Based on the uncertainties with the existing and reasonably obtainable scientific information, as summarized above, and considering the purposes of the project, we have determined that there are not currently any significant new circumstances or information relevant to environmental concerns that would require the preparation of a Supplemental EIS (40 CFR § 1502.9(c)(1)(ii)). Nor, for the same reasons, do we believe that a project-specific Supplemental EIS addressing air toxics and $PM_{2.5}$ would further the purposes of NEPA (40 CFR § 1502.9(c)(2)).

Even though we have determined that the Supplemental EIS you requested is not necessary, the issues you raised are important ones and we appreciate the Sierra Club's role in the on-going national dialogue on air toxics.

Sincerely yours,

/s/ John T. Price

John T. Price
Division Administrator

cc: Mr. T. Stephens, NDOT Director
Mr. D. James, NDOT Environment
Mr. G. Kanow, NDOT Project Manager
Mr. B. Hutchins, NDOT Legal
Mr. R. O'Loughlin, FHWA - WRC
Mr. D. Ortez, FHWA - Western Field Legal Services
Mr. J. Shrouds, FHWA - HEPN-1
Mr. F. Shaer, FHWA - HEPE-1

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
One Arizona Center, Suite 410
400 E. Van Buren St.
Phoenix, AZ. 85004

May 1, 2002

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
SR-202L(South Mountain Freeway)

Mr. David Folts
Concerned Families Along South Mt. Loop 202
3407 E. Cedarwood Lane
Phoenix, AZ 85048

Dear Mr. Folts:

We acknowledge the receipt of your certified March 25, 2002 letter to our office. The letter included 12 questions and other comments/concerns about the proposed SR 202L South Mountain Freeway Project, located south and west of Phoenix, Arizona. Because the Arizona Division Office has the delegated authority to act on issues involving the National Environmental Policy Act (NEPA) review of this project, we have been asked to reply on behalf of Federal Highway Administrator Mary E. Peters and other recipients of your letter in our Washington Headquarters.

The NEPA review of the proposed project is still in the early stages of development. The purpose and need, a first step in the NEPA process, is under development. The identification of possible alternate alignments is just beginning. During this stage, known as "scoping," officials identify the range of alternatives, impacts and significant issues to be addressed in the environment impact statement (EIS).

The draft EIS will evaluate all reasonable alternatives to the action (i.e., alternatives to solve the identified transportation problem described in the purpose and need) and discuss why other alternatives that may have been considered were eliminated from detailed study. The DEIS will also summarize the studies, reviews, consultations, and coordination required by environmental laws or Executive orders to the extent appropriate at this stage in the environmental process.

Public involvement is an important element in the development of any Federal-aid highway project. The Arizona Department of Transportation has initiated a substantial public involvement effort for this complex project. In addition to opportunities for public comment and input, the public involvement effort includes periodic public meetings, newsletters, dedicated telephone information lines, and websites aimed at keeping the public meetings, newsletters, dedicated telephone information lines, and websites aimed at keeping the public well informed on the progress of studies associated with this project.

The DEIS will address, to the maximum extent possible or practical, the substantive issues, comments, and concerns raised by the public during the scoping stage, including the comments you have provided. After we approve the DEIS for public review and comment, the public hearings associated with it will provide a specific opportunity for the public to comment further on the project. Written comments on the DEIS will also be solicited.

Based on your letter and past e-mails, we know of your concerns about this project. We invite and encourage you to continue to participate in the NEPA process, including the formal opportunities for public involvement that will be provided, as it evolves toward final decisions on the proposed SR-202, South Mountain Freeway. At this early stage, we cannot predict the outcome, but we can assure you that all public comments will be carefully considered.

Sincerely,

/s/ Kenneth H. Davis

Robert E. Hollis
Division Administrator

cc:
(With copies of letters that accompanied ltr.from Mr. Folts)
A. Edwards, HDR Engineering, Inc., 2141 E. Highland Ave., Suite 250, Phoenix, AZ 85016-4792

Concerned Families Along South Mt Loop 202

3407 E Cedarwood Lane, Phoenix AZ 85048

3/25/02

To: FHWA
FHWA Headquarters NASSIF Bldg, 400 7th Street S.W. Washington DC 20590

- Mary A Peters (FHWA Highway Administrator)
- Frederick G Wright (FHWA Executive Director)
- Cynthia J Burbank (FHWA Planning & Environmental Program Mgr)
- Kenneth Davis (District Engineer)
- David Nelson
- Steve Thomas

EPA
US EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105

- Wayne Nastri (Regional EPA Administrator)
- Blaze Nova
- Lisa Hanf
- GR West
- Tom Sovic

Arizona Dept of Transportation
AZ DOT 206 17th Ave, Room 135, Mail Drop 100A Phoenix 85007

- Victor M Mendez
- Thor Anderson
- Ralph Ellis

Concerned Families Along South Mt Loop 202 had its first meeting February 6th at 7:30 PM. During this meeting our group discussed the health concerns of living near a highway. Some of the concerns were about the health of our school children that are attending Lagos Elementary School, which will be right alongside this South Mt Loop 202. Other areas of discussion were about the health effects of continually breathing in PM-10 and PM-2.5, Asthma along with other lung ailments including the increased chance of getting lung cancer. We feel that this highway will mostly serve as a commercial bypass due to its location and the location of some of the commercial and industrial land surrounding it. So when answering these questions please show the levels of vehicles cars/commercial traffic separately to get a proper analysis when answering our questions. As we investigate and research the human health effects especially concerning our children with Ahwatukee AZ being so densely populated we can only think that ADOT should consider alternatives to proposed South Mt Loop 202. The attached list below is some of the questions that we want included in the Environmental Impact Study.

1. What level of PM-10 and PM-2.5 can the individual person living along side this highway (within 250 ft) South Mt Loop 202 expects to ingest in his lungs over a 20-year period?

2. What level of PM-10 and PM-2.5 can the individual person living within ½ kilometer of South Mt Loop 202 expect to ingest in his lungs over a 20-year period?

3. What % increase in getting lung cancer if any will the average person have when living within 200 ft and at ½ kilometer of South Mt Loop 202? This question was asked due to recent findings from studies on people living in polluted areas and the American Lung Associations Web Page report on diesel soot being a possible carcinogen

4. What percentage of children attending Lagos Elementary School (which will sit right alongside proposed South Mt Loop 202) will be affected by asthma from the exhaust coming from this highway?

5. Will the children who already have asthma have a worsened condition from attending a school so close to this highway (South Mt Loop 202)?

6. Will existing air filtration systems in schools protect our children?

7. Will a person living alongside at 200 feet and ½ a kilometer of South Mt Loop 202 have increased levels of chemicals found in commercial vehicle and automobile exhaust in his/her blood?

8. If levels of chemicals from auto/commercial vehicle exhaust do in fact increase from living 200 feet and within ½ kilometer from South Mt Loop 202. Then please state chemical name and at what levels will they be at for a person's blood.

9. Are some birth defects more prevalent from living close to a highway (250 feet – ½ kilometer) due to highway pollution and if so what type of birth defects would they be? Please use the American Journal of Epidemiology as one of your sources.

10. What percent increase would people living close to proposed South Mt Loop 202 expect to see in birth defects is any at all?

11. Will vehicle exhaust (gasoline/diesel) chemicals from exhaust at actual traffic flow rates both commercial and automobiles show up in a persons urine who lives at distances of 200 feet and up to ½ a kilometer from South Mt Park 202? If so what would these chemicals be and at whet level?

12. Will the level of MTBE increase in a person's urine and blood living within 200 feet to ½ a kilometer from proposed South Mt Loop 202 and if so what will the levels were compared to normal levels?

Please include and answer these questions in the Environmental Impact Study for proposed highway South Mt Loop 202. Copies of this request will be mailed via US certified/registered mail to the above stated recipients. Thank you.

David Folts
Concerned Families Along South Mt Loop 202

David Folts

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
One Arizona Center, Suite 410
400 E. Van Buren St.
Phoenix, AZ. 85004-2285

March 6, 2003

IN REPLY REFER TO
HDA-AZ
File #: NH-202-D(ADY)

Governor Richard P. Narcia
Gila River Indian Community
P. O. Box 97
Sacaton, Arizona 85247

Dear Governor Narcia:

During 2002, the Federal Highway Administration in partnership with the Arizona Department of Transportation initiated an environmental Impact Statement Study to identify and evaluate feasible alternative alignments for the future South Mountain Freeway. Early communication and coordination with the Gila River Indian Community indicated a willingness to identify possible transportation corridors on Community Lands for the South Mountain Corridor Study.

We were advised that the District Six Community Council had adopted a resolution in August 2000 which did not support construction of any new highways within its boundaries. This action also precluded the HDR Engineering and Environmental Study team from proceeding with identifying and studying any freeway alternative alignments within their boundaries.

However, information regarding the corridor study became a topic of considerable interest to many landowners including the I-10 Pecos Landowners Association who expressed a desire for ADOT and its consultant to share engineering, environmental and economic information generated by the study.

Based upon this interest, ADOT requested an opportunity to brief the District Six Community Council and request permission to identify and study corridor alternatives within District Six. ADOT and HDR staff presented the requested information and received concurrence to proceed with the study with the condition that District Six residents participate in evaluating transportation corridors identified in the District.

We are now ready to proceed with the identification of those transportation corridors acceptable to the Gila River Indian Community. At this time there are three corridors which are considered viable including the Gila River Borderland Task Force Study recommendation and two toll road

alternatives within the proposed study area which had been approved by previous Tribal Council action.

We are requesting your assistance and guidance in proceeding with any or all of these options as possible corridors on Tribal Lands. This will allow the South Mountain Corridor Study and subsequent Environmental Impact Statement to proceed. We would also welcome other recommended optional alignments.

The Federal Highway Administration and the Arizona Department of Transportation are available to present this information or other relevant data to you, the Tribal Council; the Tribal Administration or the District Community Councils regarding the status of the South Mountain Corridor Study.

We are most appreciative of your ongoing cooperation and support of this study. We believe it is both timely and necessary to take the important step of identifying those alternative corridors acceptable to the Community to proceed with the Study.

Sincerely,

KENNETH H. DAVIS

Robert Hollis
Division Administrator

cc: Lieutenant Governor Mary Thomas, Gila River Indian Community, PO Box 97, Sacaton, AZ 85247
Director Sandra Shade, GRIC DOT, 315 W. Casa Blanca Rd. P.O. Box 97, Sacaton, AZ 85247
Floyd Roehrick, ADOT 614E
Dan Lance, ADOT 101A
Bill Hayden, ADOT 101A
Dave Anderson, HDR Engineers Inc., 2171 E. Highland Ave, Suite 250, Phoenix AZ 85016-6606
S.Thomas, K. Davis, B. Vachon

WPVachon:cdm

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
One Arizona Center, Suite 410
400 E. Van Buren
Phoenix, AZ. 85004

February 20, 2004

IN REPLY REFER TO
HDA-AZ
Project NH-202-D(Gen)
SR-202L (South Mtn Frwy)
Environmental Impact Statement

Mr. Victor Mendez, Director
Arizona Department of Transportation
205 South 17th Avenue,
Phoenix, AZ 85007-3213

Dear Mr. Mendez:

At a recent meeting, a question came up regarding the study and analysis of alternatives during the environmental impact study process, including any consequences associated with the elimination of any reasonable alternatives before the study process is completed. Specifically, the question pertained to alternatives currently under consideration for the South Mountain Freeway (SR-202L). This letter is intended to clarify the Federal Highway Administration's (FHWA) policies and position regarding the consideration and/or elimination of alternatives during the environmental review process.

In accordance with the National Environment Protection Act (NEPA), all projects anticipated to receive Federal-aid highway funds must be reviewed to assess, to the fullest extent possible, the environmental, economic and social impacts associated with the project – prior to the authorization of any Federal-aid funds for the project. Under regulations and guidelines developed by the FHWA governing the implementation of NEPA requirements, all reasonable alternative courses of action must be evaluated – including the "do nothing" alternative – and decisions be made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation. All reasonable alternatives under consideration need to be developed to a comparable level of detail so that their comparative merits may be evaluated. Decisions will be made after the impacts and public comments on all reasonable alternatives have been fully evaluated.

The development and evaluation of alternatives is particularly important for projects anticipated to have significant environmental impacts (thus requiring the preparation of an Environmental Impact Statement) so that the relative levels of impacts associated with each viable alternative can be fully evaluated. This comparative analysis is essential to the validity of a process that must eventually identify the best overall alternative from an array of reasonable alternatives that were likely to cause substantial or significant impacts on the environment.

FHWA's environmental review process does provide for the elimination of alternatives where it is clearly shown that those alternatives (1) are not feasible, (2) do not serve the stated purpose and need, (3) have enormous costs and/or impacts far exceeding those of other viable alternatives, or (4) have other "fatal flaws". However, early elimination of otherwise viable alternatives short-circuits the comparative analysis of viable alternatives and compromises the objectivity of the entire process.

Please keep in mind that a fully objective evaluation of all reasonable alternatives considers all relevant information and factors, including public comments, community interests and concerns, local resolutions or proclamations, etc. – all of which are important and weighed in final decision-making. However, elimination of alternatives based solely on local preferences and without completing the entire comparative process compromises the objectivity of the process and is contrary to NEPA requirements. Of course, failure to comply with NEPA would jeopardize Federal-aid funding for projects in the entire corridor.

Please let me know if you have any questions on this matter.

Sincerely,

/s/ Robert E. Hollis

Robert E. Hollis
Division Administrator

cc:
Hollis, Nelson, Vachon, Davis

REHOLLIS:vdk

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
One Arizona Center, Suite 410
400 E. Van Buren St.
Phoenix, AZ. 85004-2285

May 25, 2004

IN REPLY REFER TO
HDA-AZ
(030)

The Honorable Ed Pastor
U.S. House of Representatives
2465 Rayburn House Office Building
Washington, D.C. 20515-0302

Dear Congressman Pastor:

Federal Highway Administrator Mary Peters asked my office to respond to you regarding the correspondence you presented her during the House Transportation Subcommittee's hearing on Environmental Streamlining on April 29, 2004. This correspondence was from Landry, Creedon & Associates, Inc. dated April 26, 2004, related to the loop alignment between 51st and 61st Avenues of the South Mountain Freeway project in Phoenix, Arizona. The South Mountain Freeway (SR-202L), located in the south and southwestern portion of the Phoenix Metro Area, is currently undergoing an intense Environmental Impact Statement (EIS) analysis to assess the impacts of various alternatives along the South Mountain Loop corridor. The draft EIS will not be completed until sometime in 2005.

The Arizona Division of the Federal Highway Administration (FHWA) understands fully the concerns cited in Mr. Landry's April 26 correspondence to you, which refers to local support of a single, specific alignment in the general vicinity of 51st and 61st Avenues. This single alignment was identified in earlier 1988 State-level studies of the South Mountain Freeway Corridor for which FHWA had no involvement. We are also aware that a considerable amount of urban planning and development has occurred based on the earlier identified alignment supported by those studies. However, the need to consider additional alternatives in the current environmental analysis and design concept studies for the South Mountain Freeway is driven by the National Environmental Policy Act (NEPA) and at least three factors:

- First, the EIS process (as discussed in more detail below) requires that all reasonable alternatives for an improvement be evaluated,
- Second, the development and accelerating growth in the western portion of the Phoenix Metro Area in the past 15 years may have substantially changed travel patterns and transportation needs, and,
- Third, there is a definite need to evaluate the impacts (traffic operations, safety, social, economic, and environmental) of connecting the South Mountain Freeway to Interstate 10 in west Phoenix.

The location identified in the earlier 15 year-old studies may no longer be the best overall location for this connection. Also, the alternatives now being considered were, in part, identified through extensive outreach effort to citizens and various other groups represented in the area, which is a clear indication the community understands the changes in the area and their interest in other alternatives. Further, because of today's high traffic volumes on Interstate 10 and the projected traffic increases the South Mountain freeway will add to I-10, the old connection may create substantial safety and operational problems not anticipated 15 years ago.

Yet another reason to evaluate all available alternatives is that the same 1988 study of the South Mountain Freeway Corridor that identified the single, specific alignment between 51st and 61st Avenues also identified a single, specific alignment on Pecos Road for the east-west portion of the corridor. But in this case, the local jurisdictions are opposed to the previously planned and supported 1988 east-west alignment and want to consider other alternatives. So on one end of this project (between 51st and 61st Avenues) the local jurisdiction is in favor of the 1988 alignment, while on the other end of the project (Pecos Road) the same jurisdiction is opposed to the 1988 alignment. Without following the EIS process to its conclusion, any final decision on specific alignments is premature and potentially subject to legal challenge.

The Maricopa Association of Government's (MAG) adopted 2003 Regional Transportation Plan clearly states "location of the South Mountain Freeway is being addressed in the DCR/EIS study process currently underway which is considering multiple location options." The plan therefore acknowledges that multiple location alternatives would be considered.

It is critical to note that once a project concept begins, NEPA requires that all reasonable alternative courses of action for that project must be evaluated – including the "do-nothing" alternative. Each alternative needs to be developed to a comparable level of detail so that their impacts (both positive and negative) may be evaluated. A fully objective evaluation of all reasonable alternatives considers all relevant information and factors, including public comments, community interests and concerns, local resolutions or proclamations, etc. – all of which are important and weighed in decision-making. Conversely, elimination of alternatives based solely on local preferences and without completing the entire comparative process compromises the objectivity of the process and is contrary to NEPA law and requirements.

The development and evaluation of alternatives is particularly important for projects anticipated to have "significant" environmental impacts (thus requiring the preparation of an EIS) so that the relative levels of impacts associated with each viable alternative can be fully evaluated. This comparative analysis is essential to the validity of a process that must eventually identify the best overall alternative from an array of reasonable alternatives likely to cause substantial or significant impacts on the environment.

FHWA's NEPA process does provide for the elimination of alternatives where it is clearly shown that those alternatives:

1. are not feasible,
2. do not serve the stated purpose and need,
3. have enormous costs and/or impacts far exceeding those of other viable alternatives, or

4. have other "fatal flaws".

However, early elimination of otherwise viable alternatives short-circuits the comparative analysis of viable alternatives and compromises the objectivity of the entire process.

In addition to the NEPA requirements stated above, these studies of alternatives are required for the Change of Access Report to FHWA necessary to support the connection of the South Mountain Freeway to I-10. This report and subsequent approval action by FHWA requires a fair and complete assessment of the impacts of all alternatives to ensure the operations and safety integrity of the Interstate Highway System.

Finally, we want to clarify that FHWA is not funding the current ADOT study; it is being funded solely with non-federal sources.

Thank you for your inquiry and do not hesitate to let me know if we can be of any further assistance.

Sincerely,

ROBERT E. HOLLIS

Robert E. Hollis
Division Administrator

cc:
Mary Peters, via Fax 202 366 3244
Victor Mendez, ADOT
Dan Lance, ADOT
KDavis
DNelson
WVachon
SThomas

DSNelson:cdm

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

May 27, 2005

In Reply Refer To: NH-202-D(ADY)
TRACS Number H 5764 01L
South Mountain Freeway
Cooperating Agency Request

Ms. Terri Raml
Phoenix Field Office Manager
Bureau of Land Management
21605 N 7th Ave
Phoenix, Arizona 85027

Dear Ms. Raml:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, are preparing an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 west of Phoenix and I-10 southeast of Phoenix (location map enclosed). The EIS will identify and evaluate a range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the social and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' county-wide freeway system, and is included in the National Highway System.

During the data-gathering phase of this effort, we identified property owned by your agency that has been leased to the City of Phoenix under the regulations set forth in the Recreation and Public Purposes Act. The property is located between 59th and 67th Avenues north of Southern Avenue within the City of Phoenix. Under the lease, the City plans to use the property as part of the planned Rio Salado Oeste project. One of the project alternatives, the W55 Alternative, under detailed study in the EIS, would pass through this property. Direct coordination with your agency will be required to address this issue. Your assistance is also requested to identify any other BLM properties in the proposed alignment areas.

Your agency's involvement will be to participate and finally concur in the evaluation of the issues under your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our inter-agency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation. In addition, we intend to use the EIS and subsequent Record of Decision as a basis for any necessary permit applications.

BUCKLE UP AMERICA

2

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on this essential project. If you have any questions, please contact Steve Thomas, Environmental Program Manager, at 602-379-3645, x-117.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
SThomas
WVachon
R Ellis (619E)
M Deeb-Roberge (619E)
Jack Allen (HDR)
SDT:cdm

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue,
Suite 1500
Phoenix, Arizona 85012-1906
602-379-3646

February 4, 2009

In Reply Refer To:
HOP-AZ

NH-202-D (ADY)
TRACS NO. H 5764 01L
SR202L; I-10 s/o Phoenix to I-10 w/o Phoenix
South Mountain Freeway Environmental Impact Statement
Request to Serve as a Cooperating Agency

Ms. Mary Barger
Department of Energy
Western Area Power Administration
Desert Southwest Customer Service Region
P.O. Box 6457
Phoenix, Arizona 85005-6457

RECEIVED
ADOT
FEB 06 2009
Valley Project Management

Dear Ms. Barger:

The Federal Highway Administration and the Arizona Department of Transportation, as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10/59th Avenue and I-10/Pecos Road, in Maricopa County, Arizona. The EIS will identify and evaluate a range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' county-wide freeway system, and is included in the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

We are requesting that the Western Area Power Administration be a cooperating agency for the project. Your agency's involvement will be to participate in the evaluation of the issues under your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation.

MOVING THE
AMERICAN
ECONOMY

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on this essential project. If you have any questions, please contact Steve Thomas, Environmental Program Manager, at 602-382-8976.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure
cc:
AHansen
SThomas
KDavis
MBruder (EM04)
MHollowell (EM02)
AEdwards, HDR
SDThomas:cdm

Federal Register / Vol. 66, No. 77 / Friday, April 20, 2001 / Notices 20345

facilities they used and the services they received. The information collected will be used to evaluate current maintenance, facility, and service practices and policies and to identify new opportunities for improvements.

Jacklyn J. Stephenson,
Senior Manager, Enterprise Operations Information Services.

[FR Doc. 01–9617 Filed 4–19–01; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Maricopa County, Arizona

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an individual impact statement will be prepared for a proposed highway project within Maricopa County, Arizona.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Davis, District Engineer, Federal Highway Administration, 234 North Central Avenue, Suite 330, Phoenix, AZ 85004, telephone (602) 379–3646.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arizona Department of Transportation (ADOT), will prepare an environmental impact statement (EIS) to study the proposed South Mountain Corridor in Maricopa County, Arizona. The proposed project will involve construction of a new multilane freeway in the metropolitan Phoenix area extending approximately 25 miles from I–10 west of Phoenix to I–10 southeast of Phoenix to form a southwest loop. The proposed project will evaluate potential impacts to mountain preserve land, residential and commercial development, Tribal lands, cultural resources, historic roads and canals, Endangered Species, jurisdictional water of the U.S., air and noise quality, and hazardous waste.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. A full range of reasonable alternatives will be considered including (1) taking no action; (2) using alternate travel modes; (3) limited access parkway; (4) major urban arterial with transportation system management improvements; and (5) a freeway.

A Final State Environmental Assessment was completed for the South Mountain Corridor. At that time, a recommended alternative was selected and an accompanying Design Concept Report was completed in September 1988. Due to the elapsed time and changed conditions that have occurred since completion of these documents, new studies are required.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies including the Environmental Protection Agency, U.S. Army Corps of Engineers, Bureau of Indian Affairs, Bureau of Land Management, U.S. Fish and Wildlife Service, Arizona State Land Department, Arizona Game & Fish Department, City of Phoenix, Town of Laveen, City of Avondale, and the Gila River Indian Tribe. Letters will also be sent to interested parties including, the Ahwatukee Foothills Village Planning Committee, Laveen Village Planning Committee and Estrella Village Planning Committee.

A series of public meetings will be held in the communities within the proposed study area. In addition, a public hearing will be held. Public notice will be given advising of the time and place of the meetings and hearing. A formal scoping meeting is planned between Federal, State, city and Tribal stakeholders.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Kenneth H. Davis,
District Engineer, Phoenix.

[FR Doc. 01–9782 Filed 4–19–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–97–2341]

Parts and Accessories Necessary for Safe Operation; Manufactured Home Tires

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of intent to deny petitions for rulemaking; request for comments.

SUMMARY: The FMCSA announces its intent to deny petitions for rulemaking from the Manufactured Housing Institute (MHI) and Multinational Legal Services, PLLC (Multinational) concerning overloading of tires used for the transportation of manufactured homes. Currently, these tires may be loaded up to 18 percent over the load rating marked on the sidewall of the tires, or in the absence of such a marking, 18 percent above the load rating specified in publications of certain organizations specializing in tires. The termination date of the rule allowing 18-percent overloading of these tires was originally set for November 20, 2000, but was delayed until December 31, 2001, to provide the agency time to complete its review of the MHI's petition to allow 18 percent overloading on a permanent basis. The agency has now completed its review of the MHI's data and believes that there should be no further delay in the termination date. The agency has also completed its analysis of Multinational's petition to rescind the final rule which delayed the termination date until December 31, 2001, and determined on a preliminary basis that the petition should be denied. Denial of both petitions would result in transporters of manufactured homes being prohibited from operating such units on overloaded tires on or after January 1, 2002.

DATES: We must receive your comments by May 21, 2001. We will consider comments received after the comment closing date to the extent practicable.

ADDRESSES: You can mail, fax, hand deliver or electronically submit written comments to the U.S. Department of Transportation, Docket Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001, FAX (202) 493–2251, on-line at *http://dmses.dot.gov/submit*. You must include the docket number that appears in the heading of this document in your comment. You can examine and copy all comments at the above address from 9 a.m. to 5 p.m., e.t. Monday through Friday, except Federal holidays. If you want us to notify you that we received you comments, please include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations, MC–PSV, (202) 366–4009, Federal Motor Carrier Safety Administration, 400 Seventh

HARRY E. MITCHELL
5TH DISTRICT, ARIZONA

1410 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PH: 202-225-2190

7201 EAST CAMELBACK ROAD, SUITE 335
SCOTTSDALE, AZ 85251
PH: 480-946-2411
FX: 480-946-2446

mitchell.house.gov

Congress of the United States
House of Representatives

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON AVIATION
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT
COMMITTEE ON VETERANS' AFFAIRS
CHAIRMAN
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON SCIENCE AND TECHNOLOGY
SUBCOMMITTEE ON TECHNOLOGY AND INNOVATION

December 11, 2009

RECEIVED
DEC 14 2009
AZ Dept of Transportation
Director's Office

Mr. Dennis Smith
Executive Director
Maricopa Association of Governments
302 N 1st Ave, Suite 300
Phoenix, AZ 85003-1562

Dear Mr. Smith,

I want to thank you for facilitating Monday's meeting of key stakeholders to discuss the possibility of studying an alternative route for the Loop 202 Freeway through the Gila River Indian Community. I was elated by the fact that Lt. Gov. Joseph Manuel and Community Manager David White of the Gila River Indian Community attended this meeting and were open to the idea of receiving a proposal for an alternative route from ADOT and MAG.

As you know, I oppose the current proposed alignment along Pecos Road.

I realize that this intriguing new development is contingent upon further consideration and a written request by the Tribal Government, which Lt. Gov. Manuel indicated could be forthcoming soon. While I understand that the ongoing Environmental Impact Study on the current proposed Pecos Road route will continue in the mean time, I view this meeting – which included not only representatives from MAG, ADOT and the GRIC, but also representatives from the Federal Highway Administration, Bureau of Indian Affairs, City of Phoenix, Bureau of Indian Affairs, my office, the Office of Congressman Ed Pastor and Councilman Sal DiCiccio -- as an important opportunity worthy of exploration.

I was also especially interested to learn of the potentially substantial cost savings to taxpayers that could be achieved by pursuing an alternative route through the Gila River Indian Community. Given the current economic climate and the state's ongoing revenue issues, I look forward to seeing a proposal that outlines in more detail how these savings might be realized.

Again, thank you for your work and leadership on this matter, and please extend my gratitude to all who took part in the discussion.

Sincerely,

Harry E. Mitchell

Harry E. Mitchell
Member of Congress

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Department of Energy
Western Area Power Administration
P.O. Box 281213
Lakewood, CO 80228-8213

MAR 23 2009

MAR 12 2009

Mr. Robert Hollis
Division Administrator
Federal Highway Administration
4000 North Central, Suite 1500
Phoenix, AZ 85012-1906

Dear Mr. Hollis:

We have received your February 4, 2009, letter inviting Western Area Power Administration's (Western), Desert Southwest Region to participate as a cooperating agency, as defined in the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR 1501.6 and 1508.5), for the South Mountain Corridor Project (Project), for which the Federal Highway Administration (FHWA) is the lead Federal agency. Western accepts FHWA's invitation to be a cooperating agency in the NEPA process of preparing an Environmental Impact Statement (EIS).

For the proposed Project, Western understands we may need to move or reconfigure several transmission line towers. Such involvement would obligate Western to conduct a NEPA review; however, as a cooperating agency, Western would be able to adopt FHWA's EIS to satisfy its NEPA compliance requirement.

Western's Desert Southwest Regional Office will coordinate with FHWA concerning the proposed EIS effort. If you have any questions or require further information, please contact Mr. John Holt by e-mail at holt@wapa.gov or by phone at 602-605-2592.

Sincerely,

Timothy J. Meeks
Administrator

cc:
Ms. Carol Borgstrom, Director
Office of NEPA Policy and Compliance, GC-20
U.S. Department of Energy
Washington, DC 20585

Ms. Yardena Mansoor
Office of NEPA Policy and Compliance, GC-20
U.S. Department of Energy
Washington, DC 20585

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

May 17, 2001

Kenneth H. Davis, District Engineer
Federal Highway Administration
234 North Central Avenue, Suite 330
Phoenix, AZ 85004

Dear Mr. Davis:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent published April 20, 2001, to prepare an Environmental Impact Statement (EIS) for the proposed **South Mountain Corridor in Maricopa County, Arizona.** Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

The proposed project is intended to provide improvements to accommodate existing and projected traffic demand. The proposed action is to construct a new multilane freeway in the metropolitan Phoenix area extending approximately 25 miles from I-10 west of Phoenix to I-10 southeast of Phoenix to form a southwest loop. Proposed alternatives include: 1) no action, 2) using alternate travel modes, 3) limited access parkway, 4) major urban arterial with transportation system management, and 5) a freeway.

We appreciate this opportunity for early participation in the environmental assessment of the South Mountain Corridor. EPA applauds the Federal Highway Administration (FHWA) for considering a broad range of alternatives, including using alternate travel modes, in this project. To assist in the scoping process, we have identified several issues for your attention in the preparation of the EIS. The Notice of Intent is fairly general in its description of the proposed project and its potential impacts. As such, our comments are fairly general. We look forward to continued participation in this process as more information becomes available. Our specific comments are listed below:

Purpose and Need
EPA considers a clear Purpose and Need statement fundamental to a well prepared EIS. The NOI states that improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. The "Need" statement in the EIS should address the following three questions for both current and future conditions:

- **Why?** What is the basic problem or deficiency with the existing situation and why is this a problem? How does it relate to the agency mission? What facts support the need?

- **Why here?** Why is this problem or deficiency occurring here and why is it important? Where does "here" end, and why?

- **Why now?** Why does the problem need to be addressed now (urgency)? Why not earlier or later? What could happen if the problem were not addressed now?

Each need for the action must have an associated measurable objective or "purpose" that can be used to measure the effectiveness of each alternative in meeting that need.

Traffic Modeling

The traffic modeling for the EIS will include projections of future traffic demand. EPA's overall recommendation for this section is to make both the methodology and the assumptions in the traffic analysis as transparent as possible to the public and decision makers. To do this, EPA recommends that FHWA:

- Identify which traffic model will be used, discuss its strengths and weaknesses, and describe why it was selected.

- Identify the variables, assumptions, and inputs used in the model, discuss the strengths and weaknesses of those variables, assumptions, and inputs, and discuss why those variables, assumptions, and inputs were selected.

- Include feedback loops in the traffic model between trip distribution and travel time.

- Include a table outlining traffic performance, by alternative, in the Summary section of the EIS.

The EIS should also include a specific section that addresses induced travel demand. Research indicates that, especially in rapidly growing communities, induced travel demand plays a considerable role in increased traffic volumes both in the short-run and the long-run (see attached: Noland, Robert B., and Lewison L. Lem, "Induced Travel: A Review of Recent Literature and the Implications for Transportation and Environmental Policy," paper presented at the European Transport Conference, Sept. 2000). EPA is particularly concerned about this issue because induced travel demand leads to increased vehicle miles traveled (VMT) and increased air emissions from those vehicles.

FHWA may want to consider using the SMITE model (Spreadsheet Model for Induced Travel Estimation) to estimate the amount of induced travel that may be generated by the proposed project. This is a sketch tool that can be useful in cases where four-step urban travel models are either unavailable or are unable to forecast the full induced demand effects.

Air Quality

The proposed project will likely have air quality impacts during both construction and operation. The Phoenix metropolitan area is currently in nonattainment for ozone, carbon monoxide (CO), and particulate matter less than ten microns (PM10). This situation has several implications for the proposed project:

- Since the project is located in a nonattainment area for ozone, the project should be included in a conforming Transportation Plan and Transportation Improvement Program (TIP) before the NEPA process is completed.

- Air quality impacts from project construction will likely include PM10 and CO emissions. Since the project is located in a nonattainment area for both PM10 and CO, the EIS should include a detailed fugitive dust control plan and a CO hot spot analysis. Sensitive receptors should be identified.

Indirect and Cumulative Impact in terms of Land Development

NEPA requires consideration of indirect and cumulative impacts, including those impacts from land development associated with the provision of additional transportation infrastructure. This is often referred to as Growth Inducing Impacts. Various methods to assess the land use impacts of transportation exist, as documented in the report by the National Academy of Sciences, Transportation Research Board's National Cooperative Highway Research Program entitled, "Land use Impacts of Transportation: A Guidebook" (Report 423A, 1999). An electronic copy of this report is available from EPA upon request.

As described in the report, some of the more analytically reliable methods to assess the land development impacts of transportation infrastructure include formal land use models such as DRAM/EMPAL, MEPLAN, and TRANUS. If a land use model is available and calibrated to the region, using these models can result in estimates of the potential land use impacts of the changes in transportation infrastructure. In situations where formal land use models are not available in the region, an alternative method of assessing future land development effects of transportation is the "Delphi review method". As NCHRP Report 423A describes, the Delphi review method uses a structured approach to obtain a set of expert opinions on the land development effects of transportation:

Like the traffic modeling section, EPA's overall recommendation is to make both the methodology and the assumptions in the growth inducing analysis as transparent as possible to the public and decision makers. To do this, EPA recommends that FHWA:

- Identify which land use model will be used, discuss its strengths and weaknesses, and describe why it was selected.

- Identify assumptions used in the model, the strengths and weaknesses of the assumptions, and why those assumptions were selected. For example, describe which method will be used to allocate growth to zones, its strengths and weaknesses, and why that method was selected.

- Ground truth the results of the land use model by enlisting local expertise involved in land use issues, such as local government officials, land use and transportation planners, home loan officers, and real estate representatives. Use their collective knowledge to validate or modify the results of the land use model.

- Use the results of the growth inducing analysis as inputs into the travel forecasting process performed on each of the build alternatives.

Pollution Prevention
The Resource Conservation & Recovery Act (RCRA) Section 6002 requires federal, state, local agencies, and their contractors that use appropriated federal funds, to purchase EPA-designated recycled materials, including EPA-designated transportation, construction, and landscaping products. In addition, EPA supports deconstruction and materials reuse in projects where existing structures are removed.

- Commit to materials reuse, where appropriate and feasible, and include a commitment to the Buy-Recycled requirements. For further details, please see EPA's web site at http://www.epa.gov/cpg, as well as attached materials on Buy-Recycled and Construction Waste Management.

If you have any questions, please do not hesitate to contact me. I would be happy to discuss these comments with you in further detail. Perhaps the project team meeting scheduled this summer would be a good time to discuss our comments, especially as more information may be available at that time. We look forward to continuing our early involvement in this project. I can be reached at 415-744-2089 or *blazej.nova@epa.gov*.

Sincerely,

Nova Blazej
Transportation Coordinator

Attachments: *Induced Travel*, Noland and Lem, 2000
2000 Buy-Recycled Series: Transportation, Construction, Landscaping Products
Construction Waste Management

cc: Steve Thomas, FHWA-AZ

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

October 23, 2001

Robert E. Hollis, Division Administrator
Federal Highway Administration, Arizona Division
234 N. Central Avenue, Suite 330
Phoenix, AZ 85004

Dear Mr. Hollis:

We are writing in response to your letter of September 7, 2001 inviting the Environmental Protection Agency (EPA) to participate as a cooperating agency in the proposed **South Mountain Corridor Project** located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. As you know, EPA enjoys a positive working relationship with the Arizona Division of the Federal Highway Administration (FHWA), and we look forward to continuing that relationship on the South Mountain Corridor Project.

EPA has been involved in this project through preliminary meetings with Steve Thomas, FHWA Environmental Coordinator, and by providing formal scoping comments in response to the project Notice of Intent. Nova Blazej of my staff will also attend the inter-agency scoping/partnering meeting on October 30 – 31 in Phoenix, and we plan to continue our early and coordinated involvement in this project throughout the development of the Environmental Impact Statement (EIS).

Due to resource constraints, however, EPA respectfully declines FHWA's invitation to participate in the South Mountain Corridor Project as a cooperating agency. EPA Region 9 encompasses the States of California, Nevada, Hawaii, and Arizona, and, with the exception of Hawaii, each of these States has a very active transportation program. Under Section 309 of the Clean Air Act, EPA is required to review and comment on all EISs. As such, our office is involved in a very high volume of FHWA projects. In the past year we were reviewed approximately 45 FHWA projects.

Because of our high work load, EPA is unable to participate as a cooperating agency in the South Mountain Corridor Project. We are, nonetheless, committed to being an active partner in the development of the EIS and are available to provide FHWA with early input into the project. As a point of clarification, your letter states that FHWA is inviting EPA to participate as a cooperating agency in the South Mountain Corridor Project because the Maricopa County is designated as a federal nonattainment area for carbon monoxide, particulates, and ozone, and, as stated, EPA has jurisdiction by law. While EPA does have jurisdiction within the Clean Air Act, we do not expect to have any approval activity within this project as related to air quality issues.

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If you have any questions or would like to discuss this further, please contact me or Nova Blazej, the point of contact for this project. Nova can be reached at 415-744-2089 (after October 30, 2001, 415-972-3846) or blazej.nova@epa.gov.

Sincerely,

Lisa B. Hanf, Manager
Federal Activities Office

cc:
Horst Greczmiel,CEQ
Joe Montgomery, EPA-HQ
Steve Thomas, FHWA-AZ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 31, 2002

David Anderson
HDR
Suite 250, Park One
2141 East Highland Avenue
Phoenix, AZ 85016-4792

Dear Mr. Anderson:

The Environmental Protection Agency (EPA) has reviewed the Draft Purpose and Need Technical Memorandum (January 2002) prepared for the **South Mountain Transportation Corridor** project, Maricopa County, Arizona and sent by your office for the Arizona Department of Transportation (ADOT). The proposed project is intended to provide improvements to accommodate existing and projected east-west traffic demand by constructing a new multilane freeway in the metropolitan Phoenix area.

We appreciate the attention to and effort invested in the development of the Purpose & Need statement and this opportunity for our early involvement. The Purpose & Need statement lays the foundation for the rest of the document and deserves close attention.

We have two comments, one concerning the content of the memorandum and one concerning process. With regard to content, we recommend refining the project purpose and, thereby, establishing a basis for setting the project study area. The northeast boundary of the project study area presented in the memorandum runs along the south side of South Mountain Park. During the Interagency meeting held in October, 2001, several agencies suggested broadening the project study area to encompass the area *north* of South Mountain Park, as an alignment north of South Mountain Park might also satisfy the need for improved east-west travel demand. EPA has the following specific recommendations:

- Refine the project purpose, or project objectives. For example, the memorandum describes the transportation demand and land use objectives of the proposed project in somewhat general terms. The project purpose should be refined to describe specific transportation demand, system linkage, and land use planning objectives. A summary, in bulleted form, at the beginning of the document would also be helpful.
- Refining the project objectives will help determine the appropriate project study area boundary. Justify the study area boundary and make changes, as appropriate. Respond to the question as to whether an alignment north of South Mountain Park would satisfy the project objectives.

With regard to process, EPA believes this project would be appropriately reviewed under the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada Memorandum of Understanding (1994) (NEPA/404 MOU). Because of the potential project impacts to the Salt River and the need for an Individual Permit from the Army Corps of Engineers (ACOE), future project delays can be avoided by coordinating the NEPA process and the Section 404 process early on in project development. We have proposed initiating the NEPA/404 MOU process to the Federal Highway Administration (FHWA), and we continue to recommend using the NEPA/404 MOU process in the development of this project. Under the NEPA/404 MOU, the first step in the integration process is concurrence on Purpose & Need. Should FHWA and ADOT elect to initiate the NEPA/404 MOU process, EPA would be prepared to concur on the Purpose & Need statement with the changes cited above.

Again, thank you for this opportunity for early involvement. If you have any questions or comments, please feel free to contact me or Nova Blazej, the primary person working on this project. Nova Blazej can be reached at 415-972-3846 or *blazej.nova@epa.gov*.

Sincerely,

Lisa B. Hanf, Manager
Federal Activities Office

cc: Steve Thomas, FHWA
Ralph Ellis, ADOT
Dana Owsiany, ACOE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

May 2, 2002

Mr. David Folts
Concerned Families Along
South Mountain Loop 202
3407 East Cedarwood Lane
Phoenix, AZ 85008

Dear Mr. Folts

The Environmental Protection Agency received your letter of March 25, 2002 outlining your concerns regarding the proposed South Mountain Corridor project. Your letter lists a number of health-related questions and requests that the Environmental Impact Statement (EIS) for the South Mountain Corridor project specifically address these questions. The EIS is the appropriate forum to address your concerns, as this document is intended to disclose all environmental, human health, and socio-economic impacts associated with the proposed project to the public and decision-makers.

The Federal Highway Administration, as the lead federal agency, and the Arizona Department of Transportation, as the project proponent, will work together to address all comments they receive during the project scoping period by incorporating those comments into the Draft EIS. This includes the issues raised in your letter. Once the Draft EIS is published, the public will have at least 45 days to review and comment on the document. The public will have an additional 30 days to comment once the Final EIS is published. The Environmental Protection Agency has been actively involved in this project and will participate in the review of both the Draft and Final EIS. If you have additional questions regarding the EIS review process, I can be contacted at 415-972-3846.

Sincerely,

Nova J. Blazej
Federal Activities Office

cc: Lisa Hanf, EPA
David Tomsovic, EPA
GR West, EPA
Steve Thomas, FHWA
Ralph Ellis, ADOT

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

March 17, 2005

David Folts
Concerned Families Along South Mountain Loop 202
3407 East Cedarwood Lane
Phoenix, AZ 85048

Dear Mr Folts:

Thank you for your email dated February 22, 2005, to the United States Environmental Protection Agency (EPA) concerning the potential environmental impacts associated with the proposed South Mountain Loop 202 transportation improvements in Phoenix, Arizona. EPA welcomes your concerns about future activities that may affect the human and natural environment in the vicinity of the proposed transportation project.

After receiving your email, Connell Dunning of my staff spoke with Steve Thomas of the Arizona Division of the Federal Highway Administration (FHWA) regarding the status of the South Mountain Draft Environmental Impact Statement (Draft EIS) and incorporation of comments raised through the scoping process. Mr. Thomas stated that the Draft EIS is still under development and has not been submitted for public comment. He confirmed that FHWA and Arizona Department of Transportation (ADOT) are working to address all comments raised through the scoping process.

If you are concerned that the EIS may not address the questions that you previously submitted, EPA recommends continuing to discuss your specific areas of concern with those agencies that are cooperating in drafting the document. I have copied the Arizona Department of Transportation Project Manager (Mike Bruder) as well as Steve Thomas on this correspondence. Steve Thomas also offered to provide additional information related to opportunities for public involvement. He can be reached at 602-379-3645 extension 117.

EPA commends you for taking an active role in efforts to protect the human environment and natural resources associated with the South Mountain area. Once the South Mountain Draft EIS is available to the public, we will review the proposed project to ensure project compliance with applicable environmental laws and regulations. If you have additional questions about EPA's authorities relative to this proposed project, please have your staff contact Connell Dunning, the lead reviewer of transportation-related environmental impact statements in Arizona. Connell can be reached at dunning.connell@epa.gov or 415-947-4161.

Sincerely,

for Lisa B. Hanf, Manager
Federal Activities Office

CC: Steve Thomas, Federal Highway Administration
Mike Bruder, Arizona Department of Transportation

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

June 17, 2005

Mr. David Folts
Concerned Families Along South Mountain Loop 202
3407 East Cedarwood Lane
Phoenix, AZ 85048

Dear Mr. Folts:

The U.S. Environmental Protection Agency (EPA) has been asked to respond to your April 16, 2005 letter to Representative J. D. Hayworth regarding the potential environmental impacts associated with the proposed South Mountain Loop 202 transportation improvements in Phoenix, Arizona. EPA commends you for taking an active role in efforts to protect the human and natural environment in the vicinity of the proposed transportation project.

As you know, the Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) are preparing a Draft Environmental Impact Statement (EIS) for the proposed South Mountain Loop 202 project. The regulations implementing the National Environmental Policy Act (NEPA) require that an EIS disclose significant direct, indirect and cumulative impacts of a proposed federal action to the human environment. Given the extensive scientific literature on near-roadway health effects, it is important that the EIS for South Mountain Loop 202 include a discussion of potential health effects of the proposed project, especially to "sensitive receptors" (such as children, the elderly, and people in poor health).

Following receipt of your February 22, 2005 correspondence to EPA, Connell Dunning of my staff spoke with Steve Thomas of the Arizona Division of the FHWA regarding the status of the South Mountain EIS and incorporation of comments raised through the scoping process (see attached letter March 17, 2005). Mr. Thomas confirmed that FHWA and ADOT are working to address all comments raised through the scoping process, including those raised by Concerned Families Along South Mountain Loop 202. Since you remain concerned that the EIS may not address the questions that you previously submitted, we continue to recommend that you discuss your specific concerns with ADOT and FHWA, the agencies that are preparing the EIS. I have copied the ADOT Project Manager, Mike Bruder, as well as Steve Thomas on this correspondence. As stated in our previous letter, Steve Thomas offered to provide additional information related to opportunities for public involvement. He can be reached at 602-379-3645 extension 117.

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Once the Draft EIS is available for public comment, EPA will review the proposed project to ensure project compliance with applicable environmental laws and regulations. Again, thank you for your letter. If you have additional questions, please contact me or your staff may contact Connell Dunning at 415-947-4161. Ms. Dunning is the lead environmental reviewer for transportation projects in Arizona.

Sincerely,

Enrique Manzanilla, Director
Community and Ecosystems Division

Enclosure

cc: Honorable J.D. Hayworth
Steve Thomas, Federal Highway Administration
Mike Bruder, Arizona Department of Transportation

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

April 21, 2006

David Folts
Concerned Families Along South Mountain Loop 202
3407 East Cedarwood Lane
Phoenix, AZ 85048

Dear Mr Folts:

Thank you for your February 28, 2006 letter to the United States Environmental Protection Agency (EPA) expressing your concerns with potential environmental impacts associated with the proposed South Mountain Loop 202 transportation improvements in Phoenix, Arizona. EPA has responded to your interest in attaining answers to specific air quality questions related to this project on three previous occasions, twice via letter to you (March 17, 2005 and June 17, 2005) and once through a phone conversation with a representative from Congressman J.D Hayworth's office (September 2005).

Your letter identifies that you continue to be concerned that the Draft Environmental Impact Statement (EIS) being developed for this project may not address the questions that you previously submitted. Exposure to mobile source air toxics is known to cause adverse human health impacts, including cancer and other serious health effects. With our increasing understanding of air toxics concerns, and the increasing public attention on this issue, EPA agrees that the Draft EIS for the South Mountain project should assess and reduce all emissions-related impacts to air quality and human health.

After receiving your February 28, 2006 letter, Connell Dunning of my staff spoke with Steve Thomas of the Arizona Division of the Federal Highway Administration (FHWA) regarding the status of the South Mountain Draft EIS and incorporation of your comments, as well as others raised through the scoping process. Mr. Thomas confirmed that the Draft EIS is still under development and has not been submitted for public comment. He confirmed that FHWA and Arizona Department of Transportation (ADOT) are working to address all comments raised through the scoping process.

EPA continues to recommend that you discuss your specific areas of concern with those agencies (ADOT and FHWA) that are cooperating in drafting the document. EPA has no role in compiling the Draft EIS and can only recommend that ADOT and FHWA incorporate into the Draft EIS a robust analysis of all direct, indirect, and cumulative impacts of this project and commit to appropriate mitigation and project design elements to reduce impacts to human health and all environmental resources. EPA has recommended via past phone conversations, and continues to recommend through this letter, that ADOT and FHWA include an air quality analysis in the Draft EIS that addresses all questions provided by you and analyzes potential

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impacts of emissions of criteria pollutants (particulate matter less than 10 microns, carbon monoxide, precursors of ozone), air toxics, and diesel particulate matter. EPA also recommends that the Draft EIS provide specific mitigation measures, including operational changes to project alternatives and construction practices, that will reduce impacts to air quality and human health from the proposed project.

Once the South Mountain Draft EIS is available to the public, we will review the proposed project to ensure project compliance with applicable environmental laws and regulations. If you have additional questions about EPA's authorities relative to this proposed project, please contact Connell Dunning, the lead reviewer of transportation-related environmental impact statements in Arizona. Connell can be reached at dunning.connell@epa.gov or 415-947-4161. I have also copied the Arizona Department of Transportation Project Manager (Mike Bruder) as well as Steve Thomas on this correspondence. Steve Thomas can be reached at 602-379-3645 extension 117.

Sincerely,

Duane James, Manager
Environmental Review Office

CC: Steve Thomas, Federal Highway Administration
Mike Bruder, Arizona Department of Transportation

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Pima Agency
Sacaton, Arizona 85247

005
Real Prop. Mgmt.
Phone 562-3552

April 19, 1967

Honorable James A. Haley
Chairman, Sub-Committee on
Interior and Insular Affairs
House of Representatives
Washington, D.C. 20240

Re: H.R. 2154

Honorable Haley:

In accordance with Dr. Taylor's request regarding yesterday's Sub-Committee hearing to consider H.R. 2154, the following information is respectively submitted in connection with Interstate #10 Highway through the Gila River Indian Reservation, Arizona.

Interstate #10 Highway across the Gila River Indian Reservation is 24.07 miles in length, 300 feet wide with additional width required by the four interchanges. Total amount paid was $473,860.00 of which $265,000.00 was paid for tribal lands and $208,860.00 for individual or allotted lands.

Planning and negotiations for Interstate #10 Highway involved approximately four years. Differences between Arizona State and Bureau of Indian Affairs appraisals were resolved before condemnation was seriously considered and the right of way was formally approved January 21, 1966.

Sincerely yours,

Kendall Cummings
Superintendent