other unrecorded historic properties that are likely to be Section 4(f) resources. Tier 2 studies would update evaluations of previously listed and previously determined eligible properties and include surveys to identify other unrecorded historic sites protected by Section 4(f). Tier 2 studies would meet the requirements of Section 106 of the National Historic Preservation Act and Section 4(f). No changes were made. See GlobalTopic_1 and GlobalTopic_8.

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Mr. Van Echo and Ms. Yeldin, I-11 Tier 1 EIS Study Team
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associated with important events in history, an important person in history, or have components that demonstrate the work of a master.

While the significance of individual archaeological sites may not demonstrate significance beyond information potential, the greater cultural landscape should be evaluated in order to analyze the relationship among sites as ancestral places, traditional cultural properties, rural historic landscapes (NPS bulletin 30), historic designed landscapes (NPS bulletin 18) or even cemeteries (NPS bulletin 41). This is especially necessary along any of the proposed rural routes, as the urban routes have considerable existing documentation to inform this analysis. Pima County, therefore, recommends consultation with tribal nations, descendant communities, and others to identify and evaluate these types of properties.

IV. Additional Information Regarding Already-Identified 4(f) Properties

A. **Santa Cruz River**

As the agencies requested at the October Consultation, we are providing a list (and associated GIS shapefile) of all County and RFCD-owned Santa Cruz and Rillito River Park properties (Attachment 5 and 6). These properties are all part “The Loop,” which consists of several Pima County river parks and has already been identified by the agencies as a 4(f) Park and Recreation Area. Pima County or RFCD is the Owner with Jurisdiction over all the listed properties, including those within the City of Tucson and Town of Marana.

Additionally, the County and RFCD have an Intergovernmental Agreement (IGA) with the City of Tucson that conveys “perpetual easements in favor of the County and the District over the segments of City-owned property along the Rivers for the purpose of access and maintenance of the Rivers, including all flood control and river park facilities, for the benefit of the public.” The IGA (Attachment 7) identifies the properties subject to it. Because the County and RFCD are the sole managing agencies over these City-owned river park properties, we ask that FHWA consider the County and RFCD as Owners with Jurisdiction jointly with the City of Tucson and consult with us should any of these properties be subject to use by this project.

B. **Tucson Mountain Park, Tucson Mitigation Corridor and the Tucson Mountain Wildlife Area**

We strongly support the Arizona Game and Fish Department’s (AGFD) request to consider the Tucson Mountain Wildlife Area (TMWA) as a 4(f) Refuge, and ask ADOT to evaluate potential impacts to the area, and potential mitigation strategies, accordingly. Pima County is the Owner with Jurisdiction over the Tucson Mountain Park (TMP), and we are also an Owner with Jurisdiction over the Tucson Mitigation Corridor (TMC); these two properties make up a significant portion of the TMWA, and we agree with AGFD that it is appropriate to consider this entire area as a 4(f)

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IV.A	Section 4(f)	FHWA and ADOT have reviewed and incorporated the additional shapefile information for Santa Cruz River Park into the Final Preliminary Section 4(f) Evaluation. FHWA and ADOT agree that the RFCD is an official with jurisdiction over properties under its ownership and/or management that are determined to be protected by Section 4(f) as parks, recreation areas and wildlife and waterfowl refuges.
IV.B	Section 4(f)	<p>Section 4(f) only protects properties that are publicly owned and that meet other requirements related to primary purpose as parks, recreation areas, wildlife and waterfowl refuges, or historic sites. Tucson Mountain Wildlife Area contains some properties that are publicly owned and have these primary purposes; Section 4(f) protects these individual properties. However, Tucson Mountain Wildlife Area also contains privately owned properties that are not protected by Section 4(f). Therefore, the entirety of Tucson Mountain Wildlife Area is not protected by Section 4(f).</p> <p>FHWA and ADOT have acknowledged that Tucson Mountain Park is protected by Section 4(f) because it is publicly owned, and its primary purpose is recreation. The official with jurisdiction over the park is Pima County. FHWA and ADOT have acknowledged that the Tucson Mitigation Corridor (TMC) is protected by Section 4(f) because it is publicly owned, and its primary purpose is as a refuge. Final Tier 1 EIS Section 4.6.3.3 clarifies Pima County’s role in managing the TMC. Reclamation is the sole official with jurisdiction, as defined in 23 CFR 774.17, for the TMC for Section 4(f) purposes. However, under the TMC Master Management Plan referenced in the comment, any development other than wildlife habitat improvements requires agreement by Reclamation, Arizona Game and Fish Department, the U.S. Fish and Wildlife Service, and Pima County.</p> <p>FHWA and ADOT have coordinated with Pima County regarding the Tucson Mountain Park and the TMC during the Tier 1 EIS study and coordination with the County will continue during the Tier 2 studies.</p>

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Refuge because of the significant wildlife habitat it provides and the critical role it plays in regional wildlife connectivity.

As the AGFD discussed in its February 1, 2017 memo submitted to FHWA on this subject, the TMWA’s significance, the original purpose of the state’s “Wildlife Area” designation, and its functionality as a critical wildlife corridor in this area all support a 4(f) finding for the publicly-owned portions of the TMWA. Additionally, the County is providing additional information and perspective regarding the TMP, its history, and its current management directives, all of which support AGFD’s position that when considered as part of the TMWA, this property does indeed qualify as a 4(f) Refuge.

TMP was officially established as a County park by a unanimous vote of the Pima County Board of Supervisors on April 11, 1929, and the County began acquiring land for it in 1933. In between these two events, in 1931, the AGFD Commission created a number of state Game Refuges, including the “Tucson Mountain Game Refuge,” now the TMWA, “provided that Pima County take over the refuge’s management as a county park.”³ It was thus understood by both Pima County and the AGFD Commission at the time of its establishment that TMP would play a key role in the establishment and management of the Game Refuge. This dual purpose is reflected in the May 2008 “Tucson Mountain Park Management Plan.” (See Attachment 2). In fact, this plan lists biological resources as the primary resource for which TMP is managed and makes clear that other park resources are managed so as to not interfere with these resources. The plan’s very first management objective makes clear that TMP “will be managed with the objective of preserving and enhancing the biological resources of the park as a healthy, discrete Sonoran Desert ecosystem and as part of Pima County’s overall conservation land system.”⁴ Other management objectives are explicitly secondary to the primary objective of protecting biological resources.⁵

Pima County is also an Owner with Jurisdiction for the TMC, another significant publicly-owned portion of TMWA, and has decision-making authority regarding its use. The agencies already recognize TMC as a 4(f) Refuge because of its significant value as a critical wildlife corridor which is entirely dependent on its continued connection to, and the long-term integrity of, the adjacent blocks of undisturbed wildlife habitat that are encompassed by TMWA. Omitting the publicly owned areas within the TMWA that encompass these habitat blocks and only assessing impacts to TMC in isolation undermines the agencies’ ability to meaningfully assess potential impacts to the TMC’s value as a wildlife movement corridor. We strongly encourage

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IV.B	Section 4(f)	See above

³ David E. Brown, Bringing Back the Game, Arizona Wildlife Management 1912-1962 at 42 (Arizona Game and Fish Department, 2012).
⁴ Pima County. Tucson Mountain Management Plan at 3-1. (May 2008.)
⁵See *Id.* at 7-1: “Tucson Mountain Park will be managed with the objective of providing the public with developed facilities that accommodate a range of uses and activities that are appropriate for the park’s natural resource setting, that are safe, and that can be conducted without degradation of the park’s biologicalresources.” (Emphasis added.)

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the agencies to evaluate the publicly-owned portions of the TMWA, including TMP and TMC, as a 4(f) Refuge so that a meaningful evaluation of the potential impacts on regional wildlife connectivity can be performed and sufficient mitigation for those impacts can be developed.

V. Relative Value of 4(f) Properties

A. 4(f) Parks, Recreation Areas, and Wildlife Refuges

Because all alternatives will likely result in the use of 4(f) properties, ADOT is required by federal regulations to consider, among other factors, the relative value of these properties when determining which alternative will cause the least overall harm to 4(f) properties [23 C.F.R. 774.3(c)(1)(iii)]. For 4(f) properties where Pima County is the Owner with Jurisdiction, we ask that ADOT consider those lands intended to serve as mitigation for the MSCP to be of relatively higher value than other Pima County 4(f) Parks, Recreation Areas, and Wildlife Refuges. This is because Pima County is required to maintain these properties as undisturbed wildlife habitat in perpetuity in order to meet our federal obligations under the MSCP and associated Section 10 Permit. All other Pima County 4(f) Park, Recreation Area, and Wildlife properties should be considered equally valuable, relatively speaking.

B. 4(f) Historic Sites

As mentioned above, a 4(f) evaluation requires the agencies to conduct a “least harm” analysis, which in the case of historic properties requires that the full population of resources be known. The results of initial analyses indicate that the known quantity of potential 4(f) properties along the urban corridor, particularly the Orange Alternative through the Tucson metropolitan area, is far greater than the known quantity of potential 4(f) properties located along the proposed alternatives in rural areas. Based on this information alone, selection of an urban alternative appears to have the potential to cause significantly greater harm to 4(f) properties. However, this may not be the case if the rural areas are analyzed to the same level of detail.

Disregarding the disparity of known historic property data between alternatives, analysis must go further to look at how individual properties may be impacted. For example, the Levi H. Manning House is identified as a 4(f) property that would be impacted by selecting the Orange Alternative. However, the NRHP-listed property boundary is contiguous with the parcel boundary, and the 2000-foot corridor only intersects a portion of the parking lot, but not the actual building. While we support analysis of indirect effects to historic properties, there appears to be no potential to affect the building, which is the defining element of the historic property. Pima County therefore recommends that potential impacts to 4(f) properties be analyzed on a property-by-property basis in order to determine which alternative will result in the least harm to historic properties.

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V.A	Section 4(f)	FHWA and ADOT agree with Pima County that, in a Section 4(f) evaluation, the relative significance of Section 4(f) properties is a consideration. The I-11 Corridor Section 4(f) Evaluation is a tiered process. Consistent with and as allowed by 23 CFR 774.7(e)(1), FHWA is not applying relative significance during the Tier 1 Preliminary Section 4(f) Evaluation because the study of 2,000-foot wide corridors does not provide the detailed information necessary to make such judgments. The information that will be needed and available during Tier 2 studies includes project-level design, impact analysis, and project-specific mitigation planning, all undertaken in coordination with the officials with jurisdiction. A final Section 4(f) approval cannot be made until both Tier 1 and Tier 2 studies are completed and the relative significance of Section 4(f) properties is identified. See GlobalTopic_1.
V.B	Section 4(f)	Tier 2 detailed study will include Section 106 consultation regarding historic properties. More specifically, determining an area of potential effects for each option at the project level, completing property eligibility determinations, completing project effects determinations for each historic property, and identifying specific mitigation to address adverse effects to historic properties. These Section 106 activities will inform the Section 4(f) evaluation, enabling detailed least overall harm analysis and identification of the alternative with the least harm prior to making a Final Section 4(f) approval. See GlobalTopic_1 See Pima County comment response V.A.

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VI. General Mitigation Considerations

We ask the agencies to consider certain general factors when developing measures to mitigate impacts to different types of 4(f) properties.

A. 4(f) Parks and Recreation Areas

Mitigation for impacts to these 4(f) properties should:

- Reflect like-for-like infrastructure, amenities, and equipment;
- Serve the same community;
- Consider access issues;
- Prioritize public safety; and
- Adhere to all County ordinances.

B. 4(f) Refuges

Mitigation for impacts to these 4(f) properties should:

- Be of equal biological value as impacted 4(f) properties;
- Be located in the same general area as impacted 4(f) properties;
- Connect the same blocks of wildlife habitat as impacted 4(f) properties where the primary purpose is to provide for wildlife movement;
- Be acquired as soon as possible, in consideration of the future availability or scarcity of suitable mitigation lands with the same biological value and in the correct location;
- Meet established mitigation ratios for MSCP mitigation lands if mitigating impacts to MSCP mitigation lands,
- Mitigation lands must meet established mitigation ratios for CLS mitigation lands if mitigating impacts to CLS mitigation lands.

VII. Pima County supports consideration of the City’s proposed “no frontage roads” alternative.

Pima County strongly supports ADOT’s consideration of the alternative proposed by the City of Tucson that would use and expand the existing I-10 corridor but eliminate the existing frontage roads, allowing that area to be used instead for the necessary expansion of the I-10 roadway. NEPA’s implementing regulations require the consideration of reasonable alternatives such as this one that would meet the purpose and need of the project (40 C.F.R. 1502.14). It stands to reason that this alternative would greatly reduce the number of 4(f) properties that will potentially be used as compared to the other alternatives examined and is worth considering. The agencies mentioned at the October Consultation with County staff that this alternative may require the acquisition of over 300 properties and businesses that currently depend on the frontage roads for access. While significant, similar expenditures will no doubt be required for any of the alternatives currently under consideration. For some alternatives, necessary expenditures will include both acquisition of affected properties and acquisition of a significant number and acreage of mitigation lands.

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VI	Section 4(f)/Mitigation	Pima County, as an official with jurisdiction over Section 4(f) properties it owns and manages, and as a consulting party under Section 106 of the National Historic Preservation Act, will be consulted during Tier 2 studies in the development of specific mitigation measures for properties the I-11 Corridor would impact. As part of the consultation process during Tier 2, Pima County will be able to work with ADOT to craft mitigation measures that address the concerns it has regarding protection of resources, public access and safety, in-kind mitigation, and other factors as appropriate. See GlobalTopic_1.
VII	Section 4(f)/General (Alternatives)	See GlobalTopic_4 and GlobalTopic_1.

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Mr. Van Echo and Ms. Yeldin, I-11 Tier 1 EIS Study Team
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Conclusion

Again, we appreciate the opportunity to submit this additional information for the agency’s consideration. It is our hope that this information helps to ensure that impacts to Pima County and RFCD properties are fully identified, meaningfully assessed and that adequate mitigation for those impacts is developed as this project moves forward. More broadly, we are pleased to assist the agencies in ensuring that a robust 4(f) analysis is conducted and that the numerous 4(f) properties potentially impacted by each alternative are carefully considered. It is of the highest importance that the agencies are fully informed of all potentially impacted 4(f) properties before making final decisions regarding the Recommended Alternative.

If you need additional materials or information or have questions about this transmittal, please contact Jenny Neeley at 520-724-6940 or Jenny.Neeley@pima.gov.

Sincerely,



C. H. Huckelberry
County Administrator

Enclosures:

- Attachment 1: Table – 4(f) Park, Recreation Area and Wildlife Refuge Properties
- Attachment 2: Supporting Documents for 4(f) Park, Recreation, and Wildlife Refuge Properties
- Attachment 3: GIS Shapefile – 4(f) Park Recreation Area, and Wildlife Refuge Properties
- Attachment 4: Historic Site Analysis
- Attachment 5: Table – County-owned River Park 4(f) Properties
- Attachment 6: GIS Shapefile – County-owned River Park 4(f) Properties
- Attachment 7: Intergovernmental Agreement between Pima County, Pima County Regional Flood Control District and City of Tucson for Maintenance of Major Watercourses and River Parks

c: Carmine DeBonis Jr., Deputy County Administrator for Public Works
Linda Mayro, Director, Pima County Office of Sustainability and Conservation

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	Conclusion	See GlobalTopic_1.
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Pima County Board of Supervisors



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Pima County Board of Supervisors

PA-12-1 Please enter this letter reaffirming BOS Resolution 2007-343 into the record.


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PA-12-1	Opposition	See GlobalTopic_1 and GlobalTopic_4.
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PA-12-1



PIMA COUNTY BOARD OF SUPERVISORS
130 WEST CONGRESS STREET, 11th FLOOR
TUCSON, ARIZONA 85701-1317
(520) 724-8126
district5@pima.gov
www.district5.pima.gov

RICHARD ELÍAS
CHAIRMAN OF THE BOARD
COUNTY SUPERVISOR - DISTRICT 5

To Whom it May Concern:

The Pima County Board of Supervisors adopted Resolution No. 2007-343 on December 18, 2007, setting forth its opposition to construction of an interstate highway through "invaluable Sonoran Desert areas." That remains the official position of Pima County government.

At the time, the proposal under consideration was for an Interstate 10 Bypass Freeway, but it was along the same suggested routes as the currently proposed Interstate 11. A "favored" route then, as now, was through Avra Valley.

A freeway through the Avra Valley or other parts of the delicate Sonoran Desert is not compatible with the county's landmark Sonoran Desert Conservation Plan or with its Sustainability Plan to combat climate change in line with the 2015 Paris Agreement.

A freeway would destroy sensitive habitat for many of the 44 unique species of concern that the Conservation Plan protects. It would sever vital wildlife corridors between critical habitat areas of some of the larger species such as the Desert Bighorn.


The Sustainability Plan aims to steer the county government operations away from fossil fuel use and dependency, and a new freeway would promote increased fossil-fuel use, to the detriment of our air quality as well as to climate change.

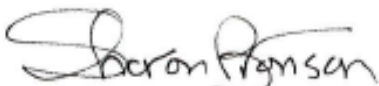
A freeway through Avra Valley would impact severely and negatively such jewels and tourist areas as Tucson Mountain Park, Saguaro National Park, Ironwood National Monument, and the Arizona-Sonora Desert Museum. It would diminish vastly the quality of life of thousands of Avra Valley residents.

The cost of buying land for and building an entirely new freeway would be tremendous, when we do not have enough funds to maintain properly our existing roads and highways. It would cost much less to improve existing railroad corridors for cleaner passenger rail service and increased freight traffic.

An Interstate 11 would divert traffic away from existing businesses that depend on Interstate 10 and Interstate 19 traffic visibility for their survival.

A new freeway through any pristine Sonoran Desert area, and especially through Avra Valley, still is a very bad idea and the Pima County Board of Supervisors remains officially opposed to it.

Sincerely,

Richard Elías, Chairman
Pima County Board of Supervisors


Sharon Bronson, District Three Supervisor
Pima County Board of Supervisors



Pinal County Board of Supervisors



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Pinal County Board of Supervisors

PA-13-1

On behalf of the Pinal County Board of Supervisors, please find the uploaded Resolution of Support and Exhibit A Map attachment in support of Option I2 (Barnes Road alignment) of the Recommended Alternative and restating support of Option I1 (Montgomery Road alignment).

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PA-13-1	Support	See GlobalTopic_4. The Preferred Alternative in the Final Tier 1 EIS was revised to co-locate with I-8 from the vicinity of Chuichu Road west to Montgomery Road then north along the Montgomery Road alignment to Option I2.
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OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
Virginia Ross

When recorded return to:
Clerk of the Board
P.O. Box 827
Florence AZ 85132

DATE/TIME: 06/14/2019 1300
FEE: \$0.00
PAGES: 3
FEE NUMBER: 2019-047182

RESOLUTION NO. 061219-RD18-084

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS DECLARING SUPPORT FOR THE FEDERAL HIGHWAY ADMINISTRATION AND ARIZONA DEPARTMENT OF TRANSPORTATION'S INTERSTATE 11 TIER 1 ENVIRONMENTAL IMPACT STATEMENT AND PRELIMINARY SECTION 4(F) EVALUATION

WHEREAS, in November 2014, the Federal Highway Administration (FHWA), Arizona Department of Transportation (ADOT), Nevada Department of Transportation, Maricopa Association of Governments, Regional Transportation Commission of Southern Nevada, and other key stakeholders completed an initial two-year feasibility study known as the Interstate 11 (I-11) and Intermountain West Corridor Study; and

WHEREAS, in May 2016, FHWA and ADOT issued a Notice of Intent to commence with a three year Tier 1 Environmental Impact Statement to select a corridor alternative for I-11 between Nogales and Wickenburg; and

WHEREAS, the I-11 Corridor Study Area is 280 miles long and the environmental review process examines and evaluates the No Build Alternative and a 2,000-foot wide Project Area for three Build Corridor Alternatives in which the I-11 alignment could be located; and

WHEREAS, the I-11 Corridor Study Area traverses the counties of Santa Cruz, Pima, Pinal, Maricopa, and Yavapai within central and southern Arizona; and

WHEREAS, the Pinal County Board of Supervisors supports the environmental review process for the location of I-11 in accordance with the National Environmental Policy Act and other regulatory requirements; and

WHEREAS, the Pinal County Board of Supervisors declares its support for Option I2 (Barnes Road alignment) of the recommended alternative in the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation (Draft Tier 1 EIS) and Option I1 (Montgomery Road alignment) identified in the Alternative Selections Report dated December 2017 as they are consistent with the West Pinal Freeway programmed for right-of-way preservation in Phase II of the Pinal Regional Transportation Plan approved by Pinal County voters in 2017.

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NOW THEREFORE, IT IS HEREBY RESOLVED that the Pinal County Board of Supervisors declares its support of the following:

- 1) The environmental review process for the location of I-11; and,
- 2) Option I2 (Barnes Road alignment) of the recommended alternative in the Draft Tier 1 EIS and Option I1 (Montgomery Road alignment) identified in the Alternative Selections Report dated December 2017 as these options are consistent with the West Pinal Freeway programmed for right-of-way preservation in Phase II of the Pinal Regional Transportation Plan approved by Pinal County voters in 2017; and,
- 3) Options I2 and I1 are in accordance with other local and county level plans and provide alternate, high capacity routes to serve planned growth and economic centers in western Pinal County while avoiding the planned development and expansion of the Lucid Motors and Tractor Supply Distribution Center in Casa Grande as depicted in Exhibit A; and,
- 4) Options I2 and I1 best meet the Purpose and Need of the Draft Tier 1 EIS as they promote freight movement, link communities, and strengthen economic development and job growth within Pinal County.
- 5) Provided that caution is exercised so as to not negatively impact the existing Global Water multi-million dollar facility in the City of Maricopa as it is essential to providing water utility service for the region.

PASSED AND ADOPTED this 12th day of June, 2019, by the PINAL COUNTY BOARD OF SUPERVISORS.

Will Ross
Chairman of the Board

ATTEST:

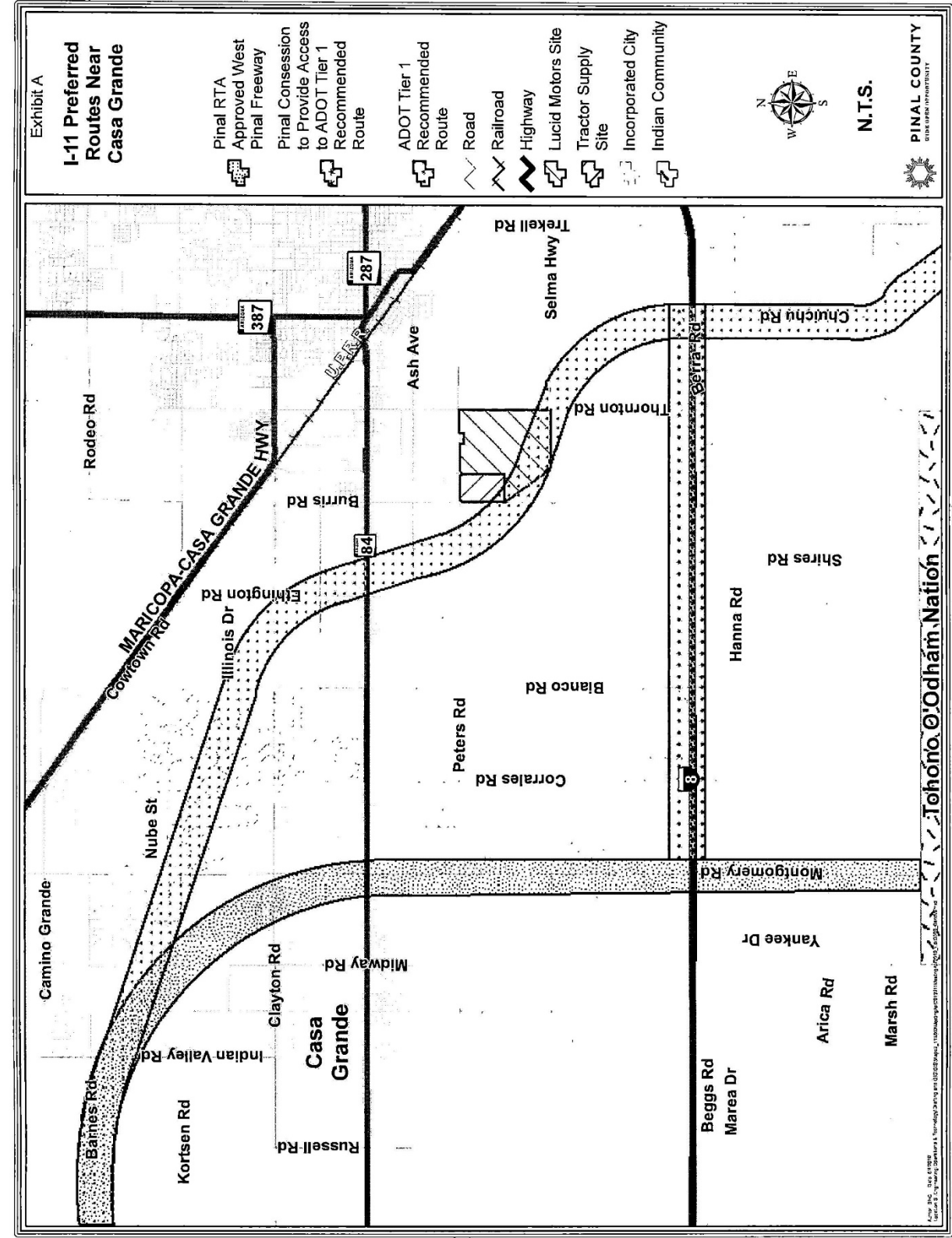
Nature Kenny
Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney
Deputy County Attorney

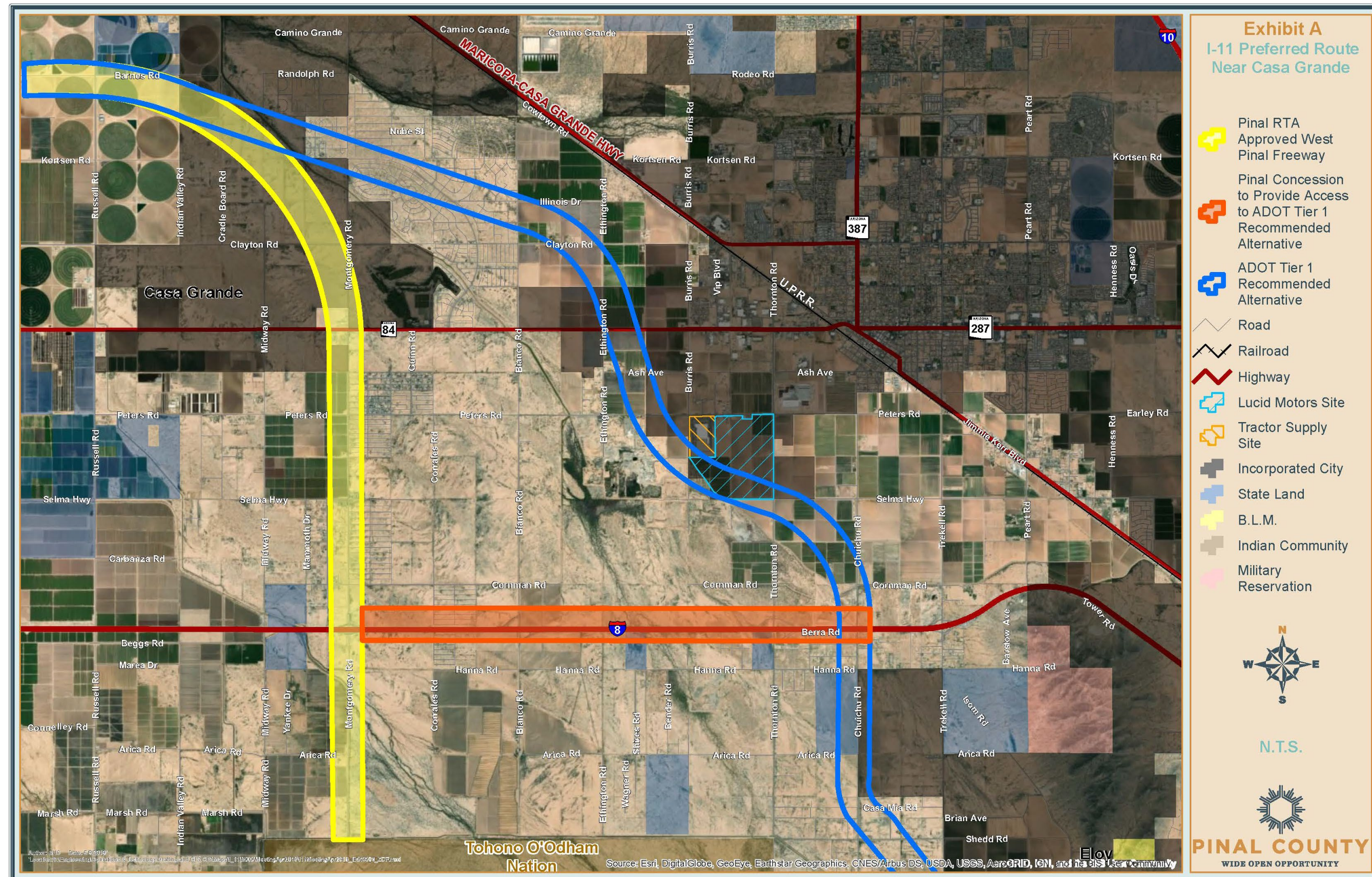
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Yavapai County



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		Please see response below
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Roger McCormick

Mr. Van Echo,
Please see the attached comments from Yavapai County in regards to the I-11 project.

Regards,
Roger

Roger McCormick, PE
Assistant Public Works Director
p 928.771.3183 | f 928.771.3167
Yavapai County Public Works
1100 Commerce Drive
Prescott, AZ 86305

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YAVAPAI COUNTY PUBLIC WORKS DEPARTMENT

1100 Commerce Drive
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Dan Cherry
Director

4000 W. Cherry Creek Road
Camp Verde, Arizona 86322
Phone (928) 567-7728
FAX (928) 567-7732

July 3, 2019

I-II Tier 1 EIS Study Team
c/o ADOT Communications
1655 West Jackson Street
Mail Drop 126F
Phoenix, AZ 85007

Re: Comments for Draft Tier 1 EIS

Dear Mr. Van Echo:

I am responding to your letter dated April 26, 2019 inviting Yavapai County to review and comment on the Draft Environmental Impact Statement and subsequent errata issued for the Interstate II Corridor between Nogales and Wickenburg, AZ (I-II) project (84 FR 13662). It has also come to our attention that comment was received by residents of the Vista Royale community that reside within Yavapai County.

The County has not received comment directly from the citizens that live within the Vista Royale area. Information regarding their concerns was shared with County staff via the I-II project team. We have discussed the location of the preferred alternative and offer the following statement in response to the information that was shared with the County. The County believes that the location of the preferred alternative has been studied in depth by the project team and has been shown to minimize various impacts that are considered as part of the evaluation process. We have discussed this with the County's Administration Office and Administration agrees with the location chosen. The County asks that when final placement of the road is determined within the 2000' preferred alignment corridor that consideration is taken to locate the road to the westerly portion of the corridor, allowing more distance between the Vista Royale community and the new interstate.

The County has no further comment in relation to the Draft EIS. Please feel free to contact my office should you have further questions.

Sincerely,

A handwritten signature in blue ink that reads "Daniel A. Cherry".

Daniel A. Cherry, P.E., CFM
Public Works Director
Yavapai County

cc:
Rebecca Yedlin, FHWA (email)
Katie Rodriguez, ADOT (email)
Phil Bourdon, Yavapai County (email)
Roger McCormick, Yavapai County (email)

PA-14-1	Wickenburg +VR (Opposition)	See GlobalTopic_4 and GlobalTopic_5.

PA-14-1



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City of Buckeye



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ID	Comment Document
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City of Buckeye

PA-15-1

What will be the spacing for service interchanges along I-11 through Buckeye? Will they be allowed on 1-mile spacing?

How close can a service interchange - full (all ramps) and half (one side only)- be to a system interchange?

ID	Topic	Response
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PA-15-1	Transportation	See GlobalTopic_8. Specific interchange locations are not identified for the Build Corridor Alternatives as this is a Tier 1-level study. However, a set of potential interchange locations were assumed for purposes of the traffic analysis based on the most current available transportation network in the Arizona Model. Refer to Appendix E2 Travel Forecasting Methods and Analysis Report of the Final Tier 1 EIS. Interchange locations and spacing will be studied and identified in the Tier 2-level studies.
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ID	Comment Document
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City of Buckeye

PA-15-2

The City of Buckeye's WWTF is located on 7th Street south of Beloit Road (in the middle of the recommended alignment). Locating the freeway north of the WWTF would require several facilities (pipes) through the freeway right-of-way. As 7th Street is not a section line roadway access to the facility would be restricted unless a bridge over 7th was provided.

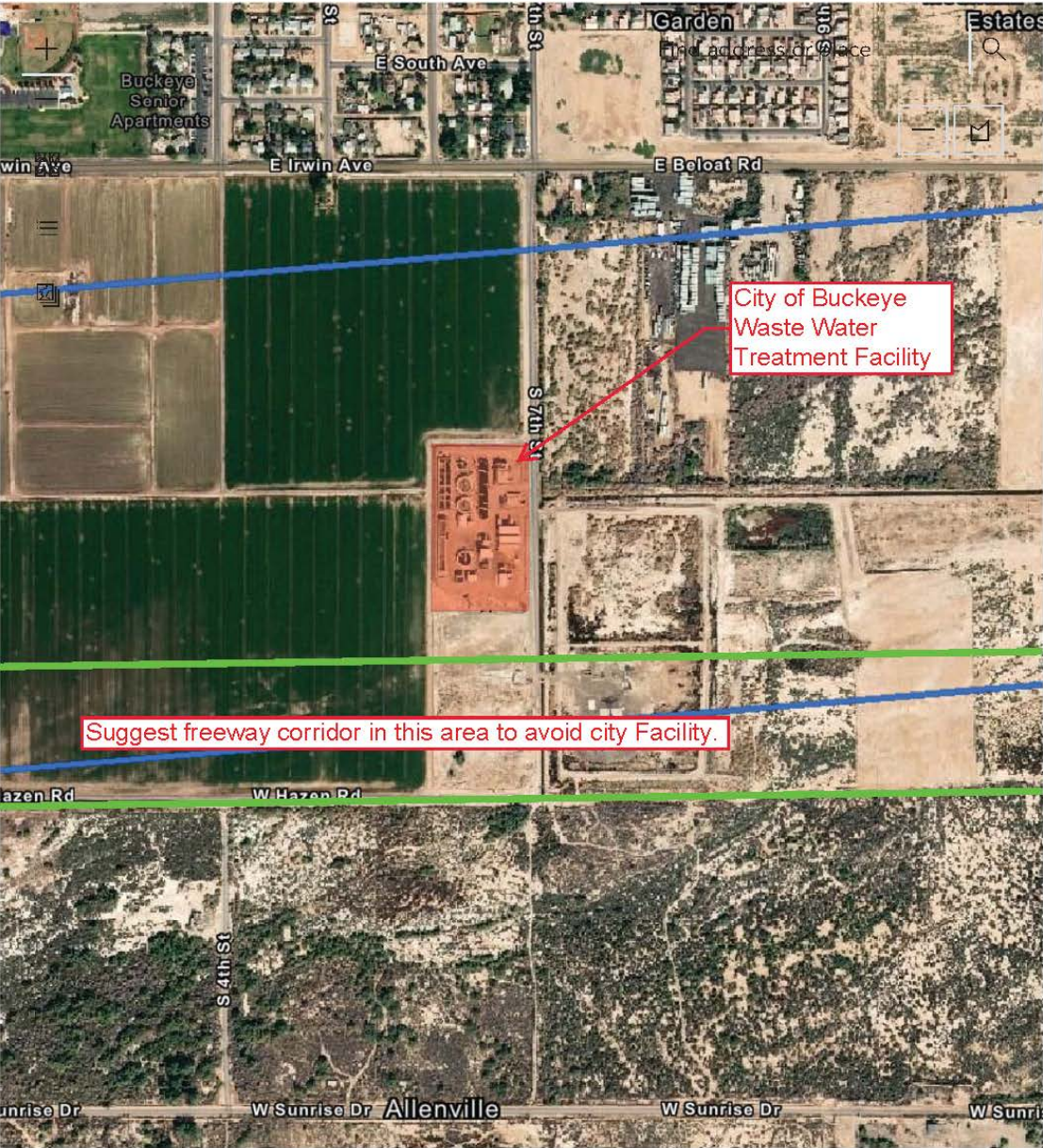
The City suggests locating the freeway south of the WWTF closer to the Hazen Road alignment. Before a final alignment can be determined coordination with the City will be required to determine the ultimate size of the WWTF.

ID	Topic	Response
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PA-15-2		See GlobalTopic_2.
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ID	Comment Document
	Map - I-11 Study

ID	Topic	Response
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City of Buckeye

PA-15-3

White Fence Farms is a residential subdivision near Beloat Road/Rainbow Road. It will be impacted by the freeway (it is completely within the 2000' alignment). There is another residential subdivision north of Beloat Road across from White Fence Farms.

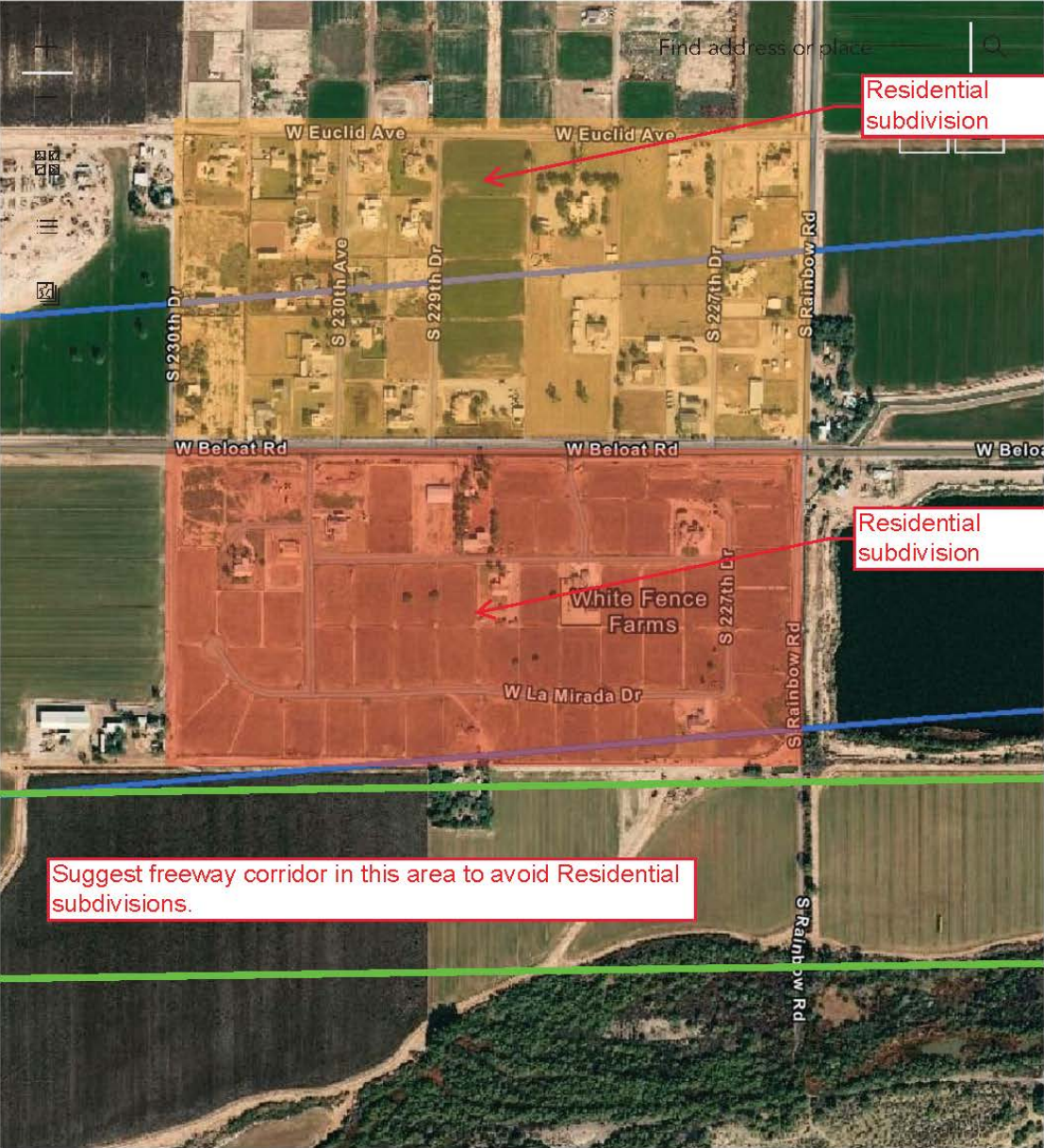
The City suggests shifting the alignment south of White Fence Farms (it would match up with a shifting of the freeway south of the City's WWTF to the west and shifting the freeway south on the east to miss other developments). There would be minimal impact to the White Fence Farms development.

ID	Topic	Response
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PA-15-3		See GlobalTopic_2.
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ID	Comment Document
	Map - I-11 Study

ID	Topic	Response
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ID	Comment Document
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City of Buckeye

PA-15-4

Between 214th Lane and Tuthill Road there are several homes (a neighborhood), farms, Bales Hay Farm and Ranch Feed Store and a sand/gravel operation.

City suggests locating freeway corridor about 1/4 - 1/2 mile south of Beloit Road in this area to avoid the residential subdivision, sand/gravel operation, and Farming Operation with Hay Sales to local folks. The southern alignment would match up with the shifted alignment west of the area and could provide for a smoother shift of the freeway to the south through Rainbow Valley which begins just east of this area.

ID	Topic	Response
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PA-15-4		See GlobalTopic_2.
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ID	Topic	Response
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Page 1 of 1

Map - I-11 Study



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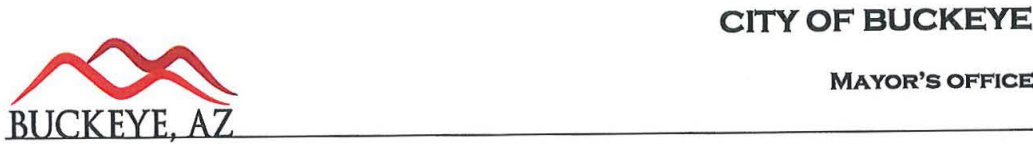
USDA, FSA, DigitalGlobe, CNES/Airbus DS | City of Buckeye, Arizona, City of Goodyear, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

7/8/2019

https://111-viewer.hfgateway.com/

ID	Comment Document
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ID	Topic	Response
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July 2, 2019

I-11 Tier 1 EIS Study Team
Arizona Department of Transportation
Attn: Jay Van Echo
1655 W. Jackson Street, MD 126F
Phoenix, AZ 85007

Re: I-11 Tier 1 EIS – City of Buckeye Preferred Alignment

Dear Mr. Van Echo:

The City of Buckeye has completed a review of the I-11 Draft Tier 1 Environmental Impact Statement (EIS) and has the following comments:

The EIS recommended (Blue) alignment (see attached exhibit A) will have detrimental impacts to several properties within the City of Buckeye Municipal Planning Area (MPA), and it is not consistent with several of the City’s planning documents (2040 General Plan, Transportation Master Plan and Community Master Plan). The recommended corridor along the Hazen Road alignment has several major impacts to important existing facilities within the Buckeye MPA:

PA-15-5

- It will be located very close (Within 0.5 miles) to Palo Verde Elementary School.
- It impacts two (2) different dairy farm operations.
- It will be located within close proximity (less than ½ mile) to existing subdivisions.
- It bisects multiple existing farms into two separate areas causing major impacts to farming operations.

As such, the City of Buckeye is not in support of the recommended (Blue) alignment.

PA-15-6

Instead the City is in support of the (Purple) alignment with some modifications. North of I-10, the Purple Alignment most closely aligns with the Hassayampa Valley Transportation Framework Study (adopted February 2008). That study was previously completed by the Maricopa Association of Governments (MAG) and accepted by the city. The Purple alignment also best aligns with the City’s vision for I-11 north of I-10, and is most consistent with the City’s planning documents and entitled Community Master Plans (CMP’s). In particular, the Purple alternate aligns closest with the approved Douglas Ranch CMP (See Exhibit B).

South of I-10, the Purple Alignment is also the City’s preferred alignment; however, with a deviation in the Palo Verde area (331st Avenue to SR 85).

530 E. Monroe Ave. • Buckeye, Arizona 85326
Phone 623-349-6919 • Fax 623-349-6222 • www.buckeyeaz.gov

PA-15-5	Land Use	See GlobalTopic_2.
PA-15-6	Purple Alternative	See GlobalTopic_2 and GlobalTopic_4.

ID	Comment Document
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PA-15-7

The City requests that ADOT consider an alternate alignment through this area. See Exhibit C.

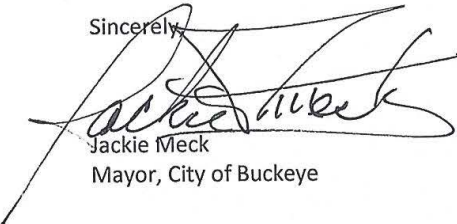
Gila Alignment – A route along the north portion of the Gila River transitioning to the Hazen Road alignment near Rooks Road.

- This alignment does not cross the Buckeye Canal and will have minimal impacts on long standing regional irrigation facilities.
- This route would continue to provide access to the planned industrial components in this portion of the City.
- As it would be located closer to the river and the southern portion of the agricultural farming in the area, the freeway will not bisect multiple existing farms into two separate areas preventing major impacts to farming operations.
- It will provide flood protection for the adjacent properties allowing the land to become developable.
- It will also have minimal impacts to existing communities, as there are fewer structures within the suggested study area.

The City looks forward to working with the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) in the development of I-11 through Buckeye.

Thank you for considering our preferred corridor alignment of I-11 through Buckeye.

Sincerely,


Jackie Meck
Mayor, City of Buckeye

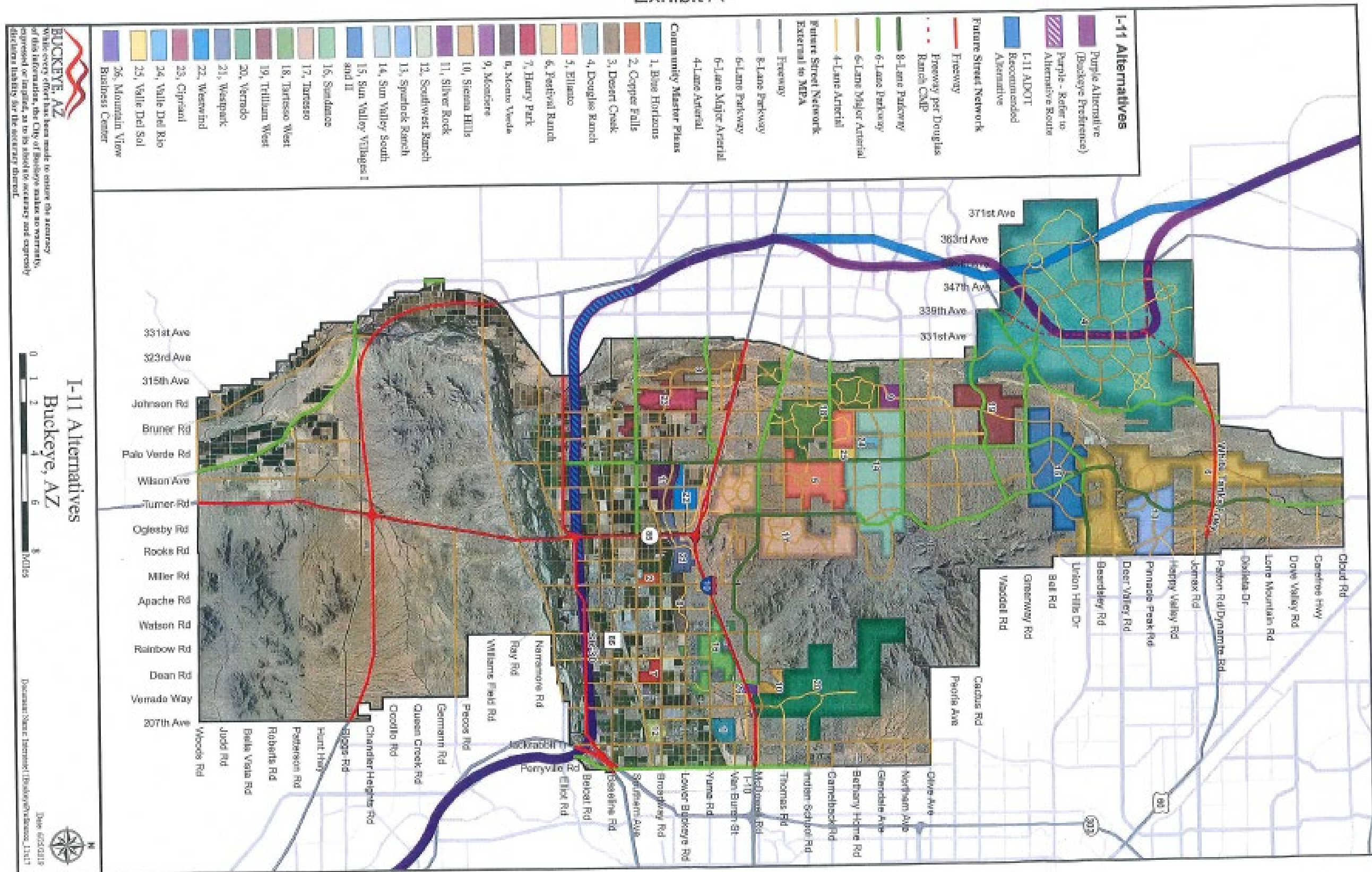
530 E. Monroe Ave. • Buckeye, Arizona 85326

Phone 623-349-6919 • Fax 623-349-6222 • www.buckeyeaz.gov

ID	Topic	Response
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PA-15-7	Alternatives	See GlobalTopic_2 and GlobalTopic_4.
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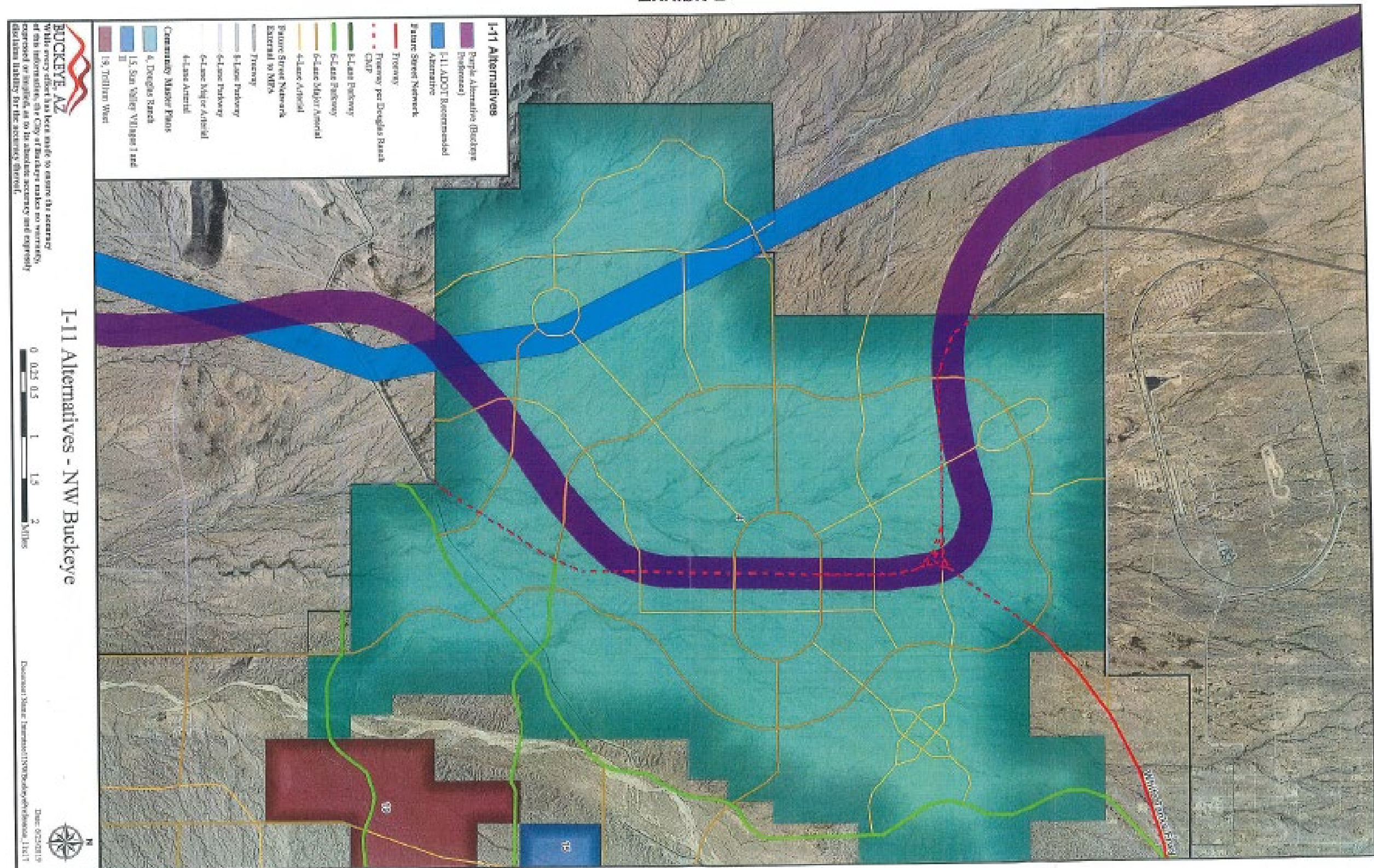
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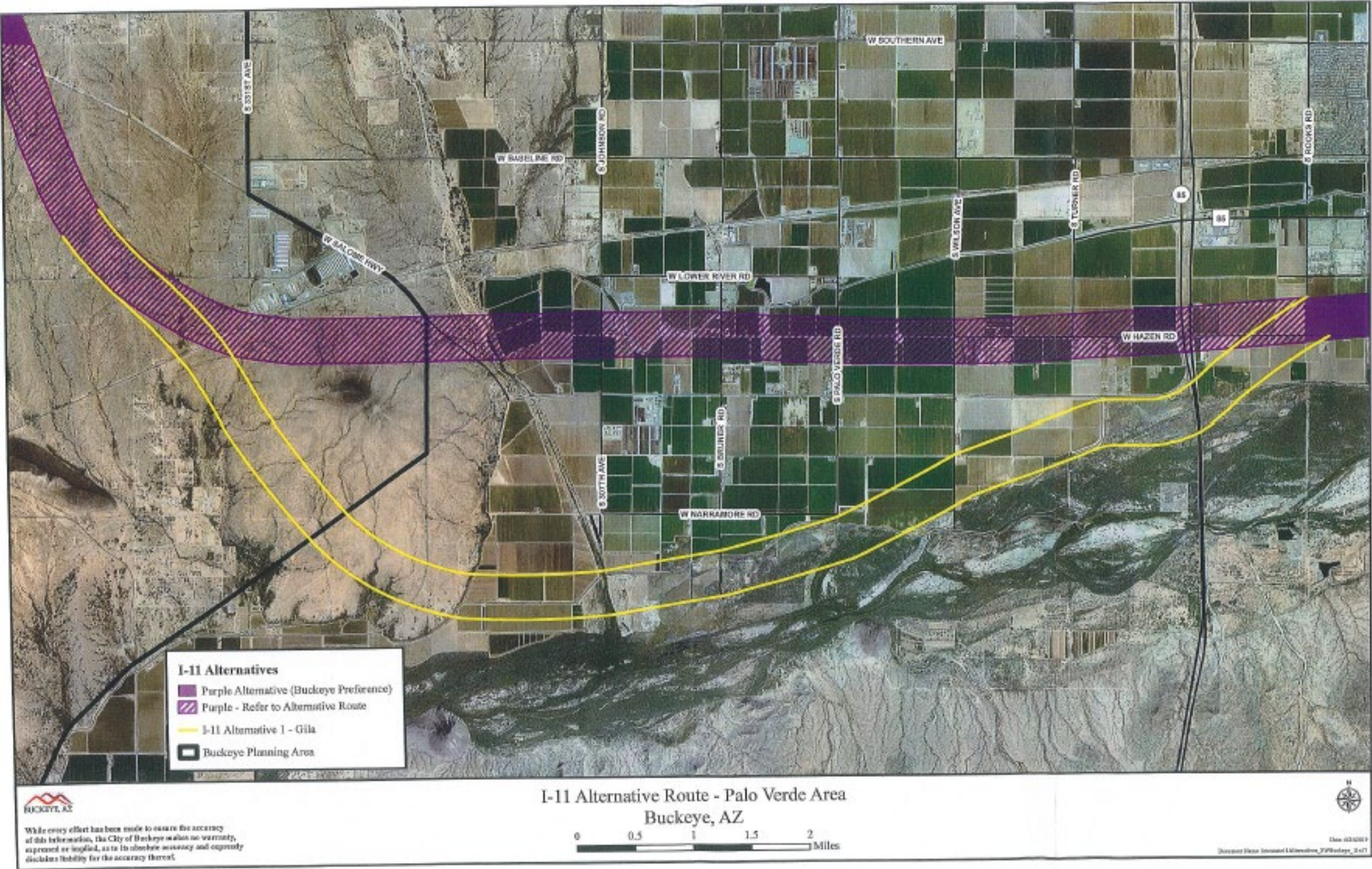
ID	Topic	Response
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Exhibit B



ID	Comment Document	ID	Topic	Response
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Exhibit C





City of Casa Grande



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ID	Comment Document
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PA-16-1

Hello

According to your web site and the local advertisement in your paper, our library is supposed to have a hard copy of this study available for people to review. We have not received anything to date. Do you have a timeline of when this will be delivered to our library, we have had 3 people looking for the hard copy to review it?

Sincerely,

[cid:image001.png@01D4EFB0.48B17920]

Caryl Chase

Library Circulation Supervisor-Main Branch | City of Casa Grande

A: 449 North Dry Lake Street

P: 520-421-8710, x 4500

E: cchase @casagrandeaz.gov W:

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Public Record Notice: Under Arizona law, e-mail communications and e-mail addresses may be public records subject to disclosure pursuant to a public records request.

ID	Topic	Response
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PA-16-1	Coordination/Meeting Info Request	The I-11 Project Team delivered hard copies of the Draft Tier 1 EIS to the Casa Grande library on Drylake Street (the main library) on April 4, 2019. Upon arrival that day, our point of contact with the library (Kevin) was not available to receive the Draft Tier 1 EIS and we left the documents with staff at the front desk with explicit instructions to call us should they have any issues/questions. On April 10, we received an email and phone call from the staff at the library stating they had not received a copy. The Project Team returned the call and made arrangements to deliver a second hard copy but before that second hard copy could be delivered the library reached out to inform the Project Team that they had found the original hard copy and would not need the second one delivered.
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ID	Comment Document
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City of Casa Grande

PA-16-2

Yes, this is Caryl Chase, circulation supervisor at Casa Grande Public Library and I was just calling to see how I can get a copy of this because it is stated on your advertisements in the newspapers and on the website that we are supposed to have a copy of these documents up for public review and we do not. I can be reached at 520-421-8710. Thank you.

ID	Topic	Response
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PA-16-2	Coordination/Meeting Info Request	See response PA-16-1.
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City of Eloy



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ID	Comment Document
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ID	Topic	Response
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		See response below.
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Jon Vlaming

To Whom It May Concern: Please find our letter and Resolution attached as comments to submit for the subject above. Let us know if you have any questions or require additional information.

Regards,

Jon

Jon Vlaming Community Development Director

City of Eloy 595 North C Street, Suite 102 (as of 3/18/19) Eloy, Arizona 85131

520.466.2578 office jvlaming@eloyaz.gov

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ID	Comment Document
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CITY OF ELOY
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING ° BUILDING & SAFETY ° CODE COMPLIANCE

June 18, 2019

I-11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 W. Jackson Street
Mail Drop 126F
Phoenix, Arizona 85007

Re: City Preferred Corridor/Green Alternative
I-11 Corridor Draft Tier 1 EIS

To Whom It May Concern:

On behalf of the City of Eloy, I would like to convey our support for the Green Alternative of FHWA's/ADOT's Interstate 11 Draft Tier 1 Environmental Impact Statement and Preliminary Section 4 (F) Evaluation. Our support for this alternative has been formalized through a resolution adopted by the Eloy City Council on May 28, 2019.

We appreciate the opportunity to submit our comments and communicate our intention for the portion of the I-11 corridor that transects through our incorporated area and planning area. If you have any questions, or require additional information, please do not hesitate to contact me at jvlaming@eloyaz.gov or at 520.466.9201.

Sincerely,


Jon Vlaming
Community Development Director

Cc: Harvey Krauss, City Manager
Keith Brown, Public Works Director
Irene Higgs, Executive Director, Sun Corridor Metropolitan Planning Organization

595 North C Street, Suite 102, Eloy, Arizona 85131 • 520/466-2578
"Right in the Heart of Arizona's Future"

ID	Topic	Response
PA-17-1	Green Alternative	See GlobalTopic_4.

PA-17-1

ID	Comment Document
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ID	Topic	Response
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RESOLUTION NO. 19-1457

RESOLUTION OF THE ELOY CITY COUNCIL DECLARING SUPPORT FOR THE RECOMMENDED ALTERNATIVE (GREEN) OF THE FEDERAL HIGHWAY ADMINISTRATION AND ARIZONA DEPARTMENT OF TRANSPORTATION'S INTERSTATE 11 DRAFT TIER 1 ENVIRONMENTAL IMPACT STATEMENT AND PRELIMINARY SECTION 4(F) EVALUATION.

WHEREAS, in November 2014, the Federal Highway Administration (FHWA), Arizona Department of Transportation (ADOT), Nevada Department of Transportation, Maricopa Association of Governments, Regional Transportation Commission of Southern Nevada, and other key stakeholders completed an initial two-year feasibility study known as the Interstate 11 (I-11) and Intermountain West Corridor Study; and,

WHEREAS, in May 2016, FHWA and ADOT issued a Notice of Intent to commence with a three year Tier 1 Environmental Impact Statement to select a corridor alternative for I-11 between Nogales and Wickenburg; and,

WHEREAS, the I-11 Corridor Study Area is 280 miles long and the environmental review process examines and evaluates the No Build Alternative and a 2,000-foot wide Project Area for three Build Corridor Alternatives in which the I-11 alignment could be located; and,

WHEREAS, the I-11 Corridor Study Area traverses the counties of Santa Cruz, Pima, Pinal, Maricopa, and Yavapai within central and southern Arizona; and,

WHEREAS, the Eloy City Council supports the environmental review process for the location of I-11 in accordance with the National Environmental Policy Act and other regulatory requirements; and,

WHEREAS, the Eloy City Council declares its support for the Recommended Alternative (Green) in the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation (Draft Tier 1 EIS) as depicted in the attached map on Exhibit 1.

WHEREAS, the Eloy City Council supports the rationale for the Recommended Alternative (Green) to:

- Allow for a redundant mobility corridor to Interstate 10 and enhances capacity for the expeditious movement of people and goods within Arizona, the Southwest and among the United States Mexico and Canada for commerce, emergency mobility and defense access; and
- Incorporate measures to minimize impacts on the floodplain and to maintain its natural character and joint recreational use and open space value; and
- Provide vehicular mobility and enhanced property access through the southern region of the City's planning and incorporated area; and

- Enhance the economic potential of this corridor, other mobility corridor connections and potential future interchange locations.

NOW THEREFORE, IT IS HEREBY RESOLVED that the Eloy City Council declares its support of the following:

- 1) The environmental review process for the location of I-11; and,
- 2) The Recommended Alternative (Green) in the Draft Tier 1 EIS; and
- 3) The Recommended Alternative (Green) depicted in Exhibit A is in accordance with other local and county level plans and provides an alternate, high capacity route to serve planned growth and economic centers in western Pinal County; and; and,
- 4) The Recommended Alternative (Green) depicted in Exhibit A best meets the Purpose and Need of the Draft Tier 1 EIS as it promotes freight movement, links communities, and strengthens economic development and job growth within the Eloy Planning Area.

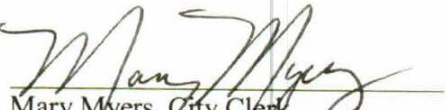
IT IS FURTHER RESOLVED that this Resolution is effective upon approval and execution of this Resolution.

Adopted this 28 day of May, 2019.

APPROVED:


Joel G. Belloc, Mayor

ATTEST:


Mary Myers, City Clerk

APPROVED AS TO FORM:


Stephen R. Cooper, City Attorney

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City of Goodyear



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ID	Comment Document
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ID	Topic	Response
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		See response below
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Luke Albert

Please see the attached City of Goodyear comments for the I-11 Corridor Draft Tier 1 EIS that was approved by Goodyear City Council as Resolution 2019-1977.

Luke Albert
City Traffic Engineer
Engineering Department
City of Goodyear, Arizona

14455 West Van Buren Street, Suite D101
Goodyear, AZ 85338

v 623-882-7519 m 623-693-3139
w goodyearaz.gov
e luke.albert@goodyearaz.gov

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ID	Topic	Response
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PA-18-1	Recommended Alternative (Blue)	See GlobalTopic_2 and GlobalTopic_4
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PA-18-1

RESOLUTION NO. 2019-1977

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, SUPPORTING THE RECOMMENDED CORRIDOR ALTERNATIVE FOR THE INTERSTATE 11 ALIGNMENT FROM NOGALES TO WICKENBURG PRESENTED BY THE ARIZONA DEPARTMENT OF TRANSPORTATION (“ADOT”) WITHIN THE CITY OF GOODYEAR.

WHEREAS, the Recommended Corridor Alternative for the Interstate 11, as reflected in Figure 6-4 Recommended Alternative, a copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference, is generally the same alignment with the proposed SR303L; and

WHEREAS, the SR303L corridor is included in The Goodyear General Plan which was overwhelmingly approved by Goodyear voters in November 2003 and has been identified in numerous transportation studies conducted by the Maricopa Association of Governments; and

WHEREAS, the city of Goodyear specifically supports the westernmost four hundred feet of the 2000 foot corridor near the Willis Road alignment as Exhibit 2 to allow an adequate buffer between Interstate 11 and an existing residential development of Cantamia at Estrella consisting of approximately 1,700 existing and planned homes; and

WHEREAS, the city of Goodyear has been a participating Agency during the three-year ADOT environmental review process and has reviewed the Draft Tier 1 EIS; and

WHEREAS, the Recommended Corridor Alternative fits into the city’s growth plans for expansion into the southern area of the city; and

WHEREAS, the city of Goodyear is a strong supporter of the goals of this project which will ultimately provide future economic development by creating a high capacity transportation link that connects the Phoenix metropolitan area to Las Vegas and ultimately to vital business interests in Canada and Mexico;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. The Goodyear City Council supports the Recommended Corridor Alternative identified in the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation dated March 2019, which is generally the same alignment with the proposed SR303L;

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this 1st day of July, 2019.

ID	Comment Document
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Georgia Lord
Georgia Lord, Mayor

Date: July 2, 2019

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken
Darcie McCracken, City Clerk

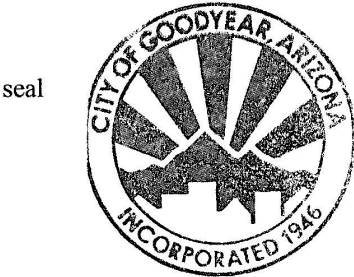
Roric Massey
Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
County of Maricopa) ss.

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 2019-1977 is a true, correct and accurate copy of Resolution No. 2019-1977, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the 1st day of July, 2019, at which a quorum was present and, by a 6-0 vote, 6 voted in favor of said resolution.

Given under my hand and sealed this 3rd day of July, 2019.



Darcie McCracken
City Clerk

ID	Topic	Response
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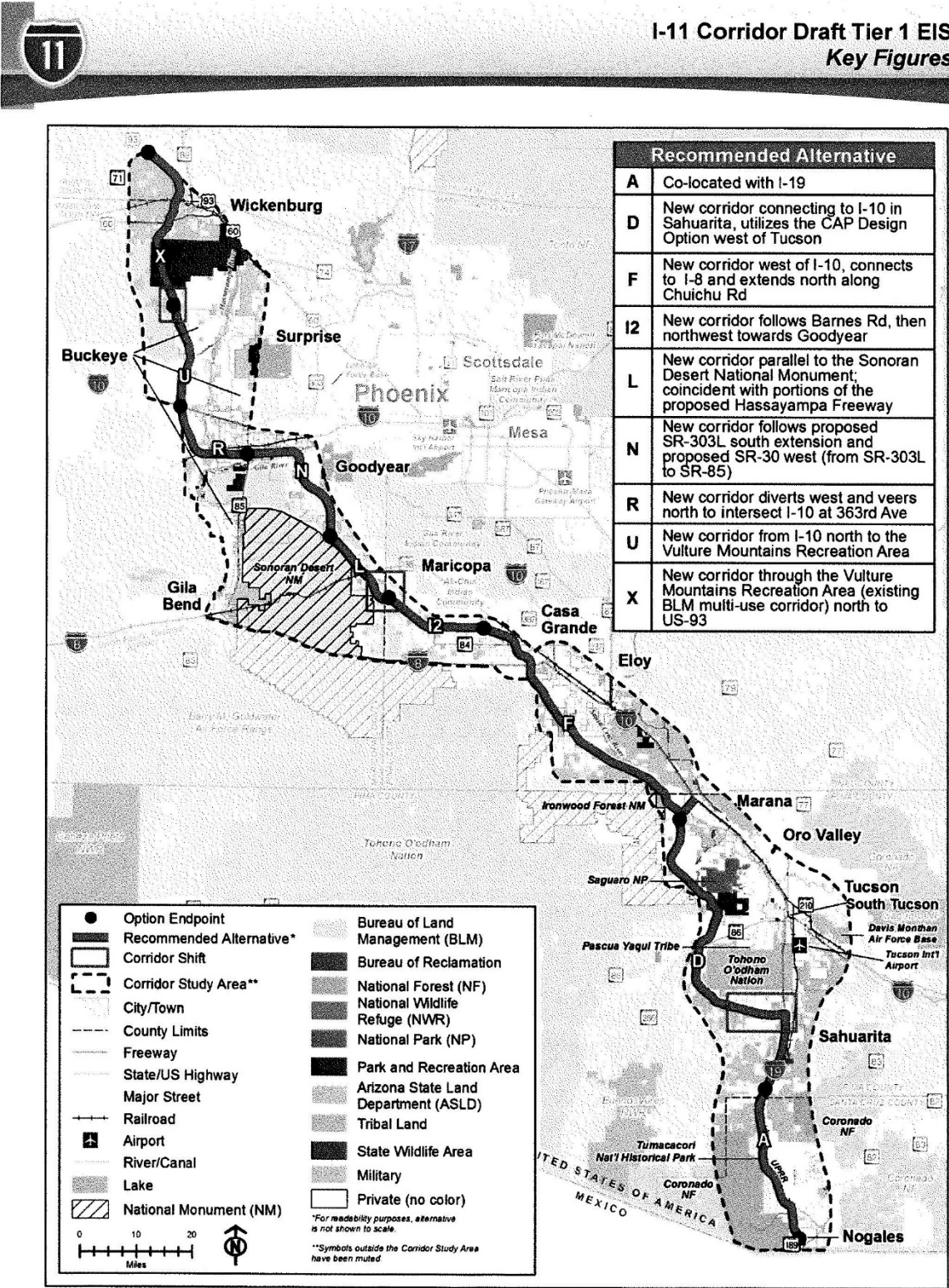
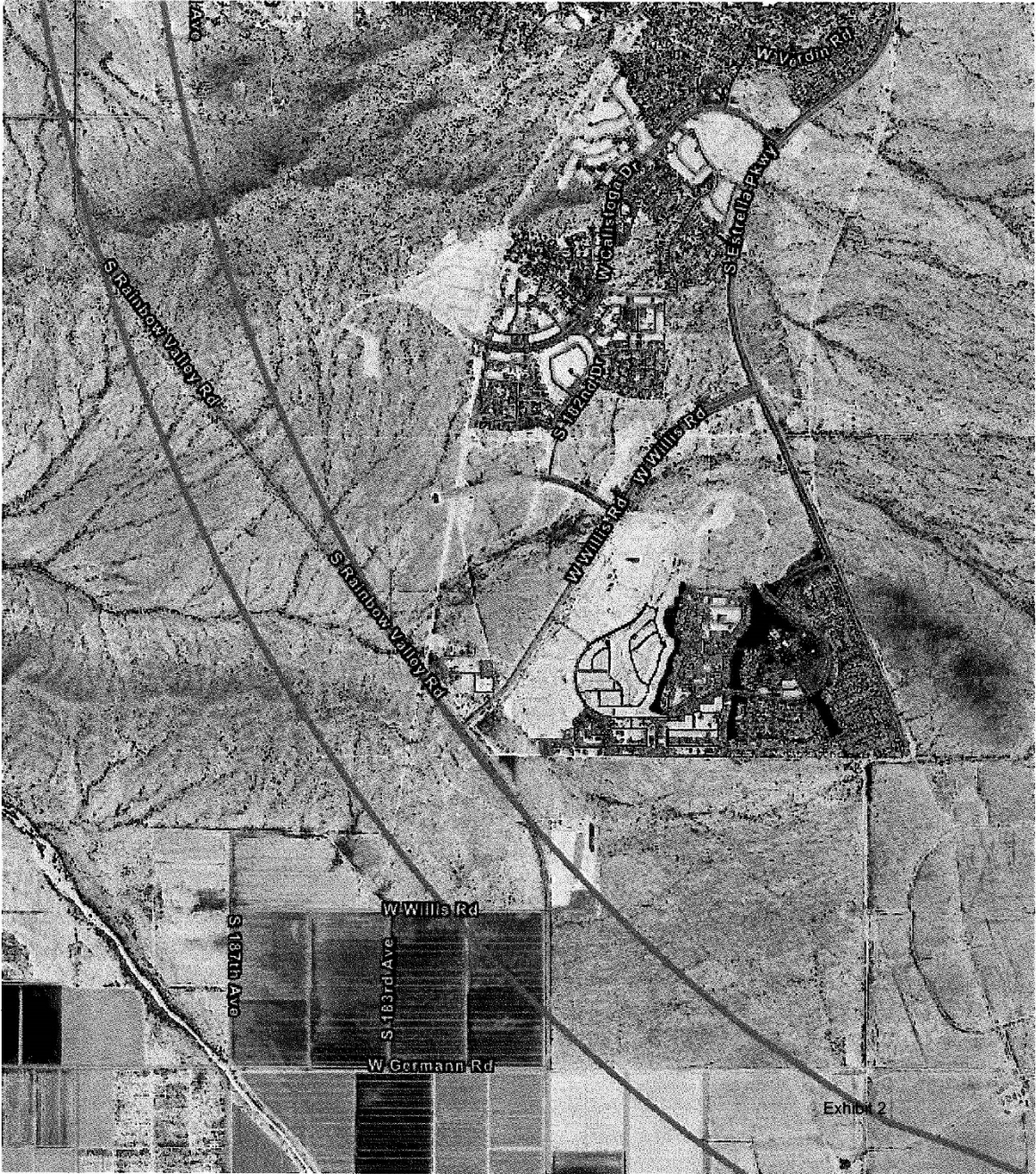


Figure 6-4 Recommended Alternative

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City of Maricopa



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		See response below
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City Of Maricopa

Please accept the attached Resolution of Support 19-20 (City Of Maricopa) submitted at the request of Honorable Mayor Christian Price. Resolution submitted by David R. Maestas, Transportation Policy Manager, City Of Maricopa.

ID	Comment Document
PA-19-1	<p style="text-align: center;">RESOLUTION NO. 19-20</p> <p>A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ENDORSING THE PINAL COUNTY I-11 COALITION'S SUPPORT FOR THE FEDERAL HIGHWAY ADMINISTRATION AND ARIZONA DEPARTMENT OF TRANSPORTATION'S INTERSTATE 11 TIER 1 ENVIRONMENTAL IMPACT STATEMENT AND PRELIMINARY SECTION 4(F) EVALUATION.</p> <p>WHEREAS, in November 2014, the Federal Highway Administration (FHWA), Arizona Department of Transportation (ADOT), Nevada Department of Transportation, Maricopa Association of Governments, Regional Transportation Commission of Southern Nevada, and other key stakeholders completed an initial two-year feasibility study known as the Interstate 11 (I-11) and Intermountain West Corridor Study; and,</p> <p>WHEREAS, in May 2016, FHWA and ADOT issued a Notice of Intent to commence with a three-year Tier 1 Environmental Impact Statement to select a corridor alternative for I-11 between Nogales and Wickenburg; and,</p> <p>WHEREAS, the I-11 Corridor Study Area is 280 miles long and the environmental review process examines and evaluates the No Build Alternative and a 2,000-foot wide Project Area for three Build Corridor Alternatives in which the I-11 alignment could be located; and,</p> <p>WHEREAS, the I-11 Corridor Study Area traverses the counties of Santa Cruz, Pima, Pinal, Maricopa, and Yavapai within central and southern Arizona; and,</p> <p>WHEREAS, the City of Maricopa endorses Pinal County I-11 Coalition's support of the environmental review process for the location of I-11 in accordance with the National Environmental Policy Act and other regulatory requirements; and,</p> <p>WHEREAS, the City of Maricopa also endorses Pinal County I-11 Coalition's support for Option I2 (Barnes Road alignment) of the recommended alternative in the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation (Draft Tier 1 EIS) and Option II (Montgomery Road alignment) identified in the Alternative Selections Report dated December 2017 as they are consistent with the West Pinal Freeway programmed for right-of-way preservation in Phase II of the Pinal Regional Transportation Plan approved by Pinal County voters in 2017.</p> <p>NOW THEREFORE, BE IT RESOLVED, the Mayor and City Council of the City of Maricopa, Arizona hereby endorses Pinal County I-11 Coalition's support of the following:</p> <ol style="list-style-type: none">1) The environmental review process for the location of I-11; and,2) Option I2 (Barnes Road alignment) of the recommended alternative in the Draft Tier 1 EIS and Option II (Montgomery Road alignment) identified in the Alternative <p>00072428</p>

ID	Topic	Response
PA-19-1	Recommended Alternative (Blue)	<p>The Preferred Alternative in the Final Tier 1 EIS was revised to co-locate with I-8 from the vicinity of Chuichu Road west to Montgomery Road then north along the Montgomery Road alignment to SR 84.</p> <p>See GlobalTopic_4.</p>

ID	Comment Document
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PA-19-1

Selections Report dated December 2017 as these options are consistent with the West Pinal Freeway programmed for right-of-way preservation in Phase II of the Pinal Regional Transportation Plan approved by Pinal County voters in 2017; and,

- 3) Options I2 and I1 are in accordance with other local and county level plans and provide alternate, high capacity routes to serve planned growth and economic centers in western Pinal County while avoiding the planned development and expansion of the Lucid Motors and Tractor Supply Distribution Center in Casa Grande as depicted in Exhibit A; and,
- 4) Options I2 and I1 best meet the Purpose and Need of the Draft Tier 1 EIS as they promote freight movement, link communities, and strengthen economic development and job growth within Pinal County.
- 5) Provided that caution is exercised so as to not negatively impact the Terazzo Master Planned Development and/or the existing Global Water multi-million dollar water campus facility that is located within Terazzo and directly under the proposed route. This plant cannot be moved and is essential to providing regional water utility service in the Terazzo subdivision and beyond.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona this 4th day of June, 2019.

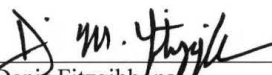

Christian Price
Mayor

ATTEST:


Vanessa Bueras, MMC
City Clerk



APPROVED AS TO FORM:


Denis Fitzgibbons
City Attorney

00072428

ID	Topic	Response
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City of Nogales



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City of Nogales

PA-20-1

1. I truly believe that the environmental impact study limits must include up to the south border with Mexico. In other words, the Tier 1 EIS should include the section of Mariposa Road (SR-189) from I-19 to Mariposa Port of Entry. Even though the Mariposa Road Access Management Project expected to start construction by the end of 2019 or early 2020 included an environmental study, the future traffic expected with the development of the I-11 corridor might have an impact to this segment that might require further improvements (widening, i.e.).

PA-20-2

2. Based on the proposed I-11 "Purple Alternative", Section A from Nogales-Sahuarita should be designed with more travel lanes in both directions and provide connected frontage roads along this corridor to promote economic development. Frontage roads continuity should be part of the future design elements for Section A of the Purple Alternative. It is imperative that the Tier 1 EIS study cover the frontage roads.

PA-20-3

3. As a future transportation facility, explore the possibility for the inclusion of a passenger train from Nogales to Tucson and Phoenix parallel to the I-11 corridor to release traffic congestion by passenger vehicles.

ID	Topic	Response
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PA-20-1		As the City of Nogales points out, the I-11 Tier 1 EIS study termini was at the I-19 and SR 189 interchange. This was determined due to the Maricopa Road Access Management Project currently in the ADOT 5-year construction plan and under construction in 2020. Any future I-11 Tier 2 studies in the City of Nogales and vicinity of Mariposa Road (SR 189) and the Mariposa Port of Entry could be included to the international boundary as this area is included in the study area for I-11.
PA-20-2	Purple Alternative	The I-11 Tier 1 EIS traffic analysis determined that I-19 in the City of Nogales and Santa Cruz County would not require any additional traffic lanes to accommodate the design year future traffic. Any future I-11 Tier 2 studies will have a new design traffic year. At that time the traffic analysis will be updated and the required number of I-11/I-19 travel lanes and frontage roads will be determined. See GlobalTopic_8.
PA-20-3	Transportation	See AC-9.

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City of Surprise



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ID	Comment Document
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July 9, 2019

I-11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 West Jackson Street
Mail Drop 126F
Phoenix, AZ 85007

Re: Comments on the I-11 Tier 1 EIS

Dear Mr. Van Echo,

The City of Surprise has reviewed the I-11 Tier 1 EIS and the Preliminary Section 4(f) Evaluation (DEIS) for the Interstate 11 Corridor. Our review and comments are based on information the City received at ADOT's public hearings. The City of Surprise submits the following comments for consideration.

- PA-21-1
- The City of Surprise supports ADOT's current proposal to include the I-10 reliever as part of the I-11 alignment and the mitigation of environmental impacts through the utilization of the existing power corridor.
 - The City has concerns with the proposed new Recommended Alternative Section X.
 - This new alignment would shift the proposed interchange with the regionally identified White Tank Freeway.
 - The White Tank Freeway was identified in the original Hassayampa Framework Study and was meant to become a major connection between SR303 via the US60 (Grand Avenue) to the I-11, providing an east-west support facility to I-10.
- PA-21-2
- The City requests as the planning and engineering process for I-11 proceeds, that consideration be given to the importance of the White Tank Freeway and that its future development be not precluded.

Thank you for the opportunity to comment on the I-11 Tier 1 EIS and the Preliminary Section 4(f) Evaluation (DEIS) for the Interstate 11 Corridor.

Should you have any questions or need any additional information, please feel free to contact Mr. Chris Boyd, Acting Community Development Director at 623-222-3230.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Lowe".

Terry Lowe
Deputy City Manager

Postmarked Keel July 26, 2019

SURPRISEAZ.GOV

ID	Topic	Response
PA-21-1	Support of I-10 reliever	See GlobalTopic_2 and GlobalTopic_4.
PA-22-2	White Tanks Freeway	While the Preferred Alternative would require a shift of the connection to a proposed White Tank Freeway it does not preclude it and the connection it may provide between SR 303 and US 60. While FHWA and ADOT acknowledge the inclusion of the White Tank Freeway in previous studies it has not been adopted into the STIP, nor has there been any funding allocated for it.

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City of Tucson



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City of Tucson

PA-22-1

City of Tucson would like to request for consideration that the alignment along I-10 through the City of Tucson urbanized area be carried forward through the end of this Tier 1 EIS. If the team could look at removal of frontage roads in order to minimize right of way acquisition and increase I-10 lanes, that would probably solve most of the issues currently cited.

ID	Topic	Response
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PA-22-1	Alternatives	See GlobalTopic_1.
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CITY OF
TUCSON
OFFICE OF THE
CITY MANAGER

July 1, 2019

Karla S. Petty
Arizona Division Administrator
Federal Highway Administration
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012-3500

RE:
999-M(161)
TRACS. No. 999 SW O M5180 O1P
I-11, I-19/SR 189 to US 93/SR 89
I-11 Corridor Draft Tier 1 EIS

Subject: Your letter dated April 26, 2019

**City of Tucson Comments on the Sahuarita to Marana Area of the
Draft Tier 1 Environmental Impact Statement and Preliminary
Section 4(f) Evaluation for the Interstate 11 Corridor**

Dear Ms. Petty,

Thank you for the opportunity for the City of Tucson to review and comment on the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation for the Interstate 11 Corridor (Draft Tier 1 EIS) and for extending the review period to ensure all critical issues can be acknowledged.

For your information and inclusion in the Final Tier 1 EIS, we have attached all the previous correspondence from the City of Tucson (July 8, 2016 to Aryan Lirange, December 23, 2016 to Rebecca Yedlin, March 17, 2017 to Rebecca Yedlin, May 5, 2017 to Jay Van Echo and November 16, 2017 to Karla S. Petty), a copy of the Mayor and Council Resolution concerning the Draft Tier 1 EIS, and a verbatim transcript of the comments of the City of Tucson Mayor and Council concerning this item during the study session held on June 18, 2019. Please note the Mayor and Council Resolution supports the use of the existing I-19/I-10 alignment for I-11 and opposes any alignment that goes through Avra Valley.

City staff has reviewed the draft and have found several items of concern that have resulted in the City of Tucson questioning the selection of a recommended alignment at this time. Our review has brought into question the following concerns:

- The “Green” Alternative (Sahuarita to Marana) does not meet the Purpose and Need involving Population and Employment Growth. Connections to Marana

ID	Topic	Response
PA-22-2	Population and Employment Growth, Population Projections (PAG/ Statewide Model)	The Draft Tier 1 EIS and Final Tier 1 EIS reflect how all Build Corridor Alternative perform relative to the Purpose and Need metrics. Draft Tier 1 EIS Table 6-1 summarizes the results of the Purpose and Need evaluation for the Green, Purple, and Orange, and No Build Alternatives. Final Tier 1 EIS Table 6-3 has been updated to reflect how the Preferred Alternative with west option (Green Alternative) performs in comparison to high-growth areas.

PA-22-2

ID	Comment Document
	Name: Karla S. Perry Date: July 1, 2019 Page: 2
PA-22-2	<p>and Sahuarita do not constitute connections to the Tucson metropolitan area which is growing at a pace not reflected in the inaccurate population projections provided by the Pima Association of Governments (PAG) for this study. The majority of future population growth is projected to occur in the Tucson urban area. This was recently acknowledged by the updated PAG population projections. These newer and more accurate projections use a more accurate model and should be used in this study to properly analyze the impacts to the largest population and employment growth area in the southern reach of this study.</p>
PA-22-3	<ul style="list-style-type: none">The “Green” Alternative (Sahuarita to Marana) does not meet the Purpose and Need involving System Linkages and Regional Mobility nor the Access to Economic Activity Centers. This alignment bypasses the largest economic driver in Southern Arizona, the City of Tucson. The City requests that ADOT conduct a comprehensive Economic Impacts Analysis to estimate the financial impacts to the Tucson area if tourists and other motorists from Mexico bypass Tucson. The stated purpose of supporting improved regional mobility for people, goods, and homeland security is specifically missing, and connections must be made to the City of Tucson or this goal is not met.
PA-22-4	<ul style="list-style-type: none">The “Green” Alternative clearly pulls economic activity away from the core business and industrial areas of Tucson, not only downtown, but also industrial parks around the airport, UA Tech Parks and the Port of Tucson noted above and negates our infrastructure investment in the region. In particular, developments such as the Port of Tucson, that are just beginning to build out as logistics and transportation hubs, will not readily benefit from a western alignment that completely bypasses this area. The recent momentum of the business and industrial development in the core of Tucson will erode with the construction along the recommended alignment, causing competing sites to pull economic activity away from areas just now working to establish themselves. Instead, the costs of bringing infrastructure to the proposed alignment will make it difficult to achieve successes in a timely manner, delaying Arizona's ability to deliver a freeway solution that begins moving goods and services in a fast, efficient manner which is in every jurisdiction's best interest.
PA-22-5	<ul style="list-style-type: none">For both the “Green” and “Orange” Alternatives, there are critical impacts to biological, water storage, 4(f), and cultural resources that require more in-depth study before it would be appropriate to recommend either of these

ID	Topic	Response
PA-22-3	Economic (Economic Activity Centers)	The Arizona Statewide Travel Demand Model, which estimates short and long-distance travel for passenger vehicles and commercial trucks through 2040, does not support the premise that traffic would be diverted from downtown Tucson. As stated on page 2-28 in Section 2.4.3.1 of the Draft Tier 1 EIS, “Even with the Build Corridor Alternatives, I-10 will continue to carry a significant amount of traffic through the Tucson area and will continue to be used as a primary connection to downtown Tucson.”
PA-22-4	Economic Impacts	The Arizona Statewide Travel Demand Model does not support the premise that traffic would be diverted from downtown Tucson. As stated on page 2-28 in Section 2.4.3.1 of the Draft Tier 1 EIS, “Even with the Build Corridor Alternatives, I-10 will continue to carry a significant amount of traffic through the Tucson area and will continue to be used as a primary connection to downtown Tucson.” Therefore, businesses in downtown Tucson and employment centers along the I-19/I-10 corridor (such as the Port of Tucson and University of Arizona Tech Park) are not expected to be negatively impacted.
PA-22-5	Environmental Impacts in Avra Valley (Tucson Water Recharge Facilities, Wildlife Movement)	<p>See GlobalTopic_1.</p> <p>Tucson Water Recharge Facilities: The Preferred Alternative includes Option D (CAP), which is approximately 1 mile from SAVSARP and approximately 1,000 feet from CAVSARP, and Option B, which is located entirely away from these facilities. Tier 2 studies would assess potential effects to the CAVSARP and SAVSARP in greater detail and would identify best management practices and mitigation measures that would be employed to protect these facilities should an alignment within Option D (CAP) be selected as the final highway corridor.</p> <p>A more detailed discussion of potential impacts to the CAVSARP and SAVSARP has been added to Appendix E13.5.1.1 Sensitive Water Resources (South Section), Appendix E13.6.2 No Build Alternative, and Appendix E13.6.3 Comparison of Build Corridor Alternatives of the Final Tier 1 EIS. A discussion has been added to the Final Tier 1 EIS of hazardous materials spills as they relate to water resources and potential avoidance, minimization, and mitigation measures that could be further evaluated at the Tier 2 level.</p>

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Name: Karla S. Perry
Date: July 1, 2019
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PA-22-5

alignments. The mitigation of impacts of the “Green” Alternative to the main source of Tucson’s regional water supplies has not been fully explored. This alternative appears to severely impact the Central and Southern Avra Valley Storage and Recovery Projects (CA VSARP/SA VSARP) facilities in Avra Valley, which are the main water sources of the Tucson Active Management Area (AMA) and store water for the City of Phoenix, the Southern Nevada Water Authority, and the Arizona Water Banking Authority (AWBA). The “Green” Alternative will also impact wildlife migratory movements, sever existing habitats and territories, and affect natural areas and regional park viewsheds. The mitigation of these economic and environmental impacts has not been fully explored. The “Orange” Alternative has impacts related to the significant historic and cultural resources through Tucson that have not been fully explored.

PA-22-6

- The City requests that ADOT conduct an in-depth analysis of the “Green” Alternative to take into consideration the full impacts to the environment and water resources. This analysis should use a 400-foot wide highway corridor, fully explain the impact to the regional CA VSARP/SA VSARP facilities, include specific mitigations for any potential Hazardous Materials spills to ensure the water supply remains protected, and better define the wildlife impacts.

PA-22-7

- The “Green” Alternative hits every bullet on the list ADOT mentioned during the slide presentation given on Jun 18, 2019 at the City of Tucson Mayor and Council Study Session. Specifically, the list outlines areas that are to be avoided with any alignment. That list is as follows:
 - 1) National parks and monuments: This alternative between Sahuarita and Marana goes directly adjacent and through the viewsheds of the Ironwood Forest National Monument and the Saguaro National Park.
 - 2) Wilderness areas: Almost the entire alignment between Sahuarita and Marana is in natural desert that is currently wilderness.
 - 3) Roadless areas: Almost the entire alignment between Sahuarita and Marana is in natural desert that is currently mostly roadless.
 - 4) Critical habitats: Much of this alternative between Sahuarita and Marana is adjacent to and at least partly through critical habitat for birds and several varieties of important cactus. The environmental document admits this alternative will increase mortality of Species of Economic and Recreational Importance.

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PA-22-6	Water Resources, Hazardous Materials	See GlobalTopic_1 and GlobalTopic_8.
PA-22-7	Environmental Impacts in Avra Valley (Land use Special Designations: Wilderness, Roadless Areas), Biology, Section 4(f); existing development)	See GlobalTopic_1. 1) National Parks and Monuments: The Green Alternative does not directly impact National Parks and Monuments. Table 3.9-9 in the Draft Tier 1 EIS presents the potential impacts on visual and aesthetics of SNP and IFNM. 2) Wilderness Areas: The Green Alternative does not impact Wilderness Areas. Table 3.3-4 in the Draft Tier 1 EIS presents information on impacts to wilderness area in acres for the Green Alternative. 3) Roadless Areas: The Green Alternative does not impact designated roadless areas. Table 3.3-4 in the Draft Tier 1 EIS presents information on impacts to roadless areas in acres for the Green Alternative. 4) Critical habitats: A discussion of potential impacts to the Pima Pineapple Cactus (PPC) and other ESA-listed species was included in Draft Tier 1 EIS Section 3.14.4.2 Special Status Species, Build Corridor Alternatives, Sonoran Desert and Mountainous ESA-listed Species. Detailed mitigation strategies are listed in Draft Tier 1 EIS Table 3.14-12 Specific Mitigation Strategies for Each Corridor Option. Mitigation strategies for PPC include minimizing the construction footprint through PPC habitat and conducting surveys one year prior to initiation of the Tier 2 process among others. Analysis of impacts to additional biological resources is included in Draft Tier 1 EIS Section 3.14 Biological Resources with more detailed analysis to be conducted during the Tier 2 process. 5) Section 4(f) Properties: Chapter 4 of the Final Tier 1 EIS contains the updated Preliminary Section 4(f) Evaluation. 6) Tribal Lands: The Green Alternative does not impact any tribal lands. Table 3.3-4 in the Draft Tier 1 EIS presents information on impacts to tribal lands in acres for the Green Alternative. 7) Floodplains: Refer to Comment 4 for a discussion of the CAVSARP and SAVSARP. A comparison of impacts to floodplains associated with each Build Corridor Alternative is included in Appendix E13.6.3 Comparison of Build Corridor Alternatives. 8) No response needed.

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Name: Karla S. Perry
Date: July 1, 2019
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PA-22-7

- 5) Section 4(f) properties: This alternative between Sahuarita and Marana goes through Anza Park and the Bureau of Reclamation wildlife travel corridor.
- 6) Tribal lands: This alternative between Sahuarita and Marana is adjacent to and appears to infringe on the Tohono O’odham Nation land.
- 7) 100-year floodplains/floodways: This alternative between Sahuarita and Marana appears to cross several floodplains, but more importantly, negatively impacts the CA VSARP/SA VSARP.
- 8) Impacts to existing development: This alternative impacts this item the least.

PA-22-8

- ADOT’s Long-term Maintenance and Financial Obligations - According to ADOT’s long-range transportation plan for 2040, there is a \$30.5 billion funding shortfall. The City’s concern is that a new 50-mile section of interstate highway through Avra Valley will cost billions of dollars, taking away funding for maintenance and upgrades to the existing I-10 and I-19 corridors and other critical mobility enhancements within our region. The City of Tucson asks that ADOT invest in the existing facilities before building new stretches of interstate.

PA-22-9

The City requests that ADOT conduct an in-depth analysis of the “Orange” Alternative to more fully ensure that adverse impacts, both direct and indirect, to significant historic resources and any mitigations to those impacts are more completely understood. This analysis should use an alignment that stays within the existing right of way of I-10 and I-19, understanding that the frontage road areas and other open space within the existing right of way can be used for freeway lanes and assumes no right of way acquisition will be needed.

PA-22-10

Based on the above concerns, we strongly recommend further evaluation of the “Build” alternatives. The City of Tucson is strongly in favor of the “Orange” Alternative in the Sahuarita to Marana area-per the attached Mayor and Council resolution.

Sincerely,



Michael J. Ortega, P.E.
City Manager

PA-22-8	Funding	See AC-7.
PA-22-9	Alternative (Additional analysis needed)	See GlobalTopic_1 and GlobalTopic_8.
PA-22-10	Alternatives (Additional analysis needed) and Attachments	See GlobalTopic_4 and GlobalTopic_1.

ID	Comment Document
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Attachment to City of Tucson letter dated July 1, 2019



July 8, 2016

CITY OF
TUCSON
OFFICE OF THE
CITY MANAGER

Mr. Aryan Lirange, Senior Urban Engineer
Federal Highway Administration
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012

RE:
999-M(161)S
I-11, I-19/SR 189 to US 93/SR 89
TRACS No. 999 SW 0 M5180 01P
I-11 Corridor Tier 1 EIS
Participating Agency Invitation Letter

Dear Mr. Lirange,

The City of Tucson will serve as a Participating Agency during the Tier 1 EIS process for the I-11 Corridor. City staff participated in the Agency Scoping Meeting of Wednesday, June 22 at Pima Association of Governments in Tucson.

At this time, the City’s comments on the Scope pertain to the alternatives to be studied and impacts to be evaluated. To provide additional context, relevant policies are cited from *Plan Tucson: City of Tucson General and Sustainability Plan*, which was ratified by voters in 2013. The comments provided in this letter should not be construed as a policy position on the I-11 project or EIS process. Rather, they are provided as information to be considered in your analysis. City staff will discuss the I-11 project with Mayor and Council at the appropriate time in the future; and they may choose to direct staff to submit additional comments at that time.

Consideration of Alternatives

Related Plan Tucson policy:

Policy LT22: Participate in efforts to develop a coordinated regional, multi-modal transportation system that improves the efficiency, safety, and reliability of transporting people and goods within the region and to destinations outside the region (*Built Environment Focus Area: Land Use, Transportation, & Urban Design Element*).

ID	Topic	Response
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To: Mr. Aryan Lirange
Date: July 8, 2016
Page 2 of 6

The City requests that the Tier 1 EIS consider innovative approaches to alternatives that locate I-11 approximately within the existing rights of way for I-10 and I-19 (including frontage roads). Developing the interstate within already disturbed areas has the potential to have fewer impacts to natural resources, lower cost, easier access to I-10 East for both freight and passenger travelers, and shorter routes to already developed freight hubs along I-10 and I-19. Any alternatives along existing facilities in the urban area need to study a smaller than 2,000’ wide study area, using a reasonable width of dual designated highway.

One such innovative approach is detailed in the collector-distributor roadway alternative (System Alternative IV) as described in the ADOT/FHWA *Interstate 10: Junction Interstate 19 to State Route 83/State Route 210: Golf Links Road to I-10 Feasibility Report Update* completed in February 2015. This approach separates local and through traffic, and has the potential to greatly facilitate freight movement without adding as much physical infrastructure (i.e. lanes) as would otherwise be required. A collector-distributor roadway would also provide a consistent approach along I-10 through the city if that alternative is selected on the eastern portion of the urban area along I-10.

Potential Economic Impacts

Related Plan Tucson policies:

Policy RG1: Increase international partnerships and trade opportunities, with particular focus on Tucson’s strong economic, cultural, and geographic ties to Mexico (*Economic Environment Focus Area: Regional & Global Positioning Element*).

Policy RG2: Capitalize on Tucson’s strategic location by maintaining and enhancing Tucson as an international port and center for commerce and logistics (*Economic Environment Focus Area: Regional & Global Positioning Element*).

Policy LT22: Participate in efforts to develop a coordinated regional, multi-modal transportation system that improves the efficiency, safety, and reliability of transporting people and goods within the region and to destinations outside the region (*Built Environment Focus Area: Land Use, Transportation, & Urban Design Element*).

Policy TQ2: Preserve and celebrate the beauty of Tucson’s natural landscape and the wonder of the Sonoran Desert (*Social Environment Focus Area: Tourism & Quality of Life Element*).

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Attachment to City of Tucson letter dated July 1, 2019

To: Mr. Aryan Lirange
Date: July 8, 2016
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While the overall economic impact of any roadway alternative would need to be verified by a formal economic impact study, the initial economic development impact of I-11 (any alternative) to the City of Tucson would be the creation of construction jobs and businesses supporting the construction industry. I-11 would further support efforts of the Port of Tucson to continue to build its inland port services. This would further position Tucson as a major logistics center in the Southwest, allowing Tucson to be more competitive in the global economy.

For roadway alternatives that skirt or bypass the majority of the Tucson metro area, there are pros and cons to consider. Potential negative impacts to the City include loss of sales tax revenue from frontage hotels, restaurants and gas stations that cater to the trucking industry. However, the types of businesses typically associated with the trucking industry are retail and basic service industry related jobs, which tend to have low wages with limited positive spinoffs. As further due diligence, the City can undertake an analysis of the sales tax generated from businesses ¼-mile on either side of I-10 from Kolb Road to Ruthrauff Road to fully understand the extent of the revenue impact.

Additionally, there could be substantial loss of revenue from domestic and Mexican visitors who would then have an option to bypass the City of Tucson. Currently, visitors from Mexico spend nearly \$1 billion in Tucson and Pima County each year. This accounts for more than 5% of the total taxable sales in Pima County, the majority of which occurs within the City of Tucson.

Also, roadway alternatives that pass through undeveloped or rural areas would have the potential to affect tourism, a large portion of which is driven by the region’s unique natural assets such as plants and wildlife, scenic views, natural quiet, and dark skies. Conversely, studies show that a decrease in urban truck traffic could also improve the quality of life of existing Tucson residents and assist in further downtown redevelopment.

For roadway alternatives using the existing I-10/I-19 rights of way, the inverse would be true. Mexican and domestic visitors would not have the option to bypass Tucson and would continue to visit Tucson for shopping and leisure services. The frontage hotels, restaurants, retailer and gas stations along the interstate would see an increase in sales corresponding to the increase in truck traffic. Additionally, an increase in traffic could cause congestion, increased pollution and ambient noise for the neighborhoods immediately surrounding the interstate.

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To: Mr. Aryan Lirange
Date: July 8, 2016
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Potential Social Impacts

Related Plan Tucson Policy:

Policy LT1: Integrate land use, transportation, and urban design to achieve an urban form that supports more effective use of resources, mobility options, more aesthetically-pleasing and active public spaces, and sensitivity to historic and natural resources and neighborhood character (*Built Environment Focus Area: Land Use, Transportation, & Urban Design Element*).

Potential impacts to neighborhoods adjacent to proposed roadway alternatives (noise, air pollution, etc.) need to be evaluated. It should be noted that many neighborhoods along the existing alignments of I-10 and I-19 already experience high stress levels (based on *City of Tucson Indicators of Neighborhood Stress*, 2016).

Potential Impacts to Tucson Water Properties in Avra Valley

Related Plan Tucson Policies:

Policy WR1: Continue to plan and manage the City’s water supplies, quality, and infrastructure for long-term reliability and efficiency (*Natural Environment Focus Area: Water Resources Element*).

Policy WR5: Protect groundwater, surface water, and stormwater from contamination (*Natural Environment Focus Area: Water Resources Element*).

Policy WR6: Integrate land use and water resources planning (*Natural Environment Focus Area: Water Resources Element*).

Policy WR7: Collaborate on multi-jurisdictional and regional water planning and conservation efforts (*Natural Environment Focus Area: Water Resources Element*).

Policy WR10: Continue to manage the City’s Water Service Area, considering service area expansion only when it furthers the long-term social, economic, and environmental interest of City residents (*Natural Environment Focus Area: Water Resources Element*).

Any alternatives that are studied that traverse the Avra Valley will need to consider impacts to City-owned (Tucson Water) water facilities in the area. These facilities are depicted in the attached map, and include both the Central and Southern Avra Valley

ID	Comment Document
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Attachment to City of Tucson letter dated July 1, 2019

To: Mr. Aryan Lirange
Date: July 8, 2016
Page 5 of 6

Storage and Recovery Project (CAVSARP and SAVSARP). These water facilities (collectively referred to as “Clearwater”) represent the primary source of Tucson’s renewable water supply.

Alignment through Clearwater could present significant challenges to the utility’s operations, and there could be significant costs in the event that Tucson Water infrastructure was required to be moved in order to make way for a new Interstate. Recharge basins, wells, transmission lines, and more have cost the utility’s ratepayers over \$250 million, and the timeframe for their development, including studies, permitting, and construction, takes many years. It is unclear at this time what the costs and timelines would be for moving infrastructure to alternate locations.

In addition, the current location of the project, including both CAVSARP and SAVSARP, was selected because of the hydro-geological advantages of the area. It is unknown at this time whether—and if feasible, where—replacement infrastructure could be relocated under similar conditions as those that exist in the present location. Any reduction in Tucson Water’s recharge and recovery capacity in the area could increase our dependence on non-renewable groundwater supplies to meet customer demand.

Other considerations include:


- Habitat Conservation Plan (HCP): For almost a decade, Tucson Water has worked with the U.S. Fish and Wildlife Service in order to secure a Section 10 permit for all Tucson Water properties in Avra Valley. Tucson Water strongly recommends that any new development in the area comply with our Section 10 permit.
- Water quality concerns: Locating an Interstate Highway in close proximity to Tucson’s drinking water supply must account for potential introduction of incompatible land uses and activities in the area such as land development, gas stations, and the movement of hazardous materials.
- Tucson-Phoenix water exchange: Current plans include the expansion of recharge operations at CAVSARP and SAVSARP to accommodate the increased storage of City of Phoenix (and potentially other municipal partners’) water in our facilities. Any reduction of current recharge capacity—or limitations on future recharge basin construction and recharge capacity—by a new Interstate could reduce or eliminate Tucson’s ability to fulfill its obligations under the proposed agreement.

ID	Topic	Response
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To: Mr. Aryan Lirange
Date: July 8, 2016
Page 6 of 6

- Water rights: Tucson Water purchased these retired farm properties in Avra Valley for their water rights. Due to the nexus between land ownership and water rights, sale and/or lease of the properties can complicate Tucson’s water rights in the area.
- Restrictive covenants: Separate from the HCP, portions of Clearwater are limited by permanent restrictive covenants, tied to the deed, that apply to both current and future owners of the land. These covenants restrict both the ability to route an Interstate through Clearwater, as well as Tucson Water’s ability to relocate infrastructure.

City staff is available to provide further information to the I-11 Project Team as needed. Specifically, we would like to request an in-person consultation between City staff and I-11 Project Team members to address any questions you might have, and to provide further detail if needed. James MacAdam (James.MacAdam@tucsonaz.gov, 520-837-4068) in the City Manager’s Office will serve as the City’s point of contact on this project.

Sincerely,

Michael J. Ortega, P.E.
City Manager

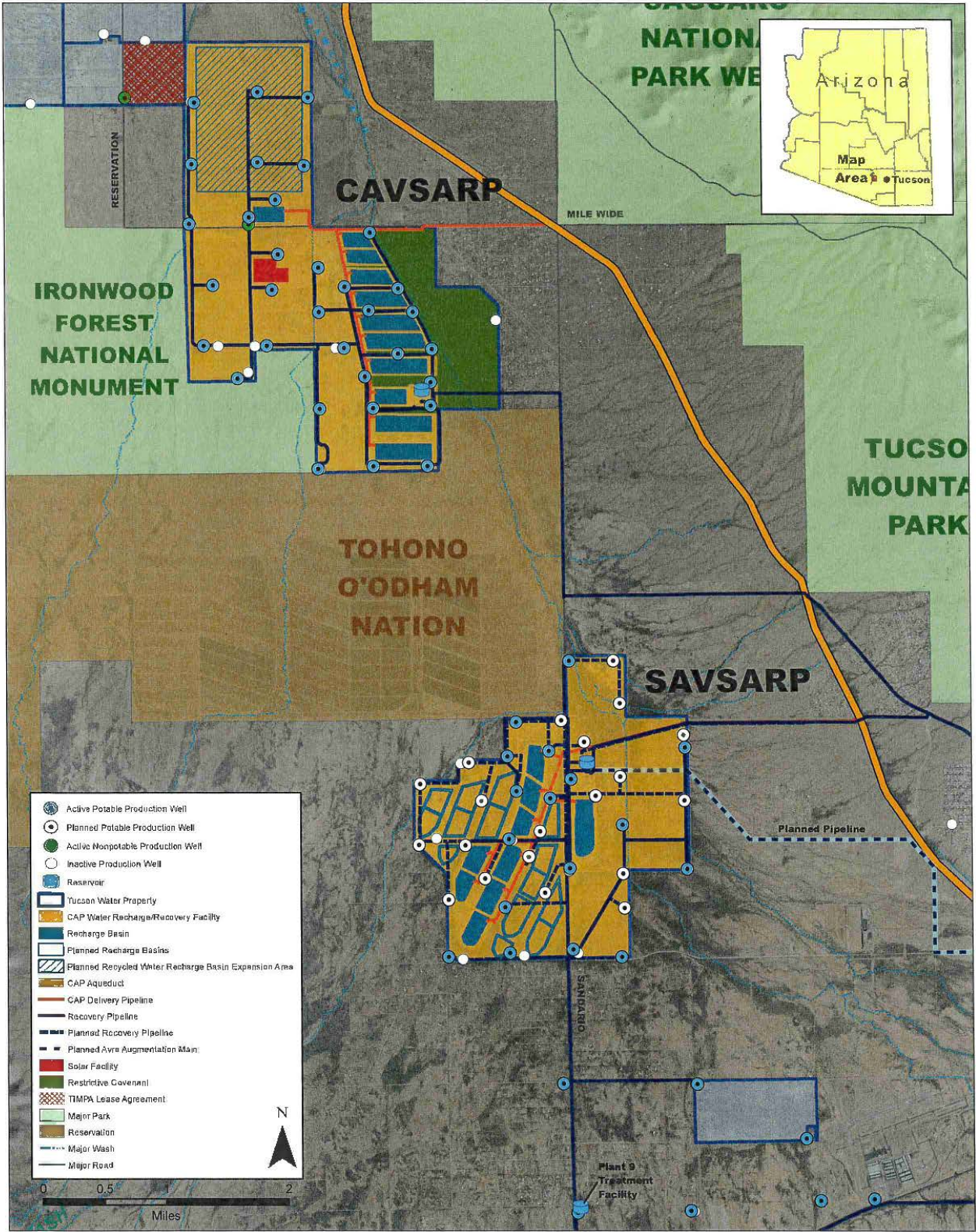
Attachments: Map of Tucson Water Avra Valley Recharge Projects
Map of Tucson Water Avra Valley Property

cc: Farhad Moghimi, Executive Director, Pima Association of Governments
Albert Elias, Assistant City Manager
Joyce Garland, Assistant City Manager
Timothy Thomure, Director, Tucson Water
Daryl Cole, Director, Tucson Department of Transportation
Nicole Ewing-Gavin, Interim Director, Planning and Development Services Department
Greg Jackson, Management Coordinator, Economic Initiatives Office

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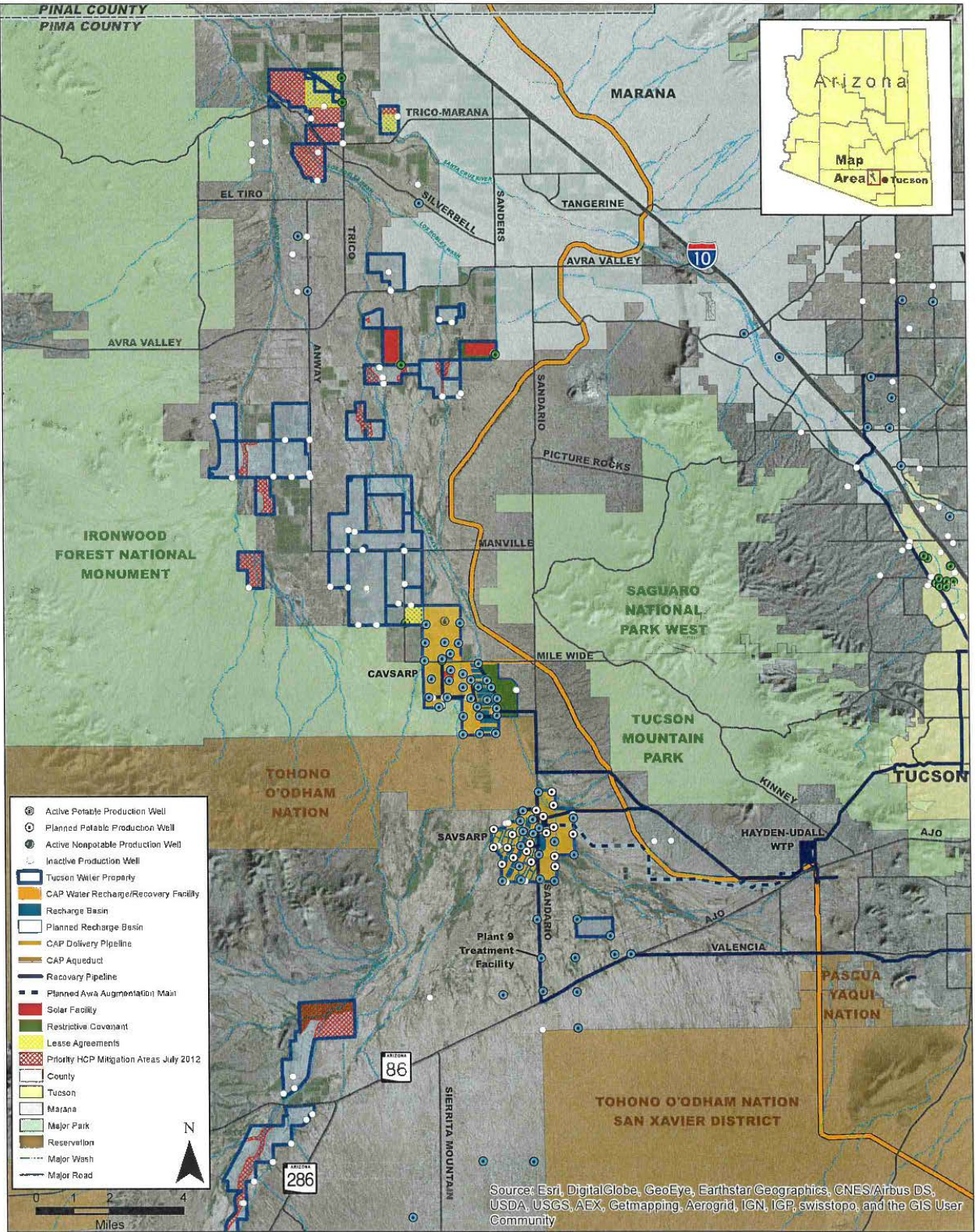
Attachment to City of Tucson letter dated July 1, 2019

Tucson Water Avra Valley Recharge Projects



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Tucson Water Retired Avra Valley Farm Property



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Attachment to City of Tucson letter dated July 1, 2019

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CITY OF
TUCSON

OFFICE OF THE
CITY MANAGER

December 23, 2016

Rebecca Yedlin
Environmental Coordinator
Federal Highway Administration
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012

RE: 999-M(161)S
I-11, I-19/SR 189 to US 93/SR 89
TRACS No. 999 SW 0 M5180 01P
I-11 Corridor Tier 1 EIS
Draft Purpose and Need Memorandum

Dear Ms. Yedlin,

Thank you for the opportunity for the City of Tucson to review and comment on the Draft *Purpose and Need Memorandum* for the Tier I Environmental Impact Statement (EIS) for the I-11 Corridor. The City's comments are as follows:

- (Section 4.1 Alternatives Selection Report, page 37) The City of Tucson requests that impacts to water supply be included among the evaluation and screening criteria of the Alternatives Selection Report (ASR). We understand that the City will have the opportunity to review the ASR methodology and criteria at a later date, but wish to emphasize the importance of this factor, given its outsized economic and environmental significance in our arid region.
- (Section 4.3 Final Tier 1 EIS and Record of Decision, page 38) We request that explicit clarification be provided in the document that Build Alternatives would not necessarily require a 2,000-foot-wide "clear zone" or right of way; and that the proposed interstate freeway facility and its related corridor could be narrower in areas that are constrained by natural or man-made factors.

As these comments suggest, it is my expectation that this EIS will evaluate a Build Alternative that includes co-location of the I-11 with I-10 and I-19 through the Tucson metro region. This co-location Build Alternative must be considered on equal footing to other alternatives, without pre-established limitations, such as a requirement for a 2,000-foot clear corridor.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael J. Ortega".

Michael J. Ortega, P.E.
City Manager

cc: Farhad Moghimi, Executive Director, Pima Association of Governments

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Attachment to City of Tucson letter dated July 1, 2019

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To: Rebecca Yedlin
Date: March 17, 2017
Page 2 of 4

2.1.1.4 Technical Analysis

- Engineering and Environmental Inputs: The City of Tucson requests the opportunity to review and provide comments on these critical model inputs. Some areas of concern include:
 - Interstates 10 and 19 in the South section may not meet current engineering standards for interstate freeway design. The City needs to be assured that this fact will not inherently disadvantage alternatives that co-locate I-11 with the existing I-10 and I-19 in this area.
 - Figure 2.6 Typical Section for Proposed Interstate Freeway Facility
 - It is not clear how this will be used as a model input, however the potential to bias the model away from existing facilities appears high.
 - The City of Tucson Water's Central and Southern Avra Valley Storage and Recovery Project (CAVSARP and SAVSARP) and their planned expansion areas are not represented in the map of Environmentally Sensitive Areas (page 14), despite the fact that these facilities represent the primary renewable water supply available to the entire Tucson metro region and \$250 million in existing public investment. The location of such facilities is subject to its own engineering and environmental constraints, and moving or replacing them is probably not feasible. These facilities should be incorporated both in the Environmentally Sensitive Areas map and within the Environmental and Engineering Inputs.
 - The Environmentally Sensitive Areas (14) and Environmental Inputs also should (do not currently) include City of Tucson Water properties in the Avra Valley, which are variously subject to:
 - The City of Tucson's Avra Valley Habitat Conservation Plan (HCP). The HCP is currently under review by the U.S. Fish and Wildlife Service for a Section 10 Permit under the Endangered Species Act.
 - Restrictive covenants unrelated to the HCP.
 - 100-year leases to Tucson Audubon Society for conservation purposes. These properties are also statutorily connected with water rights essential to the City of Tucson Water system, which provides potable water for the vast majority of metropolitan Tucson.
 - City staff provided ADOT I-11 project staff with this information, as well as documents and GIS files related to CAVSARP, SAVSARP, and the Avra Valley HCP and properties in summer of 2016.
- Density Analysis for Potential Corridor Alternatives : This paragraph must elaborate on how all routes will be modeled. A model methodology based on avoidance of obstacles may be too simplistic and inherently bias route evaluation toward vacant lands.

2.1.1.5 Optimization of Corridor Alternatives

- More information is needed here about how routes will be "optimized."



CITY OF
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OFFICE OF THE
CITY MANAGER

March 17, 2017

Rebecca Yedlin
Environmental Coordinator
Federal Highway Administration
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012

RE: 999-M(161)S
I-11, I-19/SR 189 to US 93/SR 89
TRACS No. 999 SW 0 M5180 01P
I-11 Corridor Tier 1 EIS
Evaluation Methodology and Criteria for Alternatives Selection

Dear Ms. Yedlin,

Thank you for the opportunity for the City of Tucson to review and comment on the Draft *Evaluation Methodology and Criteria for Alternatives Selection* for the Tier 1 Environmental Impact Statement (EIS) for the I-11 Corridor.

The City of Tucson requests the opportunity to meet with project staff from FHWA, ADOT, and AECOM this month to discuss in detail the Alternatives Selection Methodology, prior to your finalization of the methodology and criteria.

In general, the City seeks to ensure that the criteria and methodology:

- do not inherently favor routes through vacant lands over those along existing freeways;
- address the City's serious concerns over impacts to water resources;
- do not minimize the importance of multimodal improvements, including passenger rail;
- explicitly analyze growth induced by the corridor alternatives and related impacts; and
- fully and accurately assess the economic and social impacts of the corridor alternatives.

In addition, the City of Tucson's initial summary comments are as follows, by section:

2.1.1.2 Agency Scoping Input, 2.1.1.3 Public Scoping Input

- The South section of the I-11 Corridor Study Area should be more specifically segregated from the Central and North sections when discussing agency and public scoping input as it relates to the prospect of bypassing metropolitan Tucson. The decision to bypass metropolitan Phoenix (in the North and Central segments) has already been made through the *I-11 and Intermountain West Corridor Study (IWCS)*; however the decision for the Tucson area will be made via this EIS process, and should receive substantial and separate consideration. As the draft *Evaluation Methodology and Criteria Report* is currently written, input is summarized across all three sections, the result of which is that input on the South section is not meaningfully characterized.

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Attachment to City of Tucson letter dated July 1, 2019

To: Rebecca Yedlin
Date: March 17, 2017
Page 3 of 4

2.1.2 Initial Range of Corridor Alternatives

- More information is needed here regarding how the comparison will be done (i.e. quantitative, qualitative), and how this will impact the range of corridor alternatives to be evaluated.

2.2.1 Evaluation Criteria and Table 2-1 Evaluation Criteria and Measures

- Address Population and Employment Growth: criteria and measures should be added that address the potential for corridor alternatives to induce growth in new, previously undeveloped areas. Induced growth may address the project's ability to meet the project's purpose to "support improved regional mobility..." and to "...support economic vitality" in existing metropolitan areas. Induced growth will also create indirect environmental impacts to the Sensitive Environmental Resources listed, which should be evaluated. A Growth-related, Indirect Impact Analysis of some corridor alternatives may be necessary, and should be conducted early in the EIS process (e.g., see *Guidance for Preparers of Growth-related, Indirect Impact Analyses*, Caltrans 2006).
- Mitigate Congestion and Improve Travel Times:
 - All measurements should account for the potential to add additional, segregated, limited access "express"-style lanes along existing freeway corridors in urban areas. How each corridor alternative is designed and managed will impact all of the criteria and measures within this category, and must be addressed.
 - A criteria and measures should be added for the ability of the corridor alternatives to facilitate passenger transit service. This will ultimately impact all of the criteria and measures within this category, and must be addressed.
- Improve Access to Economic Activity Centers:
 - The "Number of...activity centers" measure is ill-defined, and subject to a high level of subjectivity and manipulation. This measure should be re-defined in a more specific and meaningful way.
 - The "Additional population within a 45-minute drive time" measure is too broad, and would seem to draw very little distinction between the various corridors within the overall study area.
- Support Homeland Security and National Defense: urban areas should be separated from rural areas in this evaluation, and the evaluation measure should say "Provides alternate interstate freeway or urban arterial route." The measure should also not be a simple "yes" or "no."
- Minimize Direct Impacts on Sensitive Environmental Resources: a criteria and measures regarding impacts to water resources should be added.

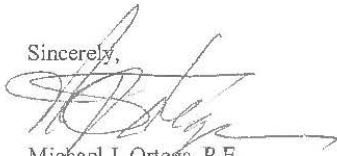
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To: Rebecca Yedlin
Date: March 17, 2017
Page 4 of 4

- "Other information to be considered" (page 19): the weight of these significant factors (Plan Consistency, Implementation of Corridor Typical Section, Agency Input, Public Input) relative to the Evaluation Criteria and Measures detailed in Table 2-1 needs to be clarified. For instance, they are not mentioned in the following section 2.2.2 Evaluation Approach, Evaluation of Corridor Options.

This letter includes initial comments from the City, which will be best addressed by meeting in person. Please contact my staff (James MacAdam, 520-837-4068, James.MacAdam@tucsonaz.gov) to arrange a time when City staff may discuss these comments with your project team.

Sincerely,



Michael J. Ortega, P.E.
City Manager

cc: Honorable Mayor and Council Members
Joyce Garland, Chief Financial Officer and Assistant City Manager
Albert Elias, Assistant City Manager
Manjeet Ranu, Director, Planning and Development Services
Timothy Thomure, Director, Tucson Water
Daryl Cole, Director, Tucson Department of Transportation
Andrew Greenhill, Manager, Intergovernmental Affairs
Karen Fogas, Executive Director, Tucson Audubon
Farhad Moghimi, Executive Director, Pima Association of Governments

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Attachment to City of Tucson letter dated July 1, 2019



CITY OF
TUCSON
OFFICE OF THE
CITY MANAGER

May 5, 2017

Jay Van Echo
ADOT I-11 Study Manager
Arizona Department of Transportation
Sent via electronic mail

RE: 999-M(161)S
I-11, I-19/SR 189 to US 93/SR 89
TRACS No. 999 SW 0 M5180 01P
I-11 Corridor Tier 1 EIS
Evaluation Methodology and Criteria for Alternatives Selection

Dear Jay,

Thank you for meeting with City of Tucson staff on April 3, 2017 regarding the City's comments on the *Evaluation Methodology and Criteria for Alternatives Selection*. As a follow-up to one of the items discussed in that meeting, we are providing detailed information on City of Tucson Water properties and facilities within the Avra Valley. This will be pertinent to your considerations, as Corridor Options C and D (as identified at <http://www.i11comment.com/Home/Map>) would both appear to directly and substantially impact these properties and facilities. The following information is provided via numbered electronic pdf documents attached to this communication:

- Solar Farm Lease (1,1a,1b)
- Solar Farm Lease
- Farm Water Rights
- Habitat Conservation Plan (4, 4a, 4b, 4c, 4d, 4e)
- CAVSARP Section 7 Permit (5, 5a, 5b, 5c, 5d)
- CAVSARP Map
- SAVSARP Map
- CAVSARP/SAVSARP Capital and Operating cost
- Phoenix Inter AMA agreement (9, 9a)
- Audubon Agreements (10, 10a)

You should receive 23 documents. In addition, as a courtesy we are also re-sending maps and GIS shape files associated with these properties, which were provided to the ADOT I-11 project team in summer of 2016.

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To: Jay Van Echo
Date: March 17, 2017
Page 2 of 2

Please note that these files will be sent in three separate emails. Do not hesitate to contact me with any questions.

Sincerely,

James MacAdam
Project Manager

cc: Michael J. Ortega, City Manager
Joyce Garland, Chief Financial Officer and Assistant City Manager
Albert Elías, Assistant City Manager
Lynne Birkinbine, Deputy Director, Planning and Development Services
Timothy Thomure, Director, Tucson Water
Daryl Cole, Director, Tucson Department of Transportation
Andrew Greenhill, Manager, Intergovernmental Affairs
Farhad Moghimi, Executive Director, Pima Association of Governments
Jennifer Pyne, I-11 Project Team, AECOM

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Attachment to City of Tucson letter dated July 1, 2019

ID	Topic	Response
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CITY OF
TUCSON

OFFICE OF THE
CITY MANAGER

November 16, 2017

Karla S. Petty
Arizona Division Administrator
Federal Highway Administration
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012

RE: 999-M(161)S
I-11, I-19/SR 189 to US 93/SR 89
TRACS No. 999 SW 0 M5180 01P
I-11 Corridor Tier 1 EIS
Alternatives Selection Report, October 2017

Dear Ms. Petty,

Thank you for extending the review period to allow us an opportunity to provide comments on the Draft *Alternatives Selection Report* for the Tier 1 Environmental Impact Statement (EIS) for the I-11 Corridor.

In Section 4.1 and Table 4-1, the screening methodology did not appear to include any screening related impacts on the water supply. Two of the identified routes (C and D) appear to impact our CAVSARP/SAVSARP facilities which are the main sources of the Tucson Active Management Area (AMA). Additionally, all figures showing routes C and D appear to continue to impact CAVSARP/SAVSARP facilities.

Work along the existing route I-10 through Tucson will impact existing water infrastructure.

Figure A-9 shows a legend color for Tucson Water Recharge Basin and identifies them as environmentally Sensitive Areas, but the map doesn't appear to reflect that. Also, Routes C and D appear to run through the Tucson Water recharge basins.

We appreciate your consideration of our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael J. Ortega".

Michael J. Ortega, P.E.
City Manager

cc: Farhad Moghimi, Executive Director, Pima Association of Governments

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Attachment to City of Tucson letter dated July 1, 2019

ADOPTED BY THE
MAYOR AND COUNCIL

June 18, 2019

RESOLUTION NO. 23051

RELATING TO PUBLIC HEALTH AND SAFETY: DECLARING MAYOR AND COUNCIL'S OPPOSITION TO CONSTRUCTION OF A NEW INTERSTATE HIGHWAY THAT BYPASSES THE CITY OF TUCSON AND TRAVERSES PRISTINE AND INVALUABLE SONORAN DESERT AREAS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tucson (Tucson) works to advance goals of sustainability, equity, economic growth and vibrant, livable neighborhoods; and

WHEREAS, in November 2013 Tucson voters adopted Plan Tucson, the City of Tucson General Plan & Sustainability Plan; and

WHEREAS, Tucson has established a Sustainability Program that recognizes the detriment of petroleum-fueled car and truck travel because of their greenhouse-gas and pollutant emissions; and

WHEREAS, Plan Tucson seeks to create, preserve, and manage biologically rich, connected open space; wildlife and plant habitat; and wildlife corridors, including natural washes and pockets of native vegetation, while working to eradicate invasive species; and

WHEREAS, an interstate highway in the Avra Valley would degrade the Sonoran Desert, sever wildlife corridors, impede washes and flood prone areas, open new areas to intense residential and commercial development

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far from existing urban centers, and encourage more car and truck travel at time when climate change and air pollution are growing concerns; and

WHEREAS, Tucson strives to protect night skies from light; and

WHEREAS, Tucson believes in an urban form that conserves natural resources, improves and builds on existing public infrastructure and facilities, and provides an interconnected multi-modal transportation system to enhance the mobility of people and goods; and

WHEREAS, Tucson seeks to protect its CAP water recharge facilities in Avra Valley, groundwater, surface water, and stormwater from contamination; and

WHEREAS, in April 2012 the Mayor and Council passed a resolution to adopt the Downtown Gateway Redevelopment Area and central business district; and

WHEREAS, Tucson seeks to capitalize on Tucson's strategic location by maintaining and enhancing Tucson as an international port and center for commerce and logistics; and

WHEREAS, Tucson supports the expansion of passenger and freight multi-modal transportation services to better connect Tucson to regional and international markets and destinations; and

WHEREAS, the Interstate 11 Draft Tier 1 Environmental Impact Statement Recommended Alternative route would run through the Avra Valley, negatively impacting Tucson Mountain Park, Saguaro National Park - West, Ironwood Forest National Monument, Bureau of Reclamation's Central Arizona

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Attachment to City of Tucson letter dated July 1, 2019

Project mitigation parcel, and severing linkages between important habitat areas and disturbing an unknown number of archeological sites; and

WHEREAS, the cost of building a new highway in Avra Valley would be enormous, would promote urban sprawl, and would divert cars and trucks away from existing businesses in Tucson; and

WHEREAS the state of Arizona could reduce highway traffic congestion, reduce the cost of highway maintenance, and save on the costs of rights of way purchases and concrete and asphalt production and installation - while reducing air pollution and greenhouse gas emissions – by instead investing in I-19 & I-10 and developing multi-modal transportation facilities in existing transportation corridors to sustainably accommodate projected increases in freight while providing for much-needed passenger rail traffic.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:


SECTION 1. The Mayor and Council strongly oppose the currently proposed alignment of I-11, that would have the effect of bypassing the existing Interstate 10. The Mayor and Council support the expansion and reconfiguration of the existing I-10 and I-19 corridor as the only acceptable alternative for the proposed I-11 highway; and that any alternative route that would result in the construction of a new interstate highway in or through Avra Valley would produce enormous adverse impacts to economic, environmental, historic, cultural and archaeological resources that could not be adequately

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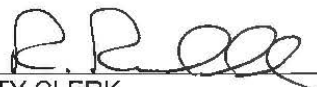
mitigated and that are contrary to the interstate design standards and criteria that must be applied to this project.

SECTION 2. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this Resolution become immediately effective, an emergency is hereby declared to exist and this Resolution shall be effective immediately upon its passage and adoption.


PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, June 18, 2019.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

MR/dg
6/13/19

REVIEWED BY:


CITY MANAGER

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Attachment to City of Tucson letter dated July 1, 2019

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Mayor and Council Study Session - 6/18/2019
Arizona Department of Transportation (ADOT) I-11 Draft Tier 1
Environmental Impact Statement (EIS) (City Wide)SS/JUN18-19-134

OFFICIAL MEMBERS PRESENT:

- Mayor Jonathan Rothschild, Chairperson
- Council Member Regina Romero (Ward 1)
- Council Member Paul Cunningham (Ward 2)
- Council Member Paul Durham (Ward 3)
- Council Member Shirley Scott (Ward 4)
- Council Member Richard G. Fimbres (Ward 5)
- Council Member Steve Kozachik (Ward 6)

OFFICIAL MEMBERS
ABSENT/EXCUSED: None

STAFF PRESENT:

- Michael J. Ortega, City Manager
- Michael Rankin, City Attorney
- Roger Randolph, City Clerk

LOCATION:

Mayor and Council Chambers
City Hall
255 West Alameda Street
Tucson, Arizona

1MAYOR ROTHSCHILD: Let's move on to Item 8,

2Arizona Department of Transportation I-11 Draft Environmental

3Impact Statement; scheduled for 40 minutes. Staff from the

4Arizona Department of Transportation has a presentation on the I-

511 Draft Tier 1 Environmental Impact Statement Study and

6Recommended Alternatives. Mr. Manager?

7MR. ORTEGA: Mr. Mayor, Members of the Council,

8this is an opportunity to hear directly from some ADOT

9representative -- I believe Greg Byers is here; he's going to

10make a presentation.

11So you have been copied on many of the correspondence

12-- and pieces have gone back and forth -- particularly our

13comments on the I-11 Corridor Analysis and Study as we've had the

Mayor and Council Study Session - 6/18/2019
Arizona Department of Transportation (ADOT) I-11 Draft Tier 1
Environmental Impact Statement (EIS) (City Wide)SS/JUN18-19-134

1opportunity to comment on that. As we received a copy of the

2EIS, the draft EIS, what I suggested is that ADOT come before

3you, have a conversation, give you an opportunity to weigh in.

4In the materials, I did provide you with a draft of -- of my

5letter to ADOT which I plan to send after this; assuming that you

6give me the nod to do that. But I did think it was important for

7ADOT to have an opportunity to outline for you some of the -- the

8thoughts that they have on this, as well as, you know, maybe

9outline for you what the next steps might be.

10So, with that, I'll turn it over to Greg.

11MR. BYERS: Thank you, Mr. Mayor, Councilors. I

12have a short presentation that we'll kind of go through. What

13we're covering here is what's called the Tier -- Draft Tier 1

14Environmental Study. And let me kind of go through this real

15quick on what that actually means.

16So, in the National Environmental Policy Act, the

17policy gives us the opportunity to do what's called a Tier 1 out

18of, basically, two tiers; to do some preliminary planning on

19projects without having full funding for that project. That's

20extremely important to understand because without having to have

21a full appropriation for a project -- and, in this case, if the

22full project was to be built, we're talking about billions of

23dollars -- there's no way in the world that we could do that

24under physical constraint. So that's what brings this about.

25And this is -- the Tier 1 is the highest level, the

2

ID	Comment Document
Attachment to City of Tucson letter dated July 1, 2019	

ID	Topic	Response
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Mayor and Council Study Session - 6/18/2019 Arizona Department of Transportation (ADOT) I-11 Draft Tier 1 Environmental Impact Statement (EIS) (City Wide)SS/JUN18-19-134	
1	most preliminary, that we can possibly do; it does not get into
2	project-level details; it does not get down to the nitty-gritty,
3	this is extremely high-level; so that's very important to
4	understand as we go forward in the presentation.
5	So, as part of the background in the study area, what
6	we're looking at here is this is the I-10 Intermountain West
7	Corridor which was actually completed -- that study was completed
8	back in 2014. This goes for 280 miles; it goes from Nogales to
9	Wickenburg. From Wickenburg north to the state line with Nevada,
10	that route, SR -- the U.S. 93, has already been designated as the
11	future I-11; so that was done by Congress back, I believe, six
12	years ago. So one of the other things is this actually goes
13	through five different counties: It goes through Santa Cruz
14	County, Pima County, Pinal County, Maricopa County, and Yavapai
15	County.
16	So, in the Tier 1, what we're looking for here is we're
17	trying to designate a 2,000-foot-wide corridor. We're talking
18	about extremely wide, roughly -- not quite a half-mile-wide
19	corridor that we can possibly put a freeway in, so -- or a
20	roadway of some type. Okay? I'm not saying -- I -- I want to
21	say a freeway, but we're talking about a roadway of some type.
22	Ultimately, what we're probably talking about is about a 400-
23	foot-wide right-of-way swath that's going to occur somewhere
24	within that 2,000 feet. So this gives us the ability to try and
25	look at as much impact as we possibly can. We're not looking at
3	

Mayor and Council Study Session - 6/18/2019 Arizona Department of Transportation (ADOT) I-11 Draft Tier 1 Environmental Impact Statement (EIS) (City Wide)SS/JUN18-19-134	
1	the least impact, we're looking at almost the most impact that
2	can occur within that 2,000 feet.
3	And so the people who put this together, there's two
4	lead agencies, and that's ADOT as well the Federal Highway
5	Association -- or Administration. We have ten cooperating
6	agencies. The cooperating agencies are basically all the federal
7	agencies. We have one state agency that's a cooperating agency
8	here and that is Game and Fish.
9	We have 51 participating agencies. City of Tucson is a
10	participating agency, along with other cities, counties -- let's
11	see, city (sic), counties, state agencies, other federal
12	agencies, as well as tribal agencies.
13	And then, of course, we have 92 consulting parties that
14	have gone into putting together the document that we currently
15	have put out for public review.
16	So the purpose and need for the -- this document
17	itself, there's -- there's several items that we have to
18	consider. One is population and -- and employment growth. We
19	have traffic growth and travel time reliability. We have access
20	to economics and the activity centers as well as system linkages
21	and regional mobility and Homeland Security and National Defense.
22	That last one is necessary because, again, that's built in to
23	part of our NIFA requirements that we go through.
24	Alternatives identified are based on prior studies,
25	like I said, we had the Intermountain West Corridor Study that we
4	

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1	looked at; agency and public input, which we are currently in the
2	input phase; right now we're looking for public comments. Tribal
3	coordination. We've been working with several tribes as we go
4	through putting this together, as well as the technical analysis
5	that comes from cultural, biological, and so forth, as we go
6	through all of the NIFA requirements.
7	Common themes. We stay consistent with local regional
8	plans and other projects. We foster economic development,
9	protect environmental sensitivity resources, consider wildlife
10	connectivity as well as consider co-locating existing
11	transportation routes with new routes. Yeah, here we go.
12	So the technical analysis on this, we -- we have to go
13	by interstate design standards because, ultimately, that's
14	exactly what we're looking for at this point in time. So one of
15	the other things we have to do is we have to avoid -- and -- and
16	that's -- that's paramount in this study -- avoid and minimize
17	impacts to national parks and monuments, wildlife areas, roadless
18	areas, critical habitats, Section 4(f) properties -- that's
19	crucial to this area. So those Section 4(f) properties are
20	public properties that are basically utilized by the public,
21	tribal lands, 100-year floodplains and floodways, as well as
22	impacts to existing development.
23	So there's a no-build alternative that's possible that
24	comes out of this study; but we have to keep in mind with the no-
25	build alternative that it's not recommended at this point in time
5	

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1	because it does not provide access to planned growth areas, it
2	does not reduce travel time for long-distance traffic, it does
3	not connect metropolitan areas and markets, does not enhance
4	access to the existing transportation network to support economic
5	vitality, and it does not provide alternate regional -- regional
6	routes for emergency evacuation and defense access.
7	So, as we went through the study, we came up with
8	actually hundreds of different alternatives. We took and boiled
9	those alternatives down into three full-length alternatives: So
10	we have the purple one which is a mix of existing and new
11	corridor options. We have the green option which is the -- is
12	primarily new corridor options. And we have an orange option
13	which is the most -- mostly existing interstate and highway
14	corridors. So I know that map is very hard to see, but it kind
15	of gives you an idea of what we're looking at as we went through
16	that 280-mile stretch.
17	So we came up with a Recommended Corridor Alternative,
18	and it is a mixture of all three of those alternatives so with
19	the -- primarily based on the purple and green. This best meets
20	purpose and need, while reducing the potential for adverse
21	impacts. So, again, you can see how it routes all the way up
22	through the entire length of the corridor.
23	As far as a timeline goes, right now we are in a public
24	comment period. That public comment period stays open until July
25	8th. We have already gone through a whole series of public
6	

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1	hearings. There was an initial set of hearings when we first
2	started. This second set came out with the Recommended Corridor
3	Alternative, so we are in the process of bringing all those
4	comments together. Every single one of those comments must be
5	addressed as part of the need for process. We have to -- we have
6	to go through every single one of them. We are expecting
7	somewhere in the neighborhood of 20,000 comments for this
8	publication.
9	If you look at this, what we're looking at is trying to
10	have a record of decision somewhere around mid-2020 is what we're
11	hoping for. It all depends on how the comments come through, how
12	we can take and address all those comments, and where they go,
13	so -- but that's our current timeline on what we're looking at.
14	So I was talking about the public hearings. We just
15	finished up a whole round of public hearings. We had hearings
16	down in Buckeye, Wickenburg, Casa Grande, Nogales, here in
17	Tucson, and also out in Marana, So we have completed all of our
18	public hearings; however, public comment can still be made.
19	So we have several options for that public comment to
20	come in. We have -- it can be done online through our
21	I11study.com website.
22	It can also be done on the phone. Here's the phone
23	number, that 1-844-544-8049.
24	It can also be done by email through the -- ADOT's
25	i11adotstudy@hdrinc.com , or it can be mailed in to I-11 Tier 1
	7

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1	EIS Study Team in care of ADOT Communications at 1655 West
2	Jackson Street, Mail Drop 126F, in Phoenix, Arizona, 85007.
3	That's all.
4	MAYOR ROTHSCCHILD: All right.
5	MR. BYERS: All of the information --
6	MAYOR ROTHSCCHILD: Go ahead.
7	MR. BYERS: Okay. All of the information, and the
8	-- the EIS report itself, can be found on our website. Again,
9	it's i11study.com. You can find all -- it's a 700-page document,
10	not including the appendices, which are somewhere in the
11	neighborhood of another 1,500 pages.
12	MAYOR ROTHSCCHILD: Okay.
13	MR. BYERS: You can read it all if you want.
14	MAYOR ROTHSCCHILD: All right. Well, thank you,
15	sir, for coming in. We appreciate you coming down.
16	I think the Council's concern was since the July 8th
17	deadline's coming up -- and they wanted to have a collective
18	thought to you -- and I think putting it in the context that
19	we're really in the stage one of the Tier 1, with 20,000 comments
20	to review, and with any luck, a potential final recommended
21	corridor a year from now --
22	MR. BYERS: Right.
23	MAYOR ROTHSCCHILD: -- but, that being said, I'm
24	looking at your -- your criteria, and it says, "to avoid
25	wilderness areas, roadless areas, critical habitats, tribal
	8

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1	lands, and impacts to existing developments.” When I think of
2	impacts to existing developments, I’m thinking of our water
3	infrastructure that supports this entire region’s water. And so
4	I think there’s concern amongst this body about why areas were
5	chosen -- a route was chosen --en though it’s not the final route
6	-- when that’s out there.
7	Now, before I turn over to Council, I do want to point
8	out that our City Manager, I think -- and I’m hoping if you could
9	confirm -- that those comments will also be part of the record.
10	In July, 2016, Mr. Ortega submitted comments to FHWA on the scope
11	of the Tier 1 EIS process explicitly calling the agency’s
12	attention to the need to protect Tucson Water’s CAVSARP, SAVSARP
13	facilities, so that’ll be part of the record?
14	MR. BYERS: Yes, sir.
15	MAYOR ROTHSCHILD: Okay. In December, 2016, he
16	submitted comments that recommended evaluating a route that would
17	collate -- co-locate I-11 and I-10/I-19 through the Tucson Metro
18	region, giving that route equal consideration with other
19	alternatives.
20	In March, 2017, he requested a meeting, which I’m sure
21	occurred, that -- and I -- and if this hasn’t been documented I
22	think it will be in what we’re doing here today -- to not
23	inherently favor routes through vacant lands over those along
24	existing freeways, address the City’s concerns over impacts to
25	water resources, do not minimize the importance of multi-modal
9	

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1	improvements, including passenger rail, explicitly analyzing
2	growth induced by corridor alternatives and related impacts, and
3	that’s a concern to our community, both from building out 30
4	miles west of our community -- what kind of growth could occur
5	out there versus the impact it might have on our existing
6	community -- and so fully and accurately assess the economic and
7	social impacts of the corridor alternatives. And I know that
8	that documentation was sent to ADOT regarding CAVSARP and
9	SAVSARP.
10	So I think -- and, hopefully, everybody will be
11	reasonable about it, 'cause you’re just gathering the information
12	-- but I -- I -- I can -- I can feel the frustration when we’ve
13	provided that information and -- and, yet, we get this kind of
14	recommendation back.
15	Now, I -- I know it’s preliminary, but I should end it
16	with a question somewhere: How do we get to that kind of
17	recommendation in front of everything else we know? And I’m not
18	talking about anything but from north of Marana, maybe Casa
19	Grande 8 down -- why -- why we wouldn’t use the existing route?
20	MR. BYERS: So there’s -- I’m -- I’m real
21	reluctant to answer a lot of questions here because there’s --
22	there’s one thing that we have going -- because of the -- the
23	current comment time period that we have, we have public comments
24	and we have a public hearing.
25	MAYOR ROTHSCHILD: Even better. We -- why would
10	

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1	we want to hear answers from you when we could just make our
2	comments?
3	MR. BYERS: There you go.
4	MAYOR ROTHSCHILD: But, anyway, so I'm going to
5	start with Council Member Kozachik.
6	COUNCIL MEMBER KOZACHIK: And so I won't ask
7	questions. I'll just make a couple of comments. I'm equally
8	perplexed as Jonathan is and the City Manager as to why when we
9	sent in specific -- identifying specific pieces of major capital
10	infrastructure that affected the -- the water supply for this
11	entire region, that they're just omitted from the report. So
12	that's -- that's one comment.
13	The second comment is with respect to Frame 7 -- and
14	Jonathan was reading it. Interstate Design Standards shall avoid
15	or minimize impacts to all of these -- all of these items that he
16	read off. And the recommended alternative impacts every single
17	one of them.
18	UNIDENTIFIED FEMALE: Very negatively.
19	COUNCIL MEMBER KOZACHIK: So that would be another
20	comment.
21	Another comment is that I -- I get the sense that,
22	because of the -- because of those two first -- first two points,
23	there's a sense in this region anyway, among many people, that
24	this is a done deal and -- and, you know, what the hell? Why are
25	we even bothering? Because with the egregious impacts that I
11	

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1	just mentioned and that are -- exist on Frame 7, that that	
2	alternative shouldn't even be under consideration if it weren't	
3	already a done deal, and so that's a frustration that I hear a	
4	lot.	
5	And I guess I can't avoid one -- one question and that	
6	is: Who -- who has ADOT spoken to that really supports this	
7	alternative that's west of the Tucson Mountains and through Avra	
8	Valley; is that -- can you answer that? 'Cause somebody must	
9	support it or it wouldn't be on the -- it wouldn't be an	
10	alternative.	
11	MR. BYERS: ADOT is not the only agency that is	
12	working on this. We have multiple agencies, including all of our	
13	federal parks that are working on this. It is -- it is working	
14	through all the science and all of the information that has been	
15	put together and gathered that these recommendations are coming	
16	forth.	
17	COUNCIL MEMBER KOZACHIK: Okay. Fine. It would	
18	be fair -- it would be -- it would be helpful for me anyway to	
19	know who supports that so that we could go and affirmatively	
20	education them.	
21	MAYOR ROTHSCHILD: Yeah, I know. That's right.	
22	(Applause.)	
23	MAYOR ROTHSCHILD: Council Member Romero. We'll	
24	just go down the line. Council Member Romero.	
25	COUNCIL MEMBER ROMERO: Thank you, Mr. Mayor.	
12		

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1	I just want to make sure that we also add into the
2	record later tonight we have a resolution against the proposed I-
3	11 recommended option; so I'd like to make sure that this
4	particular recommendation or resolution that we have later
5	tonight makes it also into the record for the comment period.
6	But, I mean, what are the agencies, federal agencies,
7	that ADOT is working with that came to the conclusion that this
8	particular route would be the recommended route?
9	MR. BYERS: So there's -- there's nine agencies
10	that are working with us in putting -- putting this together,
11	meet on a monthly basis, and have for the last two and half
12	years, putting this together. This is a consensus, and it has to
13	be a consensus through that group, to put this forward.
14	So it's -- like I said, it's working through all the
15	science, it's working through all the information, it's using the
16	data that we have gathered to bring forth the recommendation that
17	is in the report.
18	MAYOR ROTHSCCHILD: It -- it --
19	COUNCIL MEMBER ROMERO: Okay. But what are the
20	agencies?
21	MAYOR ROTHSCCHILD: Yeah.
22	MR. BYERS: So we -- we have -- we have the Bureau
23	of Rec. We have the Forest Service. We have -- let's see here.
24	I'm trying to think of who all we have. The Game and -- or the
25	U.S. Fish and Wildlife. We have the Forest Service. We have --
13	

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1	I can't remember them all off the top of my head, but, basically,
2	every agency within the Department of Interior.
3	MAYOR ROTHSCCHILD: Could -- could you -- could you
4	get -- could you get us a list of those agencies?
5	MR. BYERS: In fact, they're all listed in the
6	report, but I can certainly get that information.
7	MAYOR ROTHSCCHILD: Okay. Fine.
8	COUNCIL MEMBER ROMERO: And the input from the
9	community will mean -- be made clear, both from jurisdictions
10	like ours and community representatives -- will be shared with
11	the entire federal agencies and ADOT that is working on this --
12	on this project?
13	MR. BYERS: Yes, and, in fact, it's up to all of
14	those agencies, as well as ADOT and Federal Highway, to not only
15	look at all of those but to answer every comment.
16	COUNCIL MEMBER ROMERO: Okay. So some of us on
17	this Council -- I don't know -- I don't know exactly who lands
18	where -- but I could speak for myself that I am not going to
19	support this option; that actually me and a couple of others of
20	my colleagues on the Council brought a resolution against this --
21	this option; and that this could be a devastating economic and
22	environmental blow to not just the City of Tucson but for the
23	region.
24	It -- as the Mayor was saying, what you say on your
25	paper in terms of Interstate Design Standards, avoiding or
14	

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1	minimizing impacts, all of -- each and every one of these impacts
2	national parks and monument wildness areas, roadless areas,
3	critical habitats, tribal lands, floodplains and -- and existing
4	development; all of it is negatively impacted by this route. And
5	so Avra Valley is an asset, a water asset, that serves our
6	community and could -- could also be negatively impacted,
7	So I want to make it clear as day that we do have a
8	resolution in front of us against this route and that we -- I
9	will do everything in my power to work with your agencies and
10	ADOT as much as we possibly can as a community to not approve
11	this route because it affects our environment so much, it affects
12	our economy so much by bypassing the City of Tucson.
13	And, to be honest with you, I think ADOT and these nine
14	federal agencies should be looking at -- at not just investing in
15	I-10 and I-19, but also investing in rail, because this
16	particular route will cost billions of dollars more in terms of
17	the alternative of investing on I-10 and I-19, what we already
18	have, and on rail.
19	So I just -- I just want to add for the record that I
20	don't support this. I will do everything I possibly can, along
21	with my colleagues, to make sure that we find an alternative
22	route. And that alternative route should be -- should be rail,
23	and investing on I-19 and I10.
24	MAYOR ROTHSCHILD: Council Member Cunningham?
25	COUNCIL MEMBER CUNNINGHAM: You know what, I'm
15	

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1	looking at all this stuff. Let's -- let's begin with, you know,
2	we've got the Department of Bureau of Land Commission, Bureau of
3	Land Management, Bureau of Federal Highways. I've got Fish &
4	Game, Wildlife. We've got all these things.
5	Does each agency send a designated representative to
6	the committee?
7	MR. BYERS: Yes, sir.
8	COUNCIL MEMBER CUNNINGHAM: Do any of those
9	committee members live in Tucson?
10	MR. BYERS: One -- or two -- two do.
11	COUNCIL MEMBER CUNNINGHAM: Two -- two --
12	MR. BYERS: Those being the two represented by
13	ADOT.
14	COUNCIL MEMBER CUNNINGHAM: So no one from the
15	federal agencies live in Tucson?
16	MR. BYERS: Not that I'm aware of, no.
17	COUNCIL MEMBER CUNNINGHAM: Just two people from
18	ADOT who live in -- who live in Tucson -- because it doesn't
19	sound like anybody from Tucson was in the room -- you talked
20	about we avoid national monuments, national parks, the green --
21	according to the website, the green, orange, purple and blue all
22	go into Tucson Mountain Park, they all enter into the Saguaro
23	wilderness of Saguaro East, one of them aligns right off of T-O
24	land. So how is that -- that isn't even on your own -- that
25	isn't even on their own criteria.
16	

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1	Not only that, we shouldn't even call this I-11, we
2	should call this the "Ignore Tucson Corridor." I want to bring
3	to people the words, "Two Guns, Canyon Diablo, Truxton,
4	Valentine, Oatman, Goldroad;" those are all ghost towns in
5	Arizona that used to be on Route 66 until they built a freeway
6	bypassing them.
7	If this is the route selected, I will organize an
8	initiative that will require us to take this to the Supreme Court
9	to stop it. There is no way that anybody in their right mind
10	from Tucson would think this alignment is -- does any good for
11	anyone; from the ecological standpoints, to the cost to the
12	government, to what it does to us economically, which potentially
13	devastates us.
14	I can't even believe that not even the Mayor or the
15	Manager could make any recommendations about this. This is one
16	of these things where this goes back to, you know, I-8 and the
17	San Diego freeway going to Toltec and not coming from Tucson; I
18	mean, this is the same type of stuff. This has been going on for
19	50 years where Phoenix decides what's best for Tucson.
20	Well, Phoenix doesn't -- they don't live here. This is
21	not a way to treat a million people. There are a million people
22	in the Tucson community and you basically -- the federal
23	government basically just said, "You know what? We don't care
24	about you guys."
25	MAYOR ROTHSCHILD: Okay. Council Member Durham?
17	

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1	COUNCIL MEMBER DURHAM: I want to go on the
2	record: Over my dead body will ADOT build a freeway in Avra
3	Valley. (Applause.)
4	You say -- I did a little research and the investment
5	of Tucson Water in the recharge basins, wells, transmission
6	lines, and more have cost Tucson Water's ratepayers over \$250
7	million, but that -- the majority of that money was spent between
8	2000 -- 2000 and 2004; that would be much greater now.
9	There is the risk that the -- I -- I recognize that one
10	possible route believes they can thread the needle between the
11	existing recharge basins and the planned expansion area; and two
12	require the recharge basins to be moved.
13	First of all, there's the risk that they can't be moved
14	at any cost because the -- the soil conditions, the -- the
15	subsurface soil conditions, are the best and they're working for
16	the existing locations of the recharge basins. We don't know,
17	and you don't know, if they can even be moved. Tucson Water
18	believes that the risk is -- that the risk that they can't be
19	moved is high. We're pretty sure that ADOT has not done -- has
20	not fully investigated this risk.
21	Then there is the possibility of a hazardous waste
22	spill; a truck carrying hazardous waste turns over and it
23	contaminates the Tucson water supply. I recommend to ADOT that
24	you take seriously that risk. That's all.
25	MAYOR ROTHSCHILD: And thank you Council Member
18	

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1	Durham.
2	Council Member Scott?
3	COUNCIL MEMBER SCOTT: Thank you. I would echo my
4	colleagues' statements. I think you'd find all of us probably
5	unanimously agreeing that this particular selection of this road
6	for the City of Tucson does not meet all of the standards that
7	you -- that your group has put together.
8	I think it's -- should be of serious note that Tucson
9	is the second largest city in the whole state. I think we need
10	to have you recognize that there are -- that's a very significant
11	population here. We are not a small ville. We are a large city
12	compared to many. Sure, Phoenix is bigger. But we are the
13	second largest city in the entire state. So I think our voice
14	should be heard loud and clear as to our thoughts.
15	The population numbers that were used to start this
16	process, apparently, should be challenged seriously because if
17	you base your -- if you base your process on data that isn't
18	current, or reflection of the future, then you're missing the
19	very thing you're trying to address which is: We want to go and
20	address the issues of population growth. Well, I think there's a
21	question about that database. So that argument falls short of
22	succeeding.
23	So, then, I-10 itself, just right now: If you have an
24	asset, you should take care of it. And for those of us who go
25	back and forth on I-10 -- which I'm sure you enjoy doing --
19	

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1	you'll find that there is quite a bit of money that still needs
2	to be invested in the current asset you have. So where's the
3	money going to go if you start a brand new project where you're
4	not even taking care of the one you have to the fullest extent
5	possible? So it's just also a question of money.
6	And on a water note: The recharge basins were
7	originally set up by the City of Tucson in order to address
8	federal issues about recharging water. Great! Phoenix did not
9	think that was a good idea at first, but now they're paying City
10	of Tucson to recharge their water. So it doesn't just affect
11	CAVSARP and SAVSARP for the City of Tucson; it affects the water
12	supply --
13	MAYOR ROTHSCILD: Yeah.
14	COUNCIL MEMBER SCOTT: -- for the City of Phoenix,
15	amongst others.
16	So those are some questions and statements that I -- I
17	would like to address. And I wish that we could see some
18	reflection of those kinds of thoughts when you're presenting to
19	us something that, as one of my colleagues said, might look like
20	a done deal.
21	And we don't want to see this go through. And I'll
22	think you'll see a large lion roar come out of this area with
23	regard to whether this should move forward as-is.
24	MAYOR ROTHSCILD: Mr. Clerk, are you capable of
25	making a transcript, a written transcript of this, and submitting
20	

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1	it along with whatever we may do?
2	MR. RANDOLPH: Yes, Your Honor.
3	MAYOR ROTHSCCHILD: Okay. I think that we should
4	do that. There's been some really good comments here.
5	Council Member Fimbres, you want to say anything?
6	COUNCIL MEMBER FIMBRES: Yes. Thank you, Mr.
7	Mayor.
8	Does the state have funding to start this project? I
9	know this project's been around for, what, four or -- you just
10	had two years to do a report and now this -- the report's come
11	back and this group has voted on moving this -- this one plan
12	phase now. But is there funding to move and where is the funding
13	coming from if we --
14	MR. BYERS: There is --
15	COUNCIL MEMBER FIMBRES: --- there is no funding
16	currently, right?
17	MR. BYERS: There is no funding that -- in the
18	current program. There is no funding in a future program,
19	whether it be state, federal or anything else. At this point in
20	time, there's absolutely no funding --
21	COUNCIL MEMBER FIMBRES: So what type of --
22	MR. BYERS: -- at all.
23	COUNCIL MEMBER FIMBRES: -- time frame are we
24	looking at with the --
25	MR. BYERS: It's -- it's way, way out, yeah.
21	

Mayor and Council Study Session - 6/18/2019 Arizona Department of Transportation (ADOT) I-11 Draft Tier 1 Environmental Impact Statement (EIS) (City Wide)SS/JUN18-19-134	
1	COUNCIL MEMBER FIMBRES: So what we need to do is
2	plan it right, do it right, and relook at the route, 'cause you
3	need operations and maintenance costs to maintain the highway;
4	and you're not going to get it if you're bypassing the City of
5	Tucson.
6	And -- and this was created like the CANAMEX Corridor
7	was talked about, about enriching and creating more development
8	in these cities for long-term sustainability, and I don't see
9	this. Plus, then where you're going through is going to
10	jeopardize our water sources, our key precious resource is our
11	water and that's going to be jeopardized. So I think we need to
12	look at this and revisit it.
13	And I know we have a resolution tonight? Was --
14	MAYOR ROTHSCCHILD: Yes.
15	COUNCIL MEMBER FIMBRES: Okay. And we also have
16	other thoughts and we -- we want to work with you to improve the
17	route. Obviously, there were no Tucsonans or folks in Nogales or
18	Sahuarita on this to plan this thing correctly. Thank you.
19	MAYOR ROTHSCCHILD: Council Member Kozachik, do you
20	have any more --
21	COUNCIL MEMBER KOZACHIK: I would just say the
22	point of the funding, that's really not an issue for me because
23	we need to nip this one in the bud before the funding becomes
24	available as you -- we can't back out of this. (Applause.)
25	MAYOR ROTHSCCHILD: Okay. I'm going to go back to
22	

ID	Comment Document
Attachment to City of Tucson letter dated July 1, 2019	

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Mayor and Council Study Session - 6/18/2019 Arizona Department of Transportation (ADOT) I-11 Draft Tier 1 Environmental Impact Statement (EIS) (City Wide)SS/JUN18-19-134	
1	Council Member Durham. And we'll come back down and we'll finish
2	up.
3	COUNCIL MEMBER DURHAM: You know, I -- I think
4	that mostly Phoenix-based ADOT would like to make Tucson look
5	more like Phoenix: freeways everywhere, lots of sprawl. The
6	Avra Valley route for I-11 will cause tremendous sprawl,
7	development. And it's just -- it's just not a good idea. Like I
8	say, I think maybe Phoenix-based ADOT would like to make Tucson
9	look more like Phoenix: lots of sprawl and freeways everywhere.
10	MAYOR ROTHSCHILD: Council Member Cunningham?
11	COUNCIL MEMBER CUNNINGHAM: I want to be
12	constructive, too. I mean, I'm a little -- everybody's very
13	frustrated about the -- the lot -- the -- the route that gets
14	changed. I really ask the group to reconsider the orange
15	aligning from Harden Way to the Air Max Park. That's really the
16	-- when you guys -- it's a 280-mile route. Our concern is this
17	28-mile thing that's on our -- that's in our city. And there is
18	an orange route, I don't know how that discussion got -- I really
19	don't know how that discussion got changed or why it ended up
20	going the way it went and how they ended up deciding that. But I
21	really think they ought to look at that orange route, revisit the
22	orange route specifically from -- when you really consider it
23	specifically from Harden Road -- about Cortaro Farms Road to --
24	to the Air Max Park, which is -- I want to say it's right after
25	Mineral Hill Road -- Helmet Peak Road about -- I think those --
23	

Mayor and Council Study Session - 6/18/2019 Arizona Department of Transportation (ADOT) I-11 Draft Tier 1 Environmental Impact Statement (EIS) (City Wide)SS/JUN18-19-134	
1	that's the area that Tucson -- that is really part of Tucson.
2	So we should have some say about that one part of it.
3	It's -- it's less than 30 miles in the entire project. Look, no
4	one wants to kill a federal project in the -- the big picture,
5	but everybody wants to understand that -- we know best for our
6	community, or we're supposed to, we -- or otherwise what -- what
7	good are we? And I think that this orange route, that right-of-
8	way is there, I think in the -- in the costs that you guys are
9	looking at, you'll probably save a little money and you'll also
10	build something that will be functional for -- for Tucson.
11	So that would be what I'd say: Kind of all or nothing
12	is that orange route.
13	MAYOR ROTHSCHILD: Mr. Mayor?
14	MAYOR ROTHSCHILD: Yes, Council Member Romero.
15	COUNCIL MEMBER ROMERO: Mr. City Manager, we need
16	to make sure that -- that our statements tonight are a resolution
17	against this -- this route is also shared with our congressional
18	delegation to make sure that they understand how the City of
19	Tucson feels about this -- about this route. And so we need to
20	get our resolution and our commentary in the hands of each and
21	every one of the delegates, congressional delegates, in the State
22	of Arizona.
23	We also have -- we also pay D.C. lobbyists to do work
24	for us in D.C., make sure that they are well aware of our
25	position on this and that they let the agencies -- the federal
24	

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	Mayor and Council Study Session - 6/18/2019 Arizona Department of Transportation (ADOT) I-11 Draft Tier 1 Environmental Impact Statement (EIS) (City Wide)SS/JUN18-19-134
1	agencies that are involved in this process know -- each and every
2	one of them know how the City of Tucson stands on this case;
3	because it's nice for ADOT to be here, but I would much rather
4	we, the City of Tucson, communicate with these federal agencies
5	and our congressional delegation so we make it very clear that
6	the City of Tucson does not support this iteration of I-11.
7	MAYOR ROTHSCCHILD: Okay. All right. Thank you,
8	sir, for coming in and -- and hearing us. I'm sure you're
9	hearing things all over the state, but we do appreciate being
10	able to get on the record before the public comment period has
11	ended. So thank you very much.
12	MR. BYERS: Thank you for having me.
13	MAYOR ROTHSCCHILD: Appreciate it. Okay.
14	* * * * *
15	(Transcriptionist's Note: A brief discussion regarding Item 8 is
16	resumed at a later time during the meeting.)
17	* * * * *
18	MAYOR ROTHSCCHILD: Let's move on to Item 14, which
19	which before we go to that, our City Attorney has advised me that
20	if we want to send the transcript from our discussion today with
21	the ADOT to ADOT, we need a motion and second --
22	COUNCIL MEMBER FIMBRES: So moved.
23	MAYOR ROTHSCCHILD: -- to do that.
24	UNIDENTIFIED COUNCIL MEMBER: Second.
25	MAYOR ROTHSCCHILD: That motion and second to
	25

	Mayor and Council Study Session - 6/18/2019 Arizona Department of Transportation (ADOT) I-11 Draft Tier 1 Environmental Impact Statement (EIS) (City Wide)SS/JUN18-19-134
1	authorize the Clerk to transcribe and send to ADOT our discussion
2	today on Item 10 (sic) I think, whatever item --
3	MR. RANDOLPH: Included in that would also be the
4	direction to the Manager to send the letter that was included in
5	the materials.
6	MAYOR ROTHSCCHILD: Okay. All right.
7	MR. ORTEGA: Mr. Mayor, I'm going to make a few
8	changes, obviously, based on the conversation here, but it is my
9	intent to incorporate and then we'll actually attach it all in
10	the packet just to --
11	MAYOR ROTHSCCHILD: Okay.
12	MR. ORTEGA: -- update it.
13	MAYOR ROTHSCCHILD: And a motion --
14	COUNCIL MEMBER FIMBRES: And on my motion, Mr.
15	Mayor.
16	MAYOR ROTHSCCHILD: Okay. Motion and second.
17	COUNCIL MEMBER FIMBRES: Yeah.
18	MAYOR ROTHSCCHILD: All in favor say, "Aye." Aye.
19	Anyone opposed?
20	(Motion is carried by Council Members' voice vote of 7
21	to 0.)
22	MAYOR ROTHSCCHILD: All right. That passes.
23	(Conclusion of Study Session discussion of Item 8.)
24	* * * * *
	26

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Attachment to City of Tucson letter dated July 1, 2019

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Mayor and Council Study Session - 6/18/2019
Arizona Department of Transportation (ADOT) I-11 Draft Tier 1
Environmental Impact Statement (EIS) (City Wide) SS/JUN18-19-134

CERTIFICATE

I hereby certify that, to the best of my ability, the
foregoing is a true and accurate transcription of the digitally-
recorded Mayor and Council Study Session, held on June 18th,
2019, regarding the Arizona Department of Transportation (ADOT)
I-11 Draft Tier 1 Environmental Impact Statement (EIS) (City
Wide) SS/JUN18-19-134.

Transcription completed: June 22nd, 2019.

DANIELLE L. KRASSOW
Legal Transcriptionist
M&M Typing Service



Town of Marana



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July 8, 2019

Mr. Jay Van Echo
Arizona Department of Transportation
1221 S 2nd Avenue
Tucson, AZ 85713

Re: Interstate 11 Tier 1 Environmental Impact Statement – Marana comments

Dear Jay,

On behalf of the Town of Marana, I would like to thank you and ADOT for your time in meeting with Marana senior staff and for your efforts to solicit information and feedback on the Interstate 11 corridor Tier 1 Environmental Impact Statement. We understand the level of effort that must go into such a study and complexity of defining a multi-state corridor. Understandably, it is difficult for such a study to know all of the intricacies of each jurisdiction a corridor passes through. We are providing the following comments, concerns and requests to better inform the design team on the ultimate corridor.

PA-23-1

The majority of the currently defined corridor passes to the west of the Town’s jurisdictional limits. The corridor does however pass through the planning area of the Town of Marana as defined by our 2010 general plan and our proposed Make Marana 2019/2020 general plan. The Town has no comment on the main corridor alignment. We have significant concern about the potential I-10/I-11 interconnection as depicted in the current report. Following this discussion, we have minor comments on section 4f features to help clarify and make the report more accurate.

The potential I-10/I-11 interconnection was depicted in the 2017 Agency and Public Information Meeting Summary Report, dated Nov 30, 2017, that was used for discussion of the corridor. The general location of this interconnection was depicted as substantially in southern Pinal County and not within Marana. The southwest terminus was located approximately south

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PA-23-1	Recommended Alternative (Blue) - I-11 to I-10 connection	The I-10 and I-11 interconnection was revised for the Preferred Alternative. See GlobalTopic_4
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of Pinal County and the northeast terminus was substantially north of the county line. Please see figure 1.

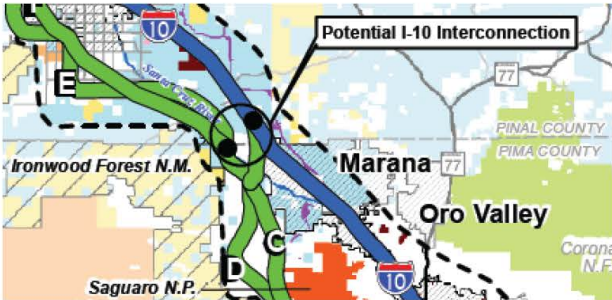


Figure 1, Exhibit from appendix B of 2017 agency meeting materials

Within the draft EIS published on April 5, 2019, figure 2-4, Range of Corridor Options, from the Key Figures collection still shows the interconnection termini similar to the 2017 documents. The northeastern terminus is well north of the Pinal County line with the southwestern terminus just below the county line. This figure also shows overlapping study corridors, one of which passes to the south of the interconnection termini. However, Figure 2-5 End-to-End Build Corridor Alternatives map has dropped the previously shown locations of the interconnection location in favor of the southerly study corridor, now depicted as the “purple” alignment and entirely below the Pinal County line. Please see figures 2 and 3.

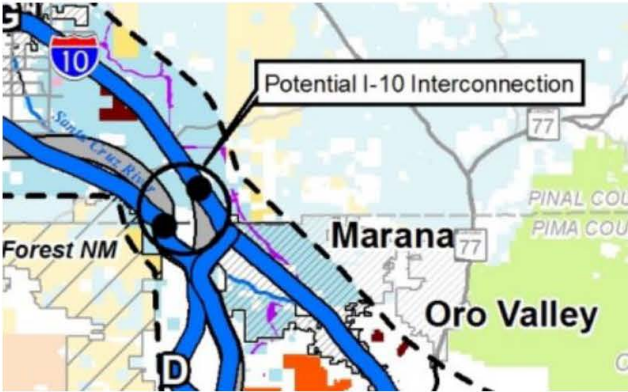


Figure 2, Figure 2-4 of draft EIS, termini similar to 2017 meeting materials

PA-23-1

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Figure 3, Figure 2-5 of draft EIS, termini shifted into Marana

The various alignments; green, purple, and orange; were collapsed into the recommended alternative and this southerly interconnection has propagated to this recommendation as shown in figure 4.

PA-23-1



Figure 4, draft EIS recommended alternative

While understanding that the scale of the previous documents likely did not account for the Pinal Airpark and the alignment of the interconnection should be adjusted to avoid the airpark, the Town of Marana strongly objects to the now depicted location of the interconnection. The northeastern terminus as now proposed would place a system interchange in essentially the exact location of the proposed Tortolita Interchange as documented in ADOT’s “Tangerine to I-8” design concept report. The Tortolita interchange is proposed to serve 6,500 residences in

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PA-23-1

addition to industrial and commercial uses. This volume is incompatible with a connection into a system interchange. We posit that the original northeastern terminus, which appears to coincide with the relocated Pinal Airpark/Missile Base Road interchange from the same “Tangerine to I-8” DCR would be a more appropriate location for a system interchange. The volumes associated with the Missile Base area are a fraction of those at the proposed Tortolita Interchange and could be more easily accommodated into the system interchange network. Pinal Airpark could be accommodated by a service interchange on the interconnection freeway. There are also several master planned communities proposed in the Town that would be impacted by the currently proposed interconnection corridor. The corridor also passes very close to the Town’s wastewater plant, reclamation facility, and the state of Arizona veteran’s cemetery. A corridor closer to the original depicted location would avoid these conflicts. As an attachment to this letter, the Town is providing an exhibit to show the Town’s preferred corridor for the interconnection between I-10 and I-11. We would like to continue to work with ADOT to fine tune this corridor to take into account on the ground features and avoiding splitting parcels when practicable.

PA-23-2

Although minor in nature compared to our concerns regarding the interconnection alignment, we offer the following comments on the Section 4F features:
The following park elements should be added to the report, though we do not believe they are proximate enough to affect the study:

1. El Rio Preserve, a natural wetland park at the north end of Continental Ranch.
2. Loop trail, part of the Tucson region’s loop trail system along the Santa Cruz River. The trail system extends north to Sanders Road.
3. CAP trail, the Tucson region is working towards a multi-use trail system using the Central Arizona Project canal alignment from Tangerine Road northwards.
4. Marana Cemetery on Barnett Road west of Sandario Road.

The following element should also be added to the report and is proximate enough to the corridor to be material.

1. Marana Mound, an archaeological site within the Villages of Tortolita development.

While not specifically referenced by section 4f, the following features are akin to the types of features best avoided when planning new road corridors.

1. Marana cemetery, a private cemetery located on Barnett Road west of Sandario Road.
2. State of Arizona Veteran’s Cemetery, located on Luckett Road just south of the Pinal County line and within the currently depicted interconnection route.

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PA-23-2	Section 4(f)	<p>Chapter 4 of the Final Tier 1 EIS contains the Preliminary Section 4(f) Evaluation for the project that was updated from the Preliminary Evaluation in the Draft Tier 1 EIS. FHWA and ADOT recognize the following properties as having Section 4(f) protection: El Rio Preserve, Loop Trail (portion in Town of Marana), San Lucas Community Park, and the CAP Trail.</p> <p>FHWA and ADOT evaluated the following properties: Marana Mortuary and Cemetery, Marana Mound, and Arizona Veteran’s Memorial Cemetery – Marana. Although each of these properties is included in Tier 1 EIS analyses, FHWA preliminarily determined that the properties are not protected by Section 4(f) or will not be evaluated as such. Marana Mortuary and Cemetery is a privately-owned property that is not listed on or eligible for listing in the NRHP. Marana Mound is eligible for the NRHP under Criterion D; however, it is 3,000 feet outside of the Build Alternative Corridors and therefore it’s Section 4(f) status will not be determined as part of this project. The Arizona Veteran’s Memorial Cemetery – Marana is a publicly-owned property, but it is not a historic site, a park, a recreation area, or a wildlife or waterfowl refuge.</p> <p>FHWA and ADOT consulted with the Town on October 8, 2020 regarding these Section 4(f) properties and received concurrence on November 6, 2020. Letters are attached in Final Tier 1 EIS Appendix F.</p>
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Again, we would like to thank ADOT and you personally for your outreach and collaboration on this corridor study. We look forward to continued discussions on this project.

Sincerely,

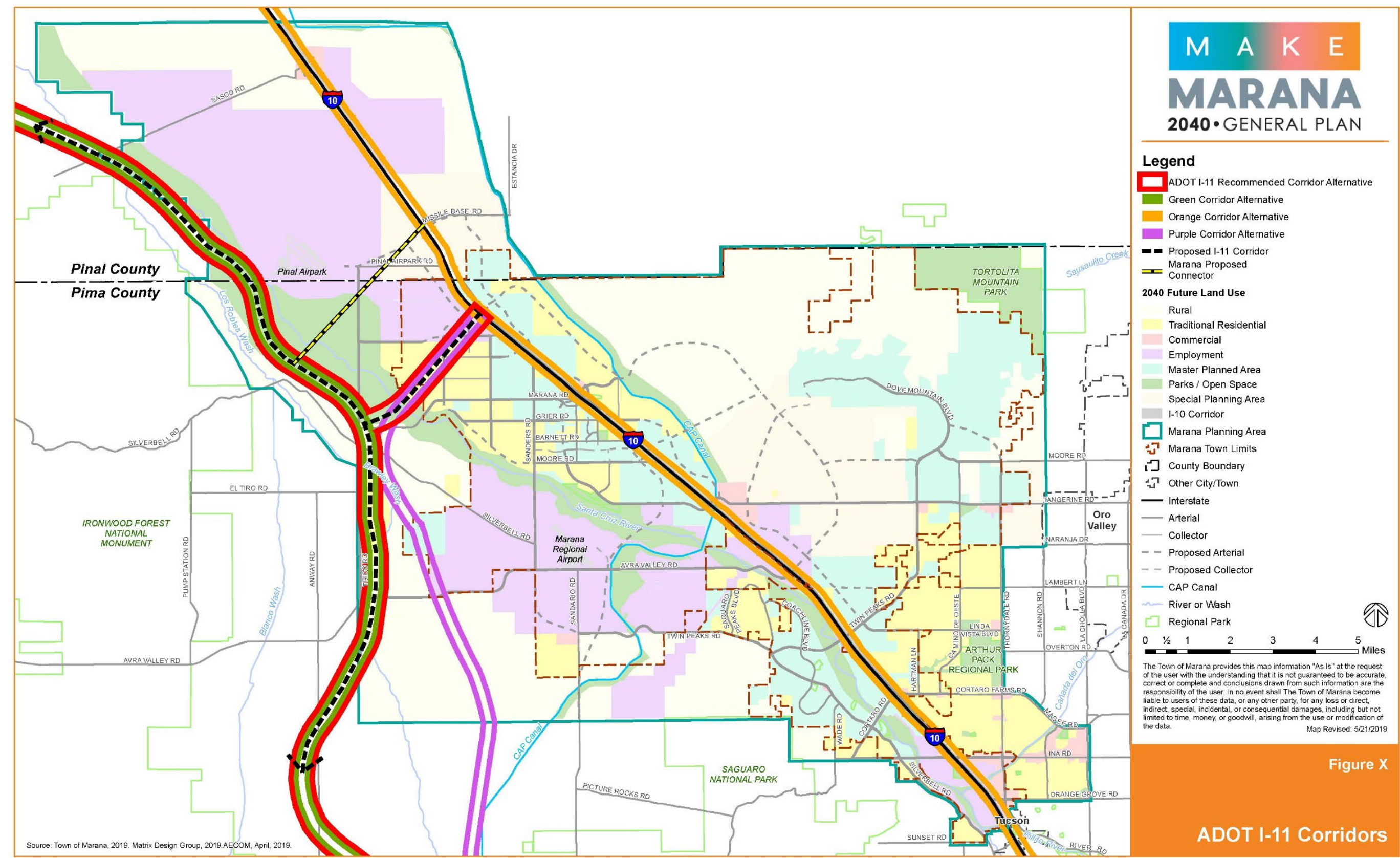
A handwritten signature in black ink, appearing to read "Keith Brann".

Keith Brann, P.E., CFM
Town Engineer

Cc: Jamsheed Mehta, Town Manager
Erik Montague, Deputy Town Manager
Mo El-Ali, Public Works Director
Jason Angell, Development Services Director

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Town of Sahuarita



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		See responses below
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Teri Bankhead

Mr. Van Echo,

Per our phone conversation today, I am trying to confirm receipt of a letter from Mr. L. Kelly Udall, Town Manager, for Sahuarita, sent for the public record on I-11. It was mailed July 3 from Sahuarita with the intent to meet the July 8 deadline. I have attached it for your consideration as well.

Mayor Tom Murphy is requesting acknowledgement of the letter's receipt.

Thank you,

Teri Bankhead

[tbankhead]

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July 3, 2019

I-11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 W. Jackson Street Mail Drop 126F
Phoenix, AZ 85007

This letter is being submitted for public record as part of the Draft Tier 1 EIS Public Comment Process. While public hearings have been held since April in nearby Tucson, Marana, and Nogales, there was no meeting held in Sahuarita to hear from our elected officials or constituents after the Draft was released. The Sahuarita Town Council thereby held a discussion to hear from residents during its June 24, 2019 council meeting, and Council requested I send a letter on their behalf.

PA-24-1

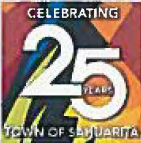
The Draft Tier 1 EIS indicates a Recommended Corridor Alternative and Other Build Corridor Alternatives in Sahuarita that would seemingly traverse residential neighborhoods. A solid representation of residents from that area who are not in favor of the proposed routes voiced their concerns at the council meeting. Many are long-time residents, including one who has lived on her property for more than 50 years. Residents do not want to lose their acreage and rural setting they enjoy, nor have the natural landscape destroyed. Sahuarita has become known for its small town feel throughout its history, and residents are concerned this will be lost. Council encouraged the individuals to submit public comment directly to your study team through the prescribed process by July 8, 2019.

PA-24-2

As a participating agency, we are in support of regional transportation planning and have previously requested that El Toro Rd. be considered a connection point in the I-11 Tier 1 EIS (July 22, 2016 Letter from Sheila Bowen.) We still believe this location is an important connector, especially for the proposed Sonoran Corridor. If Interstate 11 Corridor moves to a Tier 2 study, however, we would like to request you consider alternative routes that would not have an impact on our residential neighborhoods, including but not limited to, an overlay of I-11 with the I-19 alignment (Orange Alternative.) We would also request that future meetings include Sahuarita Town representatives and that public meetings are held in our town for our residents.

Thank you for your consideration.

L. Kelly Udall



L. Kelly Udall
Town Manager
Phone: (520) 822-8816
Fax: (520) 822-8834

ID	Topic	Response
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PA-24-1	Land Use	See GlobalTopic_8 and Outreach_5. FHWA and ADOT appreciate the Town providing the opportunity for your constituents to comment and send that input to the I-11 Project Team on their behalf.
PA-24-2	Orange Alternative	See GlobalTopic_4 and GlobalTopic_1.



Town of Wickenburg



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PA-25-1	Resolution	In response to agency and public comments, FHWA and ADOT determined that locating the Preferred Alternative approximately 1 mile away from the homes in the Vista Royale neighborhood would reduce impacts to those residents while following natural terrain, and reducing impacts to floodplains, wildlife linkages, and Sonoran Desert tortoise habitat. The Town of Wickenburg suggested an alignment that intersects US 60 east of Black Mountain (milepost 103.5), which would increase impacts to desert tortoise habitat and floodplains, and cause out of direction travel. See GlobalTopic_4 and GlobalTopic_5.
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June 18, 2019

Mr. Dallas Hammit, State Engineer
Arizona Department of Transportation
206 S 17th Ave MD 102A
Phoenix, AZ 85007

Dear Mr. Hammit,

The Wickenburg Mayor’s I-11 Task Force met on May 30, 2019 to consider the different alternatives proposed by ADOT in the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation. The Task Force unanimously agreed that these alignments are not in the best interest of the Town of Wickenburg. As a result, they recommended to the Town Council that a new, preferred alternative be considered to ensure the best possible outcome for the Town of Wickenburg in regards to visibility, future economic development, ease of annexation, extension of public utilities and mitigation of sound pollution.

On June 17, 2019, the Wickenburg Town Council deliberated and adopted Resolution No. 2229: A Resolution of the Common Council of the Town of Wickenburg, Arizona, Authorizing Official Support of a Preferred Alignment of Interstate 11. This resolution states:

The Town of Wickenburg supports a preferred Interstate 11 alternative that connects at US60 at mile post 103.5 just East of Black Mountain that would connect near mile post 186 on SR93, as illustrated in exhibit A (attached). Please note that once the alignment connects at US60 the Town supports pushing the roadway towards the west to avoid sound/sight concerns with our residents and surrounding community members.

The Town of Wickenburg kindly requests that this preferred Interstate 11 alternative be considered in future studies, assessments and analyses. Furthermore, the Town kindly requests that its desires be advocated for in regards to Interstate 11 in the general Wickenburg area.

Thank you in advance for your attention to this important issue. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Vince Loreface, Town Manager
Town of Wickenburg

PA-25-1

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RESOLUTION NO. 2229

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, AUTHORIZING OFFICIAL SUPPORT OF A PREFERRED ALIGNMENT OF INTERSTATE 11

WHEREAS, the Town of Wickenburg and the Arizona Department of Transportation have enjoyed a long and productive relationship in providing excellent public facilities for the benefit of Arizona residents; and

WHEREAS, the United States Interstate 11 is located in the Northwest District of the Arizona Department of Transportation, which also includes the Town of Wickenburg; and

WHEREAS, the final alignment of Interstate 11 is yet to be determined; and

WHEREAS, the Town Council, on May 1, 2017, adopted a resolution supporting the I-11 Design Report from the Sonoran Institute; and

WHEREAS, in December, 2017, the Arizona Department of Transportation released its Alternatives Selection Report detailing different alignments of the proposed Interstate 11 to be located west of the Wickenburg Town Limits; and

WHEREAS, the Mayor's I-11 Task Force convened on May 30, 2019 to consider the different alternatives and recommend a preferred alternative to the Wickenburg Town Council; and

WHEREAS, the Mayor's I-11 Task Force desires to ensure best possible outcomes for the Town of Wickenburg in regards to visibility, future economic development, ease of annexation, extension of public utilities, mitigation of sound pollution; and

WHEREAS, the Mayor's I-11 Task Force recommended a preferred alternative that connects at US-60 at mile post 103.5 just East of Black Mountain that would connect near mile post 186 on SR-93, as illustrated in exhibit A (attached). Please note that once the alignment connects at US-60 the Town supports pushing the roadway towards the west to avoid sound/sight concerns with our residents and surrounding community members, as generally illustrated in exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, AS FOLLOWS:

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Resolution No. 2229

SECTION 1. The Town of Wickenburg supports a preferred Interstate 11 alternative that intersection US-60 at mile post 102 and connects to SR-93 near mile post 186, as illustrated in exhibit A.

SECTION 2. This resolution should be forwarded to all appropriate Federal, State and Local governmental and non-governmental agencies actively engaged in the Interstate 11 project.

SECTION 3. The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA THIS 17th DAY OF JUNE 2019.

APPROVED this 17th day of June 2019.

Rui Pereira, Mayor

ATTEST:

Amy Brown, Town Clerk

APPROVED AS TO FORM:

Trish Stuhan, Town Attorney
Gust Rosenfeld PLC

CERTIFICATION

I, Amy Brown, Town Clerk, HEREBY CERTIFY that the foregoing Resolution Number 2229 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 17th day of June 2019, and that a quorum was present at the meeting.

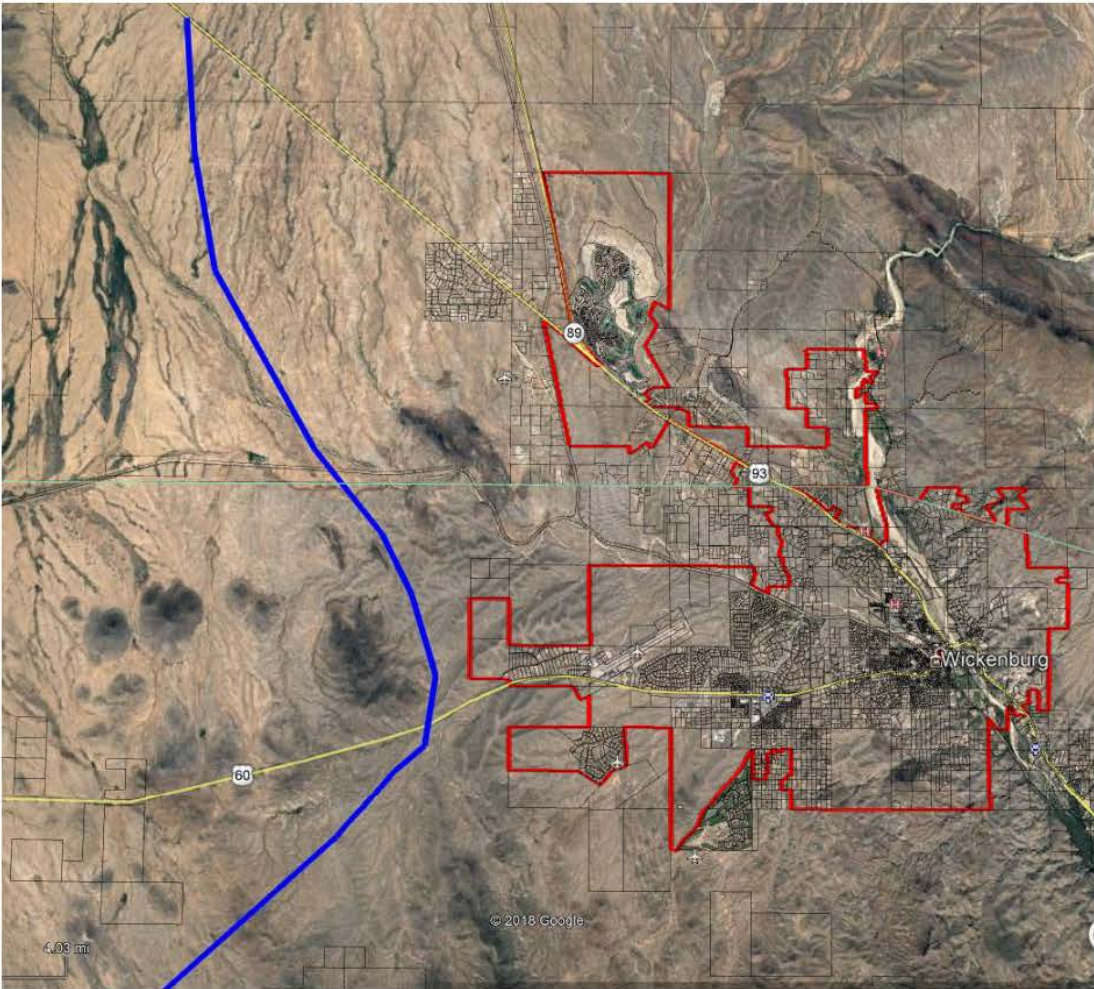
Amy Brown, Town Clerk

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Resolution No. 2229

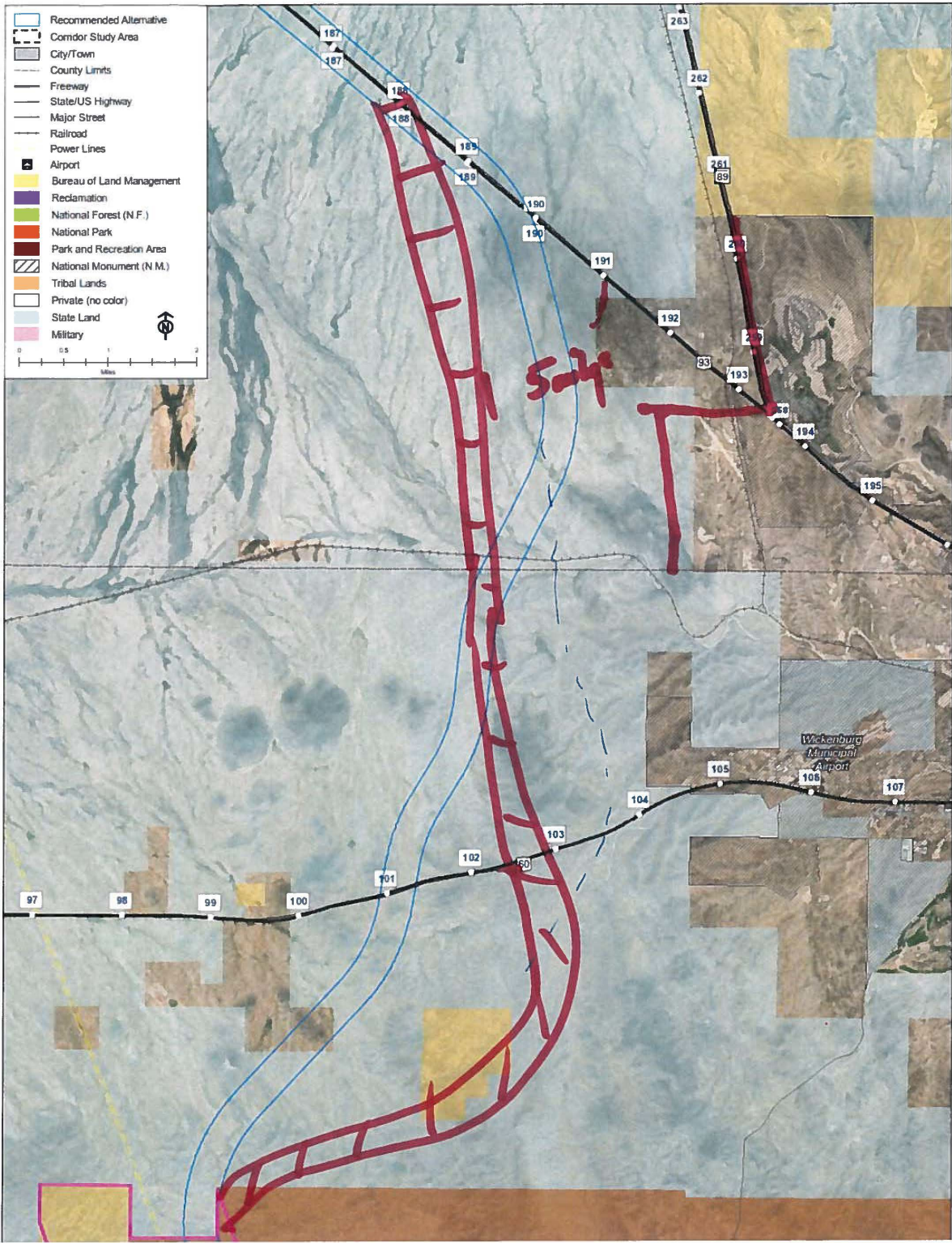
EXHIBIT A



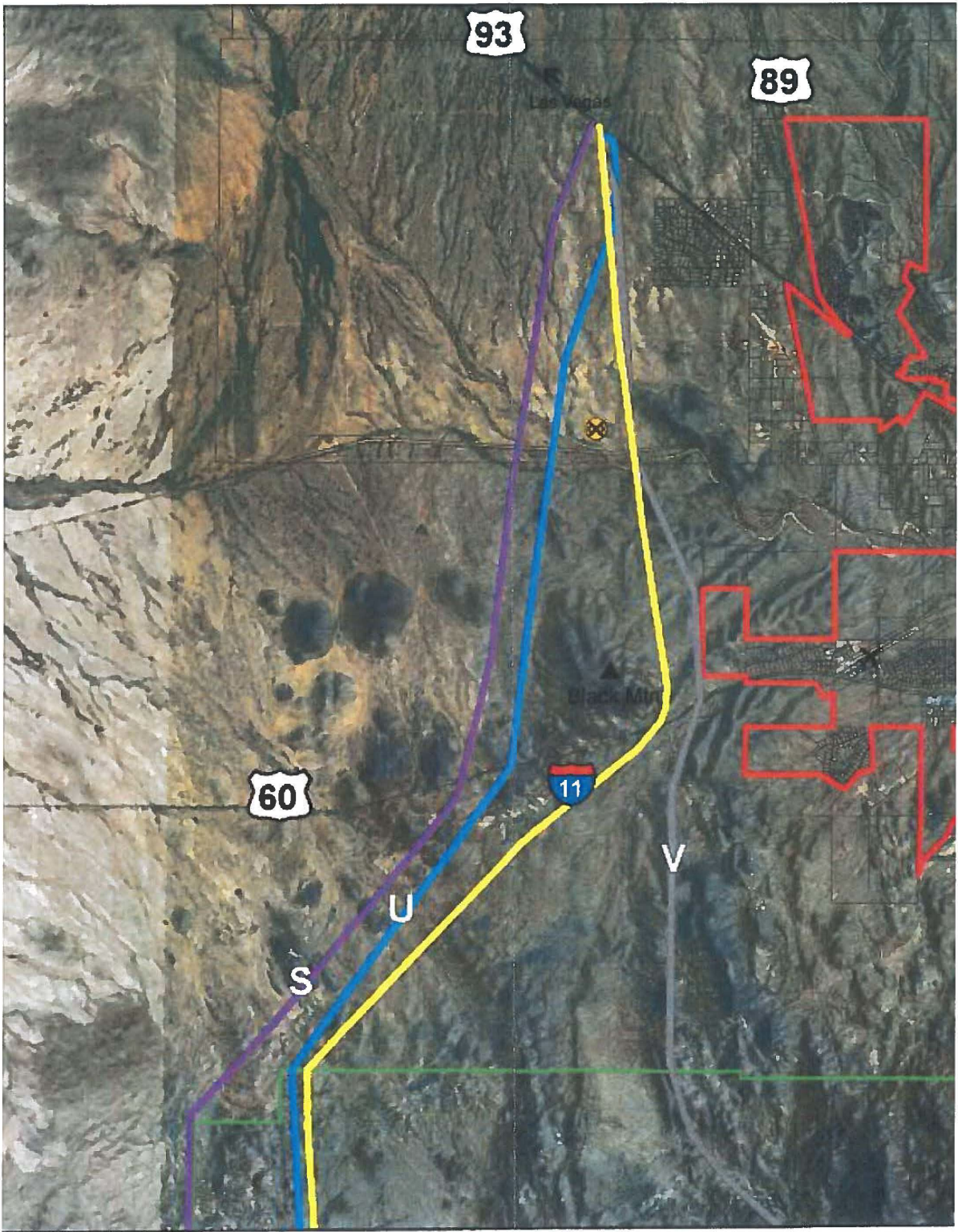
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March 2018 Wickenburg Preferred Alignment (Resolution 2112)
Source: AECOM, I-11 Draft Tier EIS Recommended Alt 2,000' corridor shown in blue



May 2017 Wickenburg Preferred Alignment (Resolution 2043)
Source: Figure attached to Wickenburg letter, Wickenburg Preferred Alignment shown in yellow





UTILITY



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San Carlos Irrigation District



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San Carlos Irrigation & Drainage District

PA-26-1

Within the I-11 Corridor Study Area, the San Carlos Irrigation & Drainage District (SCIDD) has canals and laterals near the City of Casa Grande from Burris Road on the west, to Interstate 8 on the south, to Highway 287 on the east. Any crossing of these canals/laterals will require engineering review and construction oversight, and will possibly require irrigation facility reconstruction by District forces. Additionally, you will be required to obtain encroachment permission from the Bureau of Indian Affairs (BIA) through the San Carlos Irrigation Project (SCIP). Please feel free to visit our website (www.scidd.com) to obtain our facility mapping.

ID	Topic	Response
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PA-26-1	Geology Soils Farmland	<p>See Global Topic_8.</p> <p>The Preferred Alternative in the Final Tier 1 EIS was revised to co-locate with I-8 from the vicinity of Chuichu Road west to Montgomery Road then north along the Montgomery Road alignment to Option I2. This Preferred Alternative alignment appears to not conflict with SCIDD canals and lateral locations defined by the comment. Please see Final Tier 1 EIS Chapter 6 for more information on the Preferred Alternative.</p> <p>ADOT will coordinate with BIA and SCIP during the Tier 2 studies when the individual projects are in the vicinity of your canals or laterals.</p>
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UNS Energy Corporation/Tucson Electric Power



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ID	Comment Document
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ID	Topic	Response
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		See response below.
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Diana Sandoval

Dear Mr. Van Echo:

Attached with this email, please find the UNS/TEP comment letter and map enclosure for the Draft Environmental Impact Statement and Preliminary Section 4(f) Evaluation (DEIS) for the Interstate 11 Corridor between Nogales and Wickenburg, AZ (I-11) Project (84 FR 13662). Please feel free to contact me with any questions.

Thank you,

Diana Sandoval, M.A.
Environmental and Land Use Planner
Tucson Electric Power – Land Resources
(520) 884-3981 (office)
(520) 991-4343 (cell)
DSandoval1@tep.com

From: Rucker, Jasmine
Sent: Monday, June 17, 2019 8:47 AM
To: Sandoval, Diana
Subject: FW: [EXTERNAL E-Mail]I-11: Errata to Draft Tier 1 EIS Available (UNS/TEP)

From: Jay Van Echo
Sent: Friday, April 26, 2019 3:38 PM
To: Hutchens, Dave
Cc: Rucker, Jasmine ; Yedlin, Rebecca (FHWA) ; Aryan Lirange ; Jones, Laynee ; i11doccontrol@aecom.com
Subject: [EXTERNAL E-Mail]I-11: Errata to Draft Tier 1 EIS Available (UNS/TEP)

Good afternoon, attached is the transmittal letter announcing that the Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) are releasing an Errata to the Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation (Draft Tier 1 EIS) for the Interstate 11 (I-11) Corridor. The Notice of Availability for the Errata to the Draft Tier 1 EIS is expected to be published in the Federal Register next week. The NOA will also announce a new comment period end date of July 8, 2019, increasing the review period to more than 90 days from the original due date of May 31, 2019. All of the Draft Tier 1 EIS and Errata documents are available now on the Study web page at: i11study.com/Arizona/Documents.asp We request that you review the Draft Tier 1 EIS and Errata and provide written comments by July 8, 2019. Specific instructions are contained within the transmittal letter. Thank you for your interest and review of this important document.
Jay Van Echo
I-11 Project Manager
520-388-4224
JVanEcho@azdot.gov

ID	Comment Document
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July 1, 2019

Interstate 11 Tier 1 EIS Study Team
c/o ADOT Communications
1655 W. Jackson Street, Mail Drop 126F
Phoenix, AZ 85007

SENT VIA EMAIL: I-11ADOTStudy@hdrinc.com

REFERENCE:
999-M(161) | TRACS No. 999 SW 0 M5180 01P
I-11, I-19/SR 189 to US 93/SR 89
I-11 CORRIDOR DRAFT TIER 1 EIS
NOTICE OF ERRATA TO THE DRAFT TIER 1 EIS AVAILABILITY

Dear Mr. Van Echo:

On behalf of Tucson Electric Power /UNS Energy Corporation (UNS), thank you for the opportunity to comment on the Draft Environmental Impact Statement and Preliminary Section 4(f) Evaluation (DEIS) for the Interstate 11 Corridor between Nogales and Wickenburg, AZ (I-11) Project (84 FR 13662). We are in receipt of the Errata to the DEIS and understand the extended public comment period ends July 8, 2019.

UNS has reviewed the Arizona Department of Transportation (ADOT) I-11 Study Area and Corridor Alternatives to conduct a high-level evaluation of potential impacts to UNS electrical facilities. UNS anticipates potential impacts to existing substations, distribution and/or transmission lines. UNS has electrical facilities that intercept alternative corridors within the UNS Service Territories, specifically within the Tucson division, Nogales division, and outlying transmission lines that extend northwest, west of the Phoenix metropolitan area. A map showing UNS infrastructure and the I-11 Study Area is attached for your reference.

UNS is dedicated to providing safe and reliable electric service to our residential and commercial customers throughout Arizona. Any ADOT facilities constructed in the vicinity of these facilities will require close coordination between UNS and ADOT. The relocation of facilities associated with electrical services will result in construction costs, potential outages, and additional right of way costs.

UNS supports the construction of Interstate 11; however, we ask ADOT to review potential avoidance of impacts to existing electrical facilities and request coordination to that end. UNS would be happy to collaborate with your team to determine engineering requirements that have the lowest impact potential to these facilities. We understand the final alignment and specific location will be determined during Tier 2 environmental studies, which have yet to be programmed/funded. We look forward to working with you in the future.

Please call me with any questions or concerns. I can be reached at (520) 884-3981 or via email at dsandoval@tep.com.

Respectfully,

Diana Sandoval
Environmental and Land Use Planner

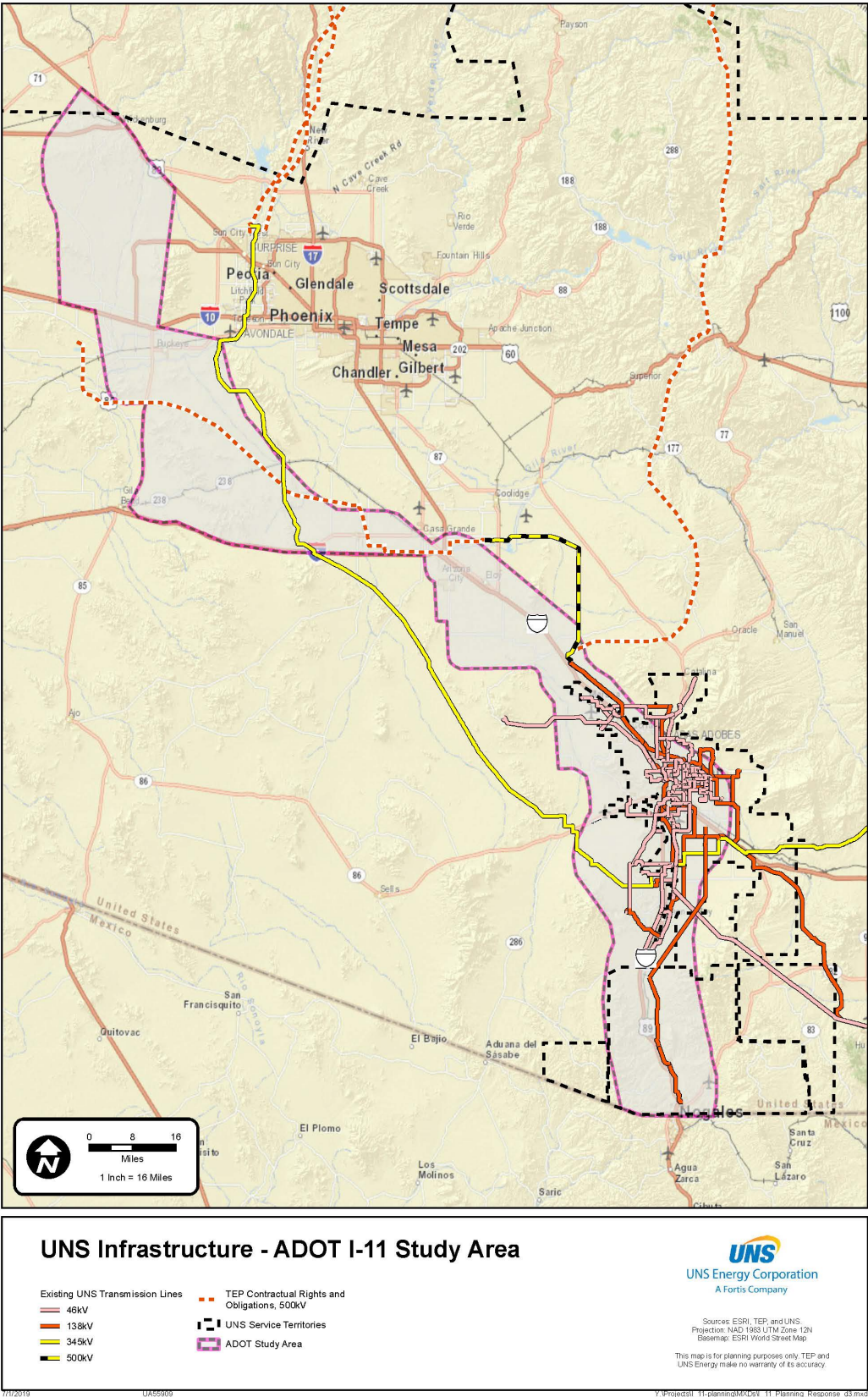
ID	Topic	Response
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PA-27-1	Land Use	See GlobalTopic_8. ADOT will coordinate with TEP/UNS during the Tier 2 studies when the individual projects are in the vicinity of your utility.
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PA-27-1

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TRIBAL



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Colorado River Indian Tribes (not a Participating Agency)



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ID	Comment Document
	<div><div>Van Fleet Rena</div><div>MS. RENA VAN FLEET: Yes. My name is Rena Van Fleet. I'm with the Colorado River Indian Tribe, Tribal Historic Preservation Office. And I noted that -- you know, in our tribe we are for progress, but let's do at it right way, a through your inventory, because that is a corridor that was used by the human tribes, which makes the five tribes along the river. And I'm here. I noted that you said you used data from previously conducted cultural resource studies and surveys. While I think that you have to remember that this was a corridor used by not only my tribe, but other tribes.</div><div>So, you know, if you're going to do it, we need to have input from the tribes, especially when you do your survey. You know, because a lot of times, people, they just rush, and they do a job -- a fast job, and you see this with the Loop 202. They came across a lot of cultural artifacts. Even though some of it has been in agriculture, things were still found.</div><div>So, you know, Mother Nature has a way of revealing things when she wants it to be found. And I don't know how old this data was, but if you're going to do it, you know, you need to bear in mind that that's a heavily pathway for our tribes. So you're going to come across cultural artifacts.</div><div>So you really have to take that into consideration, because again, that is a corridor used by all of the river tribes to come into Maricopa. I just wanted to note that for the record.</div><div>And I just really curious about the data that -- what year that was? How old it is? You know because, again, Mother Nature will reveal things if it's been a while. Thank you.</div></div>

ID	Topic	Response
PA-28-1	Cultural Resources	<div>Draft Tier 1 EIS Section 3.7.2 indicated that FHWA and ADOT adopted a phased approach to inventory, evaluate, and assess effects to cultural resources, which is consistent with regulations implementing the National Historic Preservation Act (36 CFR 800.4(b)(2)). Surveys to inventory and evaluate the NRHP eligibility of resources will be done for each Tier 2-level project. During preparation of the Draft Tier 1 EIS, FHWA and ADOT consulted numerous tribes within a government-to-government framework and will continue consultation as project planning continues in accordance with a programmatic agreement (see Final Tier 1 EIS Appendix E7). In the absence of survey inventories of cultural resources within the Build Corridor Alternatives, the Tier 1-level analysis used information shared during in-person meetings with tribes (see Final Tier 1 EIS Table 5-2 Tribal Engagement) and available information. The available information was compiled over several decades and is of variable quality but constitutes a relatively large sample for characterizing the types and numbers of cultural resources that might be affected. Like any estimate, there are margins of error but the approach was applied consistently among the alternatives and provided adequate information about potential levels of impacts of the Build Corridor Alternatives on cultural resources to be considered, along with many other factors that go into selecting a preferred alternative. Best practices for inventorying and evaluating cultural resources will be used to assess and address the impacts of each subsequent Tier 2 project, including continued consultation with the tribes.</div> <div>The age of the available information used is detailed in the Class I Reports and corresponding Supplements provided to the Colorado River Indian Tribe.</div>

ID	Comment Document
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July 3, 2019

Via Electronic Submission

Federal Highway Administration
Arizona Department of Transportation
Attn: Laura Douglas
ADOT Community Relations Project Manager
Email: ldouglas@azdot.gov

Re: Comments of the Colorado River Indian Tribe on the I-11 Draft Tier 1 Environmental Impact Statement and Preliminary Section 4(f) Evaluation: Nogales to Wickenburg

To Whom It May Concern:

On behalf of the Colorado River Indian Tribes (CRIT or the Tribes), I write to respond to your notification regarding the public comment period for the I-11 Draft Tier 1 Environmental Impact Statement (EIS) and Preliminary Section 4(f) Evaluation from Nogales to Wickenburg, Arizona. After carefully reviewing the EIS, we have a number of comments regarding the agencies' analysis and the environmental review process going forward.

As a preliminary matter, the Colorado River Indian Tribes are a federally recognized Indian tribe comprised of over 4,440 members belonging to the Mohave, Chemehuevi, Hopi and Navajo Tribes. The almost 300,000-acre Colorado River Indian Reservation sits astride the Colorado River between Blythe, California and Parker, Arizona. The ancestral homelands of the Tribes' members, however, extend far beyond the Reservation boundaries. Significant portions of public and private lands in California, Arizona, and Nevada were occupied by the ancestors of the Tribes' Mohave and Chemehuevi members since time immemorial, including much of the land within the 2,000 foot-wide corridor currently under consideration for this project. These landscapes remain imbued with substantial cultural, spiritual, and religious significance for the Tribes' current members and future generations. CRIT's Mohave members believe that any disturbance and/or removal of cultural artifacts from their ancestral lands is taboo. For this reason, the Tribes are especially sensitive to ground-disturbing activities associated with large-scale construction in this region.

In particular, the Tribes are concerned about the potential removal of artifacts from this area and the corresponding destruction of the Tribes' footprint on this landscape. As such, the Tribes request that all prehistoric cultural resources, including both known and yet-to-be-discovered sites, be avoided if feasible. The Tribes likewise urge BLM to complete ethnographic

PA-28-2

ID	Topic	Response
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PA-28-2	Cultural Resources	Whenever feasible to do so, FHWA and ADOT avoid adverse effects on prehistoric cultural resources listed in or eligible for the National Register of Historic Places. During the subsequent Tier 2 project studies, archaeological surveys and ethnographic studies would be designed and conducted in conjunction with consulting parties, as needed to inventory and evaluate cultural resources that might be affected by each Tier 2 project. See GlobalTopic_8.
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PA-28-2

studies and archaeological surveys of roads proposed for travel and transportation in order to best understand if some roads require closure or limit access to protect prehistoric resources. Tribal monitors should be used to complete this work.

Alternatives

PA-28-3

The Tribe supports the alternative with the fewest impacts to cultural resources. Initially, this appears to be the No Build Alternative, as it would involve only discrete additions to existing transportation infrastructure that have already been approved and funded. The No Build Alternative would largely avoid impacts to the “approximately 800 to 1,000 archaeological sites and historic structures in each 2,000-foot-wide Build Corridor Alternative.” EIS at 3-7.8. Yet, as the EIS points out repeatedly, the pressure on existing infrastructure is such that future expansion will be almost inevitable. Given this reality, the Tribe urges the FHA and ADOT to select the corridor options that will have the smallest impact on cultural resources and traditional cultural sites. CRIT specifically suggests avoiding Options A, B, G, K, and Q1, which the EIS identified as having the “highest density of recorded archaeological sites.” *Id.*

Programmatic Agreement

As the EIS notes, the level of cultural resource impact analysis provided in this Tier 1 review is woefully inadequate, consisting only of a Class I cultural resource overview . The EIS recognizes this, explaining that “[t]he more general Tier 1 characterization of potential levels of impact presented in the following sections are not intended to equate with a Section 106 determination of effect.” EIS at 3.7-17. Though the EIS attempted to provide baseline estimates for potential cultural resource impacts under each alternative, the Tribe is skeptical as to their value. The vast majority of the land within the 2,000-foot-wide Build Corridor Alternative has not been surveyed for cultural resources. Moreover, even where past surveys exist, they “must be considered to be only general approximations because the documentation of the prior surveys might not be an unbiased sample of the archaeological sites and historic structures.” *Id.* at 3.7-20.

PA-28-4

The EIS attempts to side-step these shortcomings by promising that further surveying and study will be done in Tier 2 under the auspices of a programmatic agreement. While CRIT can appreciate the difficulty of conducting cultural resource surveys and analysis at this stage when the potential project area is still so vast, the Tribe has grave concerns about the effectiveness of programmatic agreements in meeting an agency’s NEPA and NRHP responsibilities. The purpose of federal environmental review is to fully and accurately inform decisionmakers and the public of the environmental consequences of proposed actions, or identify ways to mitigate or avoid those impacts. *See* 40 C.F.R. § 1500.1(b) (“NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.”) A full understanding of a project’s consequences allows the agency to “[i]nclude appropriate mitigation measures” and discuss the [m]eans to mitigate adverse environmental impacts” within the EIS document. 40 C.F.R. §§ 1502.14(f), 1502.16(h). NEPA “require[s] that an EIS discuss mitigation measures, with ‘sufficient detail to ensure that environmental consequences have been fairly evaluated.’” *South Fork Band Council of W. Shoshone of Nevada v. U.S. Dep’t of Interior*, 588 F.3d 718, 727 (9th Cir. 2009) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989)). This evaluation of

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PA-28-3	Cultural Resources	See GlobalTopic_4.
PA-28-4	Cultural Resources	See GlobalTopic_8. As the comment noted, the cultural resource studies conducted for the Tier 1 EIS were not intended to be a detailed inventory and finding of effect that would be done to support NHPA Section 106 consultation for projects at the Tier 2-level. Detailed studies would be done for subsequent Tier 2 projects when proposed undertakings are designed. The studies done at the Tier 1 stage were intended to compile and analyze readily available data to adequately consider and compare potential impacts on cultural resources at a level of detail appropriate for the Tier 1 decision regarding selection of a Preferred Alternative corridor. FHWA concluded the level of compiled data for cultural resources is comparable with that of the other assessed environmental factors and is adequate for a Tier 1 EIS. The Tier 1 EIS is not used to authorize construction. Detailed inventories and evaluation of cultural resources, assessments of effects, and treatment to mitigate any unavoidable adverse effects will be completed before construction of any subsequent Tier 2 project is authorized.

ID	Comment Document
PA-28-4	<p>mitigation measures and their efficacy is only possible where an agency has an accurate and complete understanding of project impacts; without starting from that baseline, the rest of the analysis has little meaning.</p>
PA-28-5	<p>In the Tribe’s experience, deferring this analysis to a programmatic agreement often means that a project alternative is selected and a project is approved—all without ever establishing the requisite baseline. This was the case with the programmatic agreement and final supplemental environmental impact statement for the West Mojave Route Network Project, another large-scale transportation-based project where the extent of cultural resource impacts is still unknown. If the FHA and ADOT intend to pursue a programmatic agreement, the agencies must make sure that the agreement establishes an accurate baseline from which to analyze impacts before the project is approved. This requires extensive on-the-ground Class III surveying of proposed routes in the presence of tribal monitors, as well as meaningful government-to-government consultation with area tribes to better under</p>
PA-28-6	<p>CRIT is currently listed as a concurring party in the draft programmatic agreement. The Tribe asks that the agencies revise the draft programmatic agreement to indicate that CRIT maintains the ability to participate in future negotiations and comment on the draft programmatic agreement, but is not a party to the agreement.</p> <p>Mitigation</p> <p>The EIS defers all meaningful cultural resource impacts analysis and, by extension, all discussion of cultural resource mitigation to the future programmatic agreement. In both the Tier 2 EIS analysis and the programmatic agreement, the Tribe urges the agencies to adopt the following mitigation measures:</p> <ul style="list-style-type: none">Engage trained tribal monitors during all ground disturbing activities (including clearing, grading, and trenching), with the authority to halt construction in the event of an unexpected discovery of a cultural resource.Require avoidance of newly discovered prehistoric cultural resources, to the extent such resources are culturally significant and cannot be avoided. Require any determination regarding the infeasibility of avoidance to be made in writing and supported by substantial evidence.Allow reburial of any cultural resources that cannot be avoided at a location adjacent to the discovery site, in coordination with tribal representatives. As explained above, this is especially important because CRIT’s Mohave members believe that any disturbance and/or removal of cultural artifacts from their ancestral lands is taboo.Require consultation with area tribes regarding eligibility of newly discovered prehistoric cultural resources under the National Register of Historic Places. Mitigation should also include protection of resources with cultural value, such as tribal cultural landscapes and isolates, rather than focusing solely on the Western scientific value of newly discovered prehistoric resources.

ID	Topic	Response
PA-28-5	Cultural Resources	<p>See Global Topic_8.</p> <p>Section 3.7.2 of the Draft Tier 1 EIS indicated that FHWA and ADOT adopted a phased approach to inventory, evaluate, and assess effects to cultural resources, which is consistent with regulations implementing the National Historic Preservation Act when alternative corridors are being considered (36 CFR 800.4(b)(2)). Surveys to inventory and evaluate the eligibility of resources for the National Register of Historic Places will be done for Tier 2 projects. In the absence of complete inventories of cultural resources within the Build Corridor Alternatives, the Tier 1 EIS used available information (which constituted a relatively large sample) to make estimates of the types and numbers of cultural resources that might be affected. As with any estimate, there are margins of error, but the approach was applied consistently among the alternatives and provided information that was adequate for considering potential levels of impacts of the Build Corridor Alternatives on cultural resources, along with many other factors, in selecting a Preferred Alternative. Best practices for inventorying and evaluating cultural resources will be used to assess and address the impacts of each subsequent Tier 2 project.</p>
PA-28-6	Cultural Resources	<p>The Draft Programmatic Agreement was revised to include this clause: “Whereas, the Colorado River Indian Tribes declined participation in this Agreement but maintains the ability to participate in future negotiations and comment on this Agreement, and wants to continue to participate in consultation; and”</p> <p>See Appendix E7 of the Final Tier 1 EIS for the Programmatic Agreement.</p>
PA-28-7	Cultural Resources	<p>The scoping and staffing for intensive cultural resource surveys, any monitoring, treatment plans for mitigating any unavoidable adverse effects, data recovery, or cultural awareness training would be developed for each specific Tier 2 project in coordination with the consulting parties pursuant to the project Programmatic Agreement.</p>

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PA-28-7

- Incorporate presentations by tribal representatives into the worker environmental awareness program.

Solar Highway Technology

PA-28-8

CRIT encourages the FHA and ADOT to take advantage of any opportunity to adopt the solar roadway technology described in the Alternatives section of the EIS. EIS at 2-40. The Tribe understands that this technology is new and relatively expensive, but encourages the state of Arizona to seek partnerships with the federal government to pioneer these technologies in the United States. CRIT supports any opportunity to site renewables on existing infrastructure, thus reducing the need to build large-scale solar and wind projects in the middle of sensitive and culturally significant desert lands.

Request Consultation

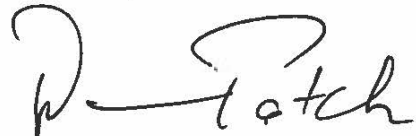
PA-28-9

In May 2016, the Colorado River Indian Tribes adopted a government-to-government consultation policy to manage its relationship with federal agencies. *See* Exhibit 1. The genesis of this policy was the ongoing failure of the federal government to live up to the requirements for consultation contained in federal statutes, regulations, policies, and executive orders. CRIT requested that each federal agency, including the FHA, acknowledge the policy prior to conducting government-to-government consultation with its Tribal Council.

Unfortunately, to CRIT's knowledge, the FHA has not yet acknowledged the Tribes' consultation policy. CRIT formally requests in-person, government-to-government consultation with the FHA and ADOT regarding this Project, with the caveat that any consultation meeting would need to include acknowledgment and discussion of this policy.

Thank you for your consideration of these comments. To understand how FHA and ADOT have considered these comments, the Tribes request a written response to each of the issues raised in this letter. Please copy the Tribes' Attorney General, Rebecca A. Loudbear, at rloudbear@critdoj.com, Deputy Attorney General Antoinette Flora, aflora@critdoj.com, and Acting THPO Director Bryan Etsitty, at betsitty@crit-nsn.gov, on all correspondence to the Tribes.

Respectfully,



Dennis Patch
Chairman, Colorado River Indian Tribes

Cc: Tribal Council of the Colorado River Indian Tribes
Bryan Etsitty, Acting THPO Director
Rebecca A. Loudbear, Attorney General, Colorado River Indian Tribes
Antoinette Flora, Deputy Attorney General, Colorado River Indian Tribes

ID	Topic	Response
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PA-28-8	Cultural Resources	FHWA and ADOT continuously evaluate emerging technology to enhance transportation systems and implement new technologies as they become feasible. The potential application of new technology will be evaluated during the Tier 2 studies.
PA-28-9	Cultural Resources	FHWA responded to this letter acknowledging the receipt of the Government to Government Policy and requested to meet with the Colorado River Indian Tribe on July 22, 2019 (Please see the response letter below). Pursuant to the Tribe's Government to Government consultation policy and at their request, FHWA Arizona Division Administrator Karla Petty, ADOT Director John Halikowski, and key staff of the FHWA and ADOT I-11 Tier 1 EIS team met with the Colorado River Indian Tribe Tribal Council in a government-to-government discussion on January 9, 2020 as requested.

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Government-to-Government Consultation Policy
of the Colorado River Indian Tribes

The federally recognized Colorado River Indian Tribes (CRIT or the Tribes) have over 4,000 active members from four distinct tribes – the Mohave, Chemehuevi, Hopi, and Navajo. The Tribes’ reservation, which encompasses nearly 300,000 acres, straddles the Colorado River in both Arizona and California. The Tribes’ ancestral homelands, however, extend far beyond the current reservation boundaries, into what is now public and private land in Arizona, California, and Nevada. As a result, the Tribes’ cultural resources, including sacred sites, trails, and artifacts, are found beyond the reservation boundaries as well. The Tribes are deeply committed to the ongoing protection of such resources located both on- and off-reservation.

Federal law recognizes that CRIT is a sovereign government distinct from the United States. As a result of this status, the United States must engage in government-to-government consultation with the Tribes when actions or decisions of the United States have the potential to impact the Tribes, its government, tribal land, or cultural resources. This consultation must occur before the momentum toward any particular outcome becomes too great. The purpose of this government-to-government consultation must be to obtain CRIT’s free, prior, and informed consent for such actions.¹ Desired outcomes include an ongoing, mutually beneficial relationship between federal agencies and the CRIT Tribal Council, deference to tribal sovereignty, and informed decision-making by both the United States and the Tribes. Federal agency staff and decision-makers must view consultation as more than listening and learning sessions with Tribal Council. Instead, there must be an ongoing, dynamic relationship between federal agencies and the Tribes that is built upon the agencies’ concerted effort to understand the Tribes’ history, culture, and government.

The Tribes have developed this policy paper to guide future government-to-government consultation with the United States and its administrative agencies.² This paper outlines CRIT’s consultation rights and the specific characteristics that comprise minimally adequate consultation under federal law. This paper also offers additional suggestions to ensure that consultation is effective and mutually respectful.³ If federal agencies do not follow this policy, CRIT does not consider the communications from the agencies to meet the consultation requirements of tribal or federal law. Acknowledgement of this policy is required before an agency schedules a government-to-government meeting with Tribal Council. CRIT is committed to seeking recourse

¹ United Nations Declaration of the Rights of Indigenous Peoples, Articles 19 and 32; *see also* 36 C.F.R. § 800.1(f) (defining “consultation” as “the process of seeking, discussing, and considering the views of other participants, and where feasible, seeking agreement with them.”); BLM Manual Handbook H-8120-1 at 1-2 (consultation includes “[t]reating tribal information as a necessary factor in defining the range of acceptable public-land management options.”).

² 36 C.F.R. § 800.4(c)(2)(ii)(C); 43 C.F.R. § 10.5(d)(3); Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions (January 2017) (“Improving Tribal Consultation”), Key Principle 8.

³ Required actions are distinguished from recommended actions by use of the words “must” and “shall” versus “should.”

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through all available political, legal, and media channels if this request is denied or if the agency fails to comply with this policy.

Why A Formal Process is Needed

Federal agencies (including the Department of the Interior, Bureau of Land Management, and Bureau of Indian Affairs) have consistently failed to engage in adequate government-to-government consultation with CRIT and other tribes. The United States recently recognized this troubled history in suggesting needed modifications to the consultation process.⁴ In CRIT’s experience, agencies have asked for substantive tribal comments on project and policy documents after those projects and policies have already been approved or implemented. Agency staff and decision-makers have attended meetings with Tribal Council without adequate information or authority to meaningfully respond to the Tribes’ concerns. Agencies have repeatedly refused to provide responses to CRIT’s comments, including any explanation for why CRIT’s requests cannot be accommodated. These failures have resulted in direct harm to CRIT, its members, and cultural resources of great importance to the Tribes.

As one example, BLM authorized construction of the nearly 2,000-acre Genesis Solar Energy Project on land once occupied by the ancestors of CRIT’s Mohave members. The project involved significant grading along the shoreline of Ford Dry Lake, resulting in the removal of over 3,000 cultural resources over the vehement objections of the Tribes. These artifacts are now stored at the San Bernardino County Museum with no access for CRIT members. In accordance with cultural, spiritual, and religious practices, CRIT has repeatedly asked BLM to permit reburial of the Genesis artifacts, as well as any other artifacts that are inadvertently disturbed within the ancestral homeland. Yet, BLM has refused to engage in government-to-government consultation on this critical topic. Letters have been left unanswered, harmful agency policies have been issued without advance notice or consultation, and BLM officials have been unprepared to discuss their position when in-person meetings have occurred. These consultation failures have resulted in severe and ongoing harm to CRIT and its members.

Basis of Consultation Right

The fundamental principle underlying CRIT’s right to meaningful consultation with the United States is the Indian trust doctrine. Pursuant to this doctrine, the United States has a fiduciary duty over tribal lands and resources as Indian trust assets.⁵ As part of this duty, the United States has an obligation to consult with CRIT about federal actions that have the potential to impact these assets or other attributes of tribal sovereignty. For CRIT, tribal sovereignty includes an obligation to protect tribal and cultural resources that are located in the ancestral homelands of CRIT members.

⁴ Improving Tribal Consultation, at 1-5.

⁵ *Seminole Nation v. United States*, 316 U.S. 286, 296-97 (1942); *Pit River Tribe v. U.S. Forest Service*, 469 F.3d 768, 788 (9th Cir. 2006); *Navajo Tribe of Indians v. United States*, 364 F.2d 320, 322 (Ct. Cl. 1966).

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This fundamental consultation right is engendered in federal statutes,⁶ executive orders,⁷ and agency policies.⁸ These laws help implement and explain the consultation right that stems from the Indian trust doctrine, but do not diminish it.⁹ Where appropriate, CRIT relies on these laws to support its definition of adequate consultation.

Characteristics of Adequate Consultation

Tribal Sovereignty. Government-to-government consultation must respect tribal sovereignty.¹⁰ The federal government shall not treat consultation as a “box to be checked,” but as a meaningful dialogue intended to result in consensus between the United States and the Tribes.

Addressing Tribal Concerns. The federal government shall timely seek and review CRIT’s written and oral comments and provide comprehensive responses to Tribal concerns and requests.¹¹ Responses to written comments should generally be provided before any in-person government-to-government consultation. Prior to reaching its final decision, a federal agency must explain how that decision addresses CRIT’s concerns.¹² Where an agency is unable to fully address CRIT’s concerns, the agency shall clearly explain its reasoning based on the legal, practical, or policy constraints on its decision-making.¹³ If CRIT has articulated its concerns in writing, this explanation should be in writing as well.

Involved Parties. Government-to-government consultation requires an in-person meeting between CRIT Tribal Council and the agency decision-maker with ultimate authority for a proposed project or action.¹⁴ This decision-maker must be prepared with sufficient details about the proposed project or action, the Tribes’ history, culture and government, and the Tribes’

⁶ See, e.g., National Historic Preservation Act (NHPA), 54 U.S.C. §§ 302701(e), 302706(b); 36 C.F.R. § 800.5(a); Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. §§ 3002(b)-(c), 3003(b), 3004(b), 3005(a)(3); 43 C.F.R. § 10.5; Archaeological Resources Protection Act (ARPA), 43 C.F.R. §§ 7.7(b)(4), 7.16(b)(2)-(3).

⁷ Executive Orders 12875, 13007, 13175; September 23, 2004 “Memorandum on Government-to-Government Relationship with Tribal Governments”; November 9, 2009 “Memorandum for the Heads of Executive Departments and Agencies.”

⁸ Secretarial Order 3317 § (b); Department of the Interior Policy on Consultation with Indian Tribes; BLM Manual 8210: Tribal Consultation under Cultural Resource Authorities; Bureau of Indian Affairs Government-to-Government Consultation Policy (BIA Consultation Policy) at V.1-3.

⁹ 36 C.F.R. § 800.4(c)(2)(ii)(B); Executive Order 13175, § 2.

¹⁰ 36 C.F.R. § 800.4(c)(2)(ii)(B); BLM Manual 8120 at .08(A) (“The special legal status of tribal governments requires that official relations with BLM . . . shall be conducted on a government-to-government basis.”).

¹¹ Executive Order 13175, §§ 5(b)(2)(B), 5(c)(2); Improving Tribal Consultation, Key Principle 6.

¹² BLM Manual 8120, Glossary of Terms (“consultation” defined to include “documenting the manner in which the [tribal] input affected the specific management decision(s) at issue.”); BLM Manual Handbook H-8120-1 at I-1; Improving Tribal Consultation, Key Principle 6.

¹³ BLM Manual 8120 at .06(E) (“Field Office Managers and staff . . . shall document all consultation efforts.”); Improving Tribal Consultation, Key Principle 6.

¹⁴ See, e.g., 36 C.F.R. § 800.2(a); BIA Consultation Policy at VI.A(4); BLM Manual 8210 at .06(A).

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anticipated or specific concerns with respect to the proposed project or action.¹⁵ This decision-maker should also have formal training regarding tribal sovereignty, the Indian trust doctrine, and other aspects of federal Indian law. The agency should use its staff to communicate project information to CRIT and its staff and to prepare the agency decision-maker for the government-to-government consultation. For example, prior to meeting with CRIT Tribal Council, it is the Tribes’ expectation that agency staff will have provided baseline information about the project and its potential impacts to Tribal staff, such as survey results and ethnographic reports. However, CRIT does not recognize staff-to-staff discussions or communications as fulfilling the federal government’s consultation responsibility.¹⁶

In addition, communications between CRIT and project applicants or proponents (where such applicants or proponents are not federal entities) are not government-to-government consultation. Such communications, however, can help to convey information and reduce conflict. Unless requested by CRIT, federal agencies shall not interfere with such communications. Finally, meetings held with representatives from multiple tribes do not constitute consultation with CRIT unless CRIT expressly agrees that consultation format.¹⁷

Timing. Government-to-government consultation must occur as early as practicable, so that tribal concerns can be taken into account before the momentum toward a particular project or action is too great.¹⁸ Federal agencies should provide basic information about a project or action and its potential impacts to CRIT as soon as the agency begins initial planning for a project or action or a private entity approaches the agency to submit an application.¹⁹ Federal agencies should keep CRIT apprised of the decision-making timeline so that the Tribes can participate at appropriate junctures. Federal agencies shall continue to consult with Tribes until they make a decision on the proposed project or action, and if requested by the Tribes or required by law, until construction or implementation of the project or action is complete.

¹⁵ See also *Pueblo of Sandia v. United States*, 50 F.3d 856, 860, 862 (10th Cir. 1995) (Section 106 “mandates an informed consultation.”); BLM Manual 8120 at .06(C) (“Field Office Managers shall recognize that traditional tribal practices and beliefs are an important, living part of our Nation’s heritage, and shall develop the capability to address their potential disruption . . .”); BLM Manual Handbook H-8120-1 at I-2 (“BLM’s representative must be authorized to speak for the BLM and must be adequately knowledgeable about the matter at hand.”); Improving Tribal Consultation, Key Principle 5.

¹⁶ *Quechan Tribe of the Fort Yuma Indian Reservation v. U.S. Dep’t of Interior*, 755 F. Supp. 2d 1104, 1118-19 (S.D. Cal. 2010).

¹⁷ *Id.*

¹⁸ 16 U.S.C. §§ 470a(d)(6), 470f (requiring consideration of historic resource impacts “prior to the approval of . . . the undertaking”) (emphasis added); 36 C.F.R. §§ 800.1(c), 800.4(c)(2)(ii)(A); Executive Order 13175, §§ 5(b)(2)(A), 5(c)(1); Secretarial Order 3317, U.S. Dept. of the Interior, § 4(a); Dep’t of the Interior Tribal Consultation Policy at 7-8; BIA Consultation Policy at VI.A; BLM Manual 8120 at .02(B) (consultation must “[e]nsure that tribal issues and concerns are given legally adequate consideration during decision-making”) (emphasis added); BLM Handbook Manual H-8120-1 at V-5 (“ . . . the BLM manager should initiate appropriate consultation with potentially affected Native Americans, as soon as possible after the general outlines of the land use plan or the proposed land use decision can be described.”).

¹⁹ Improving Tribal Consultation, Key Principle 3.

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Scope of Consultation. Federal agencies must be willing to engage in consultation on any potential impacts of a proposed project or action to CRIT, its members, its land, or its cultural resources.²⁰ Consultation shall not be limited to potential impacts to properties eligible for listing on the National Register of Historic Places²¹ or equivalent state registers, or protected by the Native American Graves Protection and Repatriation Act. If federal approval is needed for only a portion of a proposed project or action, the agency shall nevertheless consult on potential impacts from the whole of the project or action. Federal agencies should not expect CRIT to provide information about impacts to cultural resources in scientific terms and should weigh the Tribe’s cultural, spiritual, historical, and anthropological input with the respect and deference that it is due.²²

Confidentiality. Information obtained via government-to-government consultation shall be kept confidential, except to the extent that CRIT provides information in a public forum (such as via a letter submitted during a comment period or comments made at a hearing) and to the extent such information must be revealed pursuant to federal or other applicable law.²³ If a federal agency determines that confidential information obtained from CRIT must be revealed, the agency shall inform CRIT prior to the release and make all reasonable attempts to limit its scope. Federal agencies shall acknowledge that confidential information is not limited to the location of sites eligible for listing on the National Register of Historic Places²⁴ or protected by the Native American Graves Protection and Repatriation Act, but includes any information about sensitive resources, culture, or religious beliefs, obtained through consultation.

Resources. Federal agencies must recognize that government-to-government consultation consumes scarce tribal resources. Agencies should minimize costs to CRIT by conducting government-to-government consultation meetings in Parker, Arizona²⁵; providing clear and succinct information about proposed projects or actions and their potential impacts; and ensuring that agency staff document CRIT’s interests and concerns. CRIT should not be required to repeatedly provide the same information to an agency because of agency staff turnover. Agencies should explore funding sources to remunerate the Tribes for participating in consultation.

Key Requirements

To aid in implementation of this policy, agency officials shall ensure their government-to-government consultation efforts comport with this summary of key requirements:

- Initiate consultation as early as practicable.
- Timely seek and review CRIT’s written and oral comments.

²⁰ Executive Order 13175, § 1(a).
²¹ 36 C.F.R. § 800.4(c)(2)(ii).
²² See, e.g., BLM Manual Handbook B-8120-1 at II-5.
²³ See 36 C.F.R. §§ 800.4(a)(4), 800.11(c); see also BLM Manual 8120 at .06(G).
²⁴ 36 C.F.R. § 800.4(c)(2)(ii)(A); see also BLM Manual Handbook H-8120-1 at V-1.
²⁵ Improving Tribal Consultation, Key Principle 4.

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- Provide comprehensive responses to Tribal concerns and requests in the same format as such concerns and requests were provided to the agency.
- Explain agency decisions based on legal, practical, and policy constraints on decision-making.
- Involve agency decision-makers with ultimate authority in in-person consultation meetings.
- Sufficiently prepare for in-person consultation meetings with Tribal Council to be able to respond to and address the Tribes’ concerns.
- Do not claim that communication with CRIT staff, between CRIT and project applicants, or in the presence of multiple tribes is government-to-government consultation.
- Consult on any potential impacts of a proposed project or action on CRIT, its members, its land, or its cultural resources.
- Keep information obtained via government-to-government consultation confidential.

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ARIZONA DIVISION

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July 22, 2019

In Reply Refer To:

999-M(161)
TRACS No. 999 SW 0 M5180 01P
I-11, I-19/SR 189 to US 93/SR 89
I-11 Corridor Tier 1 EIS
Draft EIS Review Comment Received

Mr. Dennis Patch, Chariman
Colorado River Indian Tribes
26600 Mohave Road
Parker, AZ 85344

Dear Chairman Patch:

Thank you for your letter to the Federal Highway Administration (FHWA) dated July 3, 2019 regarding the Interstate 11 (I-11) Tier 1 project in Arizona. Your letter was provided to the FHWA and Arizona Department of Transportation (ADOT) project team for consideration as part of the decision-making process and a response to your letter will be included in the Final Tier 1 Environmental Impact Statement (EIS). The current schedule shows the Final Tier 1 EIS will be published for public review in 2020.

The FHWA and ADOT acknowledge receipt of and have read the Colorado River Indian Tribe (CRIT) Government-to-Government Consultation Policy (Policy). FHWA and ADOT would like to thank CRIT for providing your input on the I-11 project and the request to meet with us to discuss your concerns. We agree to meet with the CRIT in person in response to this Government-to-Government request to discuss the Policy and the I-11 project. The FHWA Arizona Division Administrator, Karla Petty, ADOT Leadership as well as other FHWA and ADOT representatives would be in attendance. We can meet with you at a location, date and time that is convenient for you.

Please work with the following points of contact to schedule the meeting and logistics: Rebecca Yedlin, FHWA Environmental Coordinator, Rebecca.Yedlin@dot.gov, 602.382.8979; or Linda Davis, ADOT Major Projects Historic Preservation Specialist - Major Projects, LDavis2@azdot.gov, 602.712.8636.

Thank you for reaching out to the FHWA and for your active involvement with the I-11 project.

Sincerely,

Karla S. Petty
Division Administrator

ecc:
Rebecca Loudbear, Attorney General, CRIT
Antoinette Flora, Deputy Attorney General, CRIT

Bryan Etsitty, Acting Tribal Historic Preservation Officer, CRIT
Brent Allen, Attorney Advisory, FHWA
Aryan Lirange, Senior Urban Engineer, FHWA
Rebecca Yedlin, Environmental Coordinator, FHWA
Linda Davis, Historic Preservation Specialist Major Projects, ADOT
Jay Van Echo, I-11 Corridor Project Manager, ADOT

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Pascua Yaqui Tribe



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Yaqui Tribal Member

PA-29-1

I would like to propose that interstate 11 be redirected from wickenburg to Sonoyta instead of Nogales. Nogales & Tucson already have a direct enough route to Phoenix-Wickenburg, but creating for a potential second sea port(rocky point) would be a major benefit to Arizona's economic growth & expansion. While still providing a direct route from Nogales to Las Vegas. Having interstate 11 run concurrently with route 86 is not recommended but a simple expansion/improvements would be greatly appreciated.

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PA-29-1	Outside of Study Area/Future Extension	See Global Topic_4. The study area, including the termini, was defined in the previous study entitled the I-11 and Intermountain West Corridor Study. Additional information on that study can be found in the Draft Tier 1 EIS Section 1.1.2 and online at http://i11study.com/ .
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