

NO LOOP 202!





a Letter to the Editor

**Note, the following is a Letter to the Editor from The No South Mountain Freeway Group. An excerpt was sent to the AZ Republic yet the condensed version was not printed. We would like to share our opinion on the freeway via a LTE for our readers. Part of publishing our own media is surpassing the filter which much mainstream media outlets place on individuals with less popular views than those that fund non-independent media.*

I couldn't believe it when I discovered people wanted to extend a freeway that would cut through South Mountain. After opening my eyes and ears to the issue, I further realized my points of contention.

This project has been under consideration since 1983, when oil and fuel prices were inexpensive. At a present time when volatility of the oil industry incurs an ever-rising cost of fuel prices to consumers, the proposed project is outdated in its purpose as a modern means of transportation at a critical time when transportation decisions should address the heat island effect of urban cities. It is an unfortunate reality that in an age that Arizona sits on the cusp of making key decisions for the state's transportation system, it cannot manage to create a modernized plan of action for the future of Arizona. Each of ADOT's roadways and transportation decisions are an added building block to the transportation system, which will not only have immediate and short-term effects, but each of these building blocks have a multiplying effect carried out

for decades beyond the scope of what planners may now be able to predict in terms of environmental destruction, air quality, and maintaining cultural integrity.

In the recent release of ADOT's 5-Year Transportation Plan Comment form, it appears as though ADOT allows residents to weigh on the future of Arizona's transportation planning. Upon taking a closer look, this only holds true to a certain extent. A review of the ADOT's online budget and route PDFs on ADOT's Regional Transportation Plan Freeway Program, also known as Maricopa Association of Governments Program on the comment form, demonstrates that South Mountain Freeway (SMF), among other freeways, continue to be in planning stages to effectively make this freeway a reality. It seems to me that ADOT makes it appear that the public can comment on these developments, but the fact that these ADOT online document have proposed budgets in place makes it obvious that it plans to build SMF whether the public opposes it or not. The 5-Year Plan is so narrow and out of date that it doesn't include a morsel of public transportation systems, an atypical model for the modernization of one of the largest cities in the country.

The two proposed routes for the freeway are less than a mile apart. Both would have the same harmful effects on the Gila River Indian Community's (GRIC) air quality, health and traditional cultural properties. The on-reservation alignment will result in a loss of approximately 600 acres of tribal land, and the forced relocation of O'odham families.



The off-reservation alignment would gouge a 40-story high, 200-yard wide cut into South Mountain, which is sacred to all four O’odham tribes. South Mountain is also significant to the larger Phoenix area due to it being the largest city park in the United States. Laveen and Ahwatukee residents would ultimately be affected by air and noise pollution, as well as the inevitable devastation of numerous local businesses, homes and a church in the line of the proposed route. Currently, this proposal is the only alignment that has an EIS attached to it.

The Sierra Club Report “The Best and Worst in Transportation Investments” listed SMF as one of the worst projects in the United States based on oil, environmental, health, economic, and land use impacts. The freeway would impose on a critical wildlife

corridor for various threatened desert animals and fragile ecosystems unique to both the Estrella and South Mountain ranges.

I believe “No Build” is the only option that preserves the environment, health of GRIC, respects O’odham traditions, and is also beneficial for Laveen and Ahwatukee residents.

It is frightening to think that there are so many unconsidered costs beyond developer’s returns on their investments. What happens when all the unforeseen costs bring down all the blocks built on a weak, outmoded foundation that perpetuates urban sprawl? I don’t want to wait around to find out when SMF extension could be brought to a definite end once and for all, 30 years later.

EACH OF THESE BUILDING BLOCKS HAVE A MULTIPLYING EFFECT CARRIED OUT FOR DECADES BEYOND THE SCOPE OF WHAT PLANNERS MAY NOW BE ABLE TO PREDICT IN TERMS OF ENVIRONMENTAL DESTRUCTION, AIR QUALITY, AND MAINTAINING CULTURAL INTEGRITY.

Thoughts regarding ADOT'S 5 Year Plan



Every five years the state of Arizona Drafts a plan of action for the preceding five years.

This year a few Phoenix environmental Activists attended the Phoenix Five Year Plan Meeting after only hearing about the meeting days prior. To their shock, the plan had NO mention of adjusting the future budget to accomodate for the expansion of ANY public transportaion.

This sparked a frustration throughout the state leading to protests before both the Flagstaff and Tucson 5-Year-Plan Meetings. Also across the state those concerned with the future ahead of us called into different ADOT offices demanding that not only funds be allotted for public transportaion, but also the expansion of the Loop 202 be dropped from future plans on both the rezervation and the surrounding area of Ahwatukee and Laveen.

The following is an account of recomendations to this plan which can be viewed via the ADOT web-site.

Scenario A: This plan of action seems to be the most long-sustaining solution for Arizona roadways, which projects that pavement quality will fall below standard until 2031. ADOT's experience of declining revenues for state roadway projects puts itself in a situation that it must make long withstanding and careful plans to maintain our current roadway system in suitable shape for the longest amount of time. The nation's economic health appears to be recovering in short upticks and the loss of federal funds is hitting nearly every sector of publically-funded programs. The economy seems to be at a languishing recovery pace, one that may not reach the accelerated rate deemed healthy quickly enough to further continue to extend the government slashing of budget cutbacks. At this rate, when will ADOT expect to have a transportation facilities construction program that does not rely on the assistance of the federal government? If ten years down the line, things never recovered soon enough to continue to fund public projects, then Arizona will be sitting at the same place it does

now. The stance of Scenario A to focus on preservation would keep existing projects in good repair for nearly 2 decades and does not make the assumption that there will necessarily be more funds to build more projects that would funnel so much out that 1 decade later Arizona stands at a place that it cannot even maintain its roadways because it has spent so much of it away with the hope that the economy would be recover sooner than later.

Scenario B: Taking into consideration the forces that brought ADOT to the current highway funding issues, it poses an extremely risky prospect for the existing roadways to be kept in good repair. In a matter of just 3-4 years, pavement quality will fall below acceptable standards.

Scenario C: Though a better prospect than Scenario B, this scenario assumes that ADOT's revenues for projects will return to normal within five years, which cannot be currently be determined or even assumed. ADOT is relying on a quick economic recovery, increase in federal funding, and increase in gas collection which are all too many unpredictable variables in the current state of affairs.

Maricopa Association of Governments Program:

ADOT's Regional Transportation Plan Freeway Program continued efforts to expand the South Mountain Freeway is an imposition on an entire regional community. Recently, The Joint Air Toxics Assessment Project, awarded a 2013 National Environmental Excellence Award, found that

toxics found that the highest health risks are inflicted on communities near freeways. The research study found that exposure from diesel fuel toxics appears to correlate with increased chances of developing cancer. Given this burdensome cost on residents, it appears that ADOT's Transportation Plan inclusion of the South Mountain Freeway is not so concerned with the well-being of Arizona residents. The inevitable disturbance and destruction would severely displace Awhatukee, Laveen, and GRIC communities, as well as the treasure that is South Mountain Park Preserve. The value that South Mountain holds with the O'odham tribes of.

General Comments: The Arizona Department of Transportation's Five Year Plan outlines 3 scenarios for the future maintenance and expansion of Arizona's road infrastructure. Though, the public comment period allows Arizona residents to weigh in on the possible scenarios given budget constraints, it seems that some projects are not even placed in the decision-making power of Arizona residents, that being the MAG Regional Transportation Plan, which continues the planning of South Mountain Freeway.

Passenger Rail

It is an unfortunate reality that in an age that Arizona sits on the cusp of making key decisions for the state's transportation system, it cannot manage to create a modernized plan of action for the future of Arizona. Each of ADOT's roadways and transportation decisions are an added building block to the transportation system, which will not only have immediate and short-term effects, but each of these building blocks have a multiplying effect carried out for decades beyond the scope of what planners may now be able to predict in terms of environmental destruction, air quality, and maintaining cultural integrity.

Given this burdensome cost on residents, it appears that ADOT's Transportation Plan inclusion of the South Mountain Freeway is not so concerned with the well-being of Arizona residents. The inevitable disturbance and destruction would severely displace Awhatukee, Laveen, and GRIC communities, as well as the treasure that is South Mountain Park Preserve. The value that South Mountain holds with the O'odham tribes.



TALKING POINTS FOR DEIS STATEMENT

Top DEIS Deficiencies:

1) TRUCK TRAFFIC FROM MEXICO AND HIGH-SULFUR DIESEL; TRUCK BYPASS NEGATED

The modeling of air pollution impacts in the DEIS do not include the additional air pollution from truck traffic from Mexico. The DEIS briefly mentions the issue, but it claims it has no way to know what impact this would be. Patently absurd.

We should remember why the idea of a truck bypass came up in the first place, all those years ago. It is because there have been chronic issues about air quality in the Phoenix metro area, so bad and for so long that public policy makers suggested as one of the strategies to reduce particulate matter from truck exhaust in urban Maricopa County was to designate a bypass for truck traffic around the urban area. This bypass is also now the designated route of the Canamex Highway, and it is Interstate 8 (south of Casa Grande) to State Highway 85, to Interstate 10, west of the Phoenix metro area. If the South Mountain Freeway is built, the bypass route, which has few amenities, would be a substantially longer route, about 55-60 miles longer than the route using the SMF. There is no law that would force trucks to use the longer route, so it is entirely likely all these trucks would come through Phoenix, negating the whole bypass strategy, and negating a public policy decision. By completing the South Mountain Freeway, this would all be negated, but the reversal of this public policy decision is never mentioned in the DEIS.

Further, trucks originating in Mexico will be fueled with diesel that doesn't meet the CARB diesel standards adopted by Arizona over a decade ago. In Mexico, there is no regulation about the sulfur in diesel fuel. In Arizona, the law was changed to allow only diesel fuel to be sold that has had 98% of the sulfur removed. This was another part of the strategy to bring Maricopa County into compliance with the particulate matter standards required by the Clean Air Act (CAA). There was extensive modeling of the effect of adopting the CARB diesel standards and a discussion of this at the Arizona legislature, where it passed, so the data is in government hands. Also, we know exactly the number of trucks arriving from Mexico and their destinations in the US, so this is data that is available for the DEIS. And again, the reversal of this public policy decision is never mentioned in the DEIS.

Once this additional pollution is honestly quantified and factored in, there would be a huge net increase in air pollution from the SMF, and associated increases in asthma, heart disease, premature death, and other adverse health impacts.

2) AIR TOXICS ALREADY A CRISIS BUT NOT MENTIONED

In 2005, there was an extensive air monitoring of certain toxic chemicals (air toxics) conducted by EPA and ADEQ in a joint effort named the Joint Air Toxics Assessment Program (JATAP). The monitoring sites included a site near St. Johns on the GRIC, and some in west Phoenix and South Phoenix. The JATAP monitoring results were reported in 2006, during a time the data for the DEIS was being gathered, and it found levels of certain toxic chemicals associated with vehicular emissions were above the standard of a one in a million chance of cancer in a lifetime of exposure in the west Phoenix, south Phoenix, and GRIC sites. The JATAP monitoring found in the high end of the monitoring levels, formaldehyde at 34 times this standard; benzene at 8 times this standard, 1,3 butadiene at 7.5 times this standard, acetaldehyde at 3.4 times this standard. And, remember, citizens are being subjected to all of these carcinogens, not just one. Some of these chemicals are attributed to "mobile sources," or vehicular traffic burning hydrocarbons.

Obviously, adding more vehicular traffic emissions by building a freeway where there had not been one would add to this toxic burden.

The JATAP results are not included in the DEIS, but instead there is a strange missive about the uncertainty of the risk from these air toxics standards, which is simply not true. The cancer risk standards have been promulgated and published by EPA after extensive research and study, and they are well-known.

3) RISKS FROM HAZARDOUS MATERIALS TRANSPORTATION INCIDENTS DUE TO THE SMF

There are no industries using and emitting toxic chemicals in Ahwatukee Foothills, and no hazardous materials (hazmat) transportation issues and risks because none of these chemicals, other than gasoline and diesel, are being shipped into the area, other than incidentally adjacent on Interstate 10, which is east of the area. Since the NEPA process started, Ahwatukee Foothills residents and others have consistently raised concerns about the added risks from the transportation of hazmat on the new SMF, and in doing so they have consistently voiced concerns regarding the additional problems with hazmat response in the affected area. Ahwatukee Foothills has its own unique layout and design, sometimes characterized as a large cul-de-sac, and in the event of a hazmat incident requiring shelter in place, or especially involving evacuation, there would be particular problems and risks. Due to the proximity of schools, parks, and other public facilities, there would have to be extensive planning and drills for shelter in place and evacuation, an assessment of the types and amounts of hazmat traffic and the chemicals involved, and much more. NEPA requires examination of cultural, social, and economic impacts, and the new hazmat traffic and risks caused by the SMF would affect all of these topic areas.

The data about the types and amounts of hazmat on the highways is collected and analyzed periodically by the Arizona State Emergency Response Commission using federal funds, in something called a Commodity Flow Study, which also includes hazmat moved by rail. So an agency of the state government has this information. In a real DEIS, the analysis of this data is common.

But there is nothing in the DEIS that even mentions the hazmat transportation and risks issue! This raises many issues, from the \$20 million spent on this deficient study, to the scoping for the DEIS that was designed to restrict citizen input rather than allowing and encouraging it, to the blatant ignoring of actual, well documented statements of these concerns by citizens.

Hazardous Materials has been mostly limited in the DEIS to a discussion of hazardous materials that might be encountered in the soils during construction. Yet, despite this alleged concern, the fact that the proposed path of the freeway crosses contaminated property near Interstate 10 near 55th Avenue is neither mentioned or examined, much less the financial liability the taxpayers might be assuming by purchasing the contaminated property. That would certainly be an economic impact.

4) MORE AIR QUALITY ISSUES: THE STRAW THAT BROKE THE CAMEL'S BACK

The portion of Maricopa County that is characterized as the Phoenix metro area has had problems for decades meeting the air quality standards for particulate matter (PM) and other criteria pollutants. (Ozone levels are too high in the East Valley and Fountain Hills, for example.) There have been several exceedances of the standards for PM set by EPA under the authorities given the agency by the Clean Air Act (CAA). The problem has been so bad over the years that every possible delay and postponement allowed under the CAA to come up with a plan to meet regulatory levels of particulate matter have now been exhausted. So, currently, EPA is examining sanctions that include blocking a billion dollars in highway funds. The Arizona Department of Environmental Quality has tried to explain away the several exceedances of the PM standards in the last year or so by blaming it on dust storms and weather-related problems. (Having reviewed the ADEQ arguments, I don't believe it was all related to weather.)

Almost every one of these PM exceedances have been detected at the air quality monitor at 43rd Avenue and Broadway Road. The placement of a freeway about a mile to a mile and a half upwind from a monitor that has had all these high levels seems foolish and short sighted. And of course, the impacts and risks of this are not examined in the DEIS. Nor does the DEIS examine the dust that would be kicked up during the construction phase, when thousands of tons of dirt would be moved around upwind of the monitor. The proposed path of the South Mountain Freeway would take it over the Salt River bed. To construct the bridges would involve extensive earthmoving. Also, blasting South Mountain would also release enormous amounts of dust (PM), and the

natural wind currents and prevailing wind patterns would push this PM toward the air monitor at 43rd Avenue.

The South Mountain Freeway could therefore be the most expensive freeway ever built. Not only the construction costs, and the \$20 million already spent on the bogus DEIS, but then there would be the loss of the billion dollars in highway funds. This is a gift that keeps on giving, or taking, as there would be subsequent billions lost through the years due to PM exceedances.

5) TRAFFIC CONGESTION ISSUES AT WEST I-10 JUNCTION

The junction of the South Mountain Freeway on its west end with Interstate 10 may have been an idea conceived many years ago, but the traffic congestion that exists at the area between 59th and 51st Avenues on that freeway during morning and evening rush hours is already more than extreme. It is like a parking lot. Yet there is no mention in the DEIS of the cumulative impacts and effects of traffic congestion at that proposed junction. (A long line of vehicles sitting with engines idling while waiting to get on Interstate 10 at the junction with the SMF would also likely impact the aforementioned air monitor at 43rd Avenue and Broadway.)

There is much talk about the problems at the Broadway Curve, which is near the confluence of Highway 60, the 143, and Interstate 10. Let us be reminded that the Maricopa Association of Governments (MAG) and ADOT caused this problem through their shortsightedness and design problems. They planned these traffic nightmares. So now these same agencies, failed agencies, want to do this South Mountain Freeway. Will we be talking about the new junction in west Phoenix in the same way?

ADOT already completely ignored the recommendations of the original SMCAT, the group ADOT formed to skirt the proper NEPA scoping, in choosing the proposed alignment. The SMCAT, after months of study, had recommended that the SMF connect to the 101 on the west. So ADOT ignored even the recommendations of its own group and planned the SMF to connect with the I-10 at the currently proposed alignment.

This leaves a large question: If ADOT did that at that time long ago, what is to stop it from completely ignoring the current SMCAT should SMCAT vote for a “NO BUILD” option?

6) BLASTING SOUTH MOUNTAIN: RELIGIOUS AND RACIAL DISCRIMINATION AND CIVIL RIGHTS VIOLATIONS IN SMF DEIS

The DEIS clearly discriminates on the basis of religion and race, and the ongoing ADOT plans for blasting Muhadagi Doog (South Mountain) are ongoing civil rights violations.

Throughout the DEIS, it is acknowledged that the GRIC and other native American tribes hold Muhadagi Doog as a sacred site. From the actual language of the DEIS: “The South Mountains are highly valued and considered sacred by some Native American communities. The Community, which includes the Akimel O’odham (River Pima) and Pee Posh (Maricopa) tribes, and other Native American entities—including the Colorado River Indian Tribes and three O’odham groups: the Salt River Pima-Maricopa Indian Community, the Ak-Chin Community, and the Tohono O’odham Nation—consider the South Mountains to play a role in their cultures, identities, histories, and oral traditions.”

There is plenty of correspondence in the DEIS and its Appendices in which the GRIC repeatedly asserts and reminds ADOT of this, to no avail. ADOT plans to blast Muhadagi Doog.

If we were to take a look at the same issue and frame it as a danger to a sacred site that plays a role in cultures, identities, histories, and oral traditions of a white, European-based religion, such as the Vatican, a sacred site for the Roman Catholic Church, we can illuminate how this is clearly religious discrimination, and likely racial discrimination. If Rome, Italy decided there needed to be a freeway that needed to take out part of the Vatican, well, that would just be unthinkable to the people there of the Roman Catholic faith. Think of the outrage and outcry such a proposal would muster, even worldwide!

So what is the difference between the Vatican and Roman Catholics’ beliefs, and Muhadagi Doog and the “Native American entities?”

This attitude and planned action deliberately and intentionally violates the civil rights of the “Native American entities.” In a 1979 consultation on the issue, the United States commission on civil rights defined religious

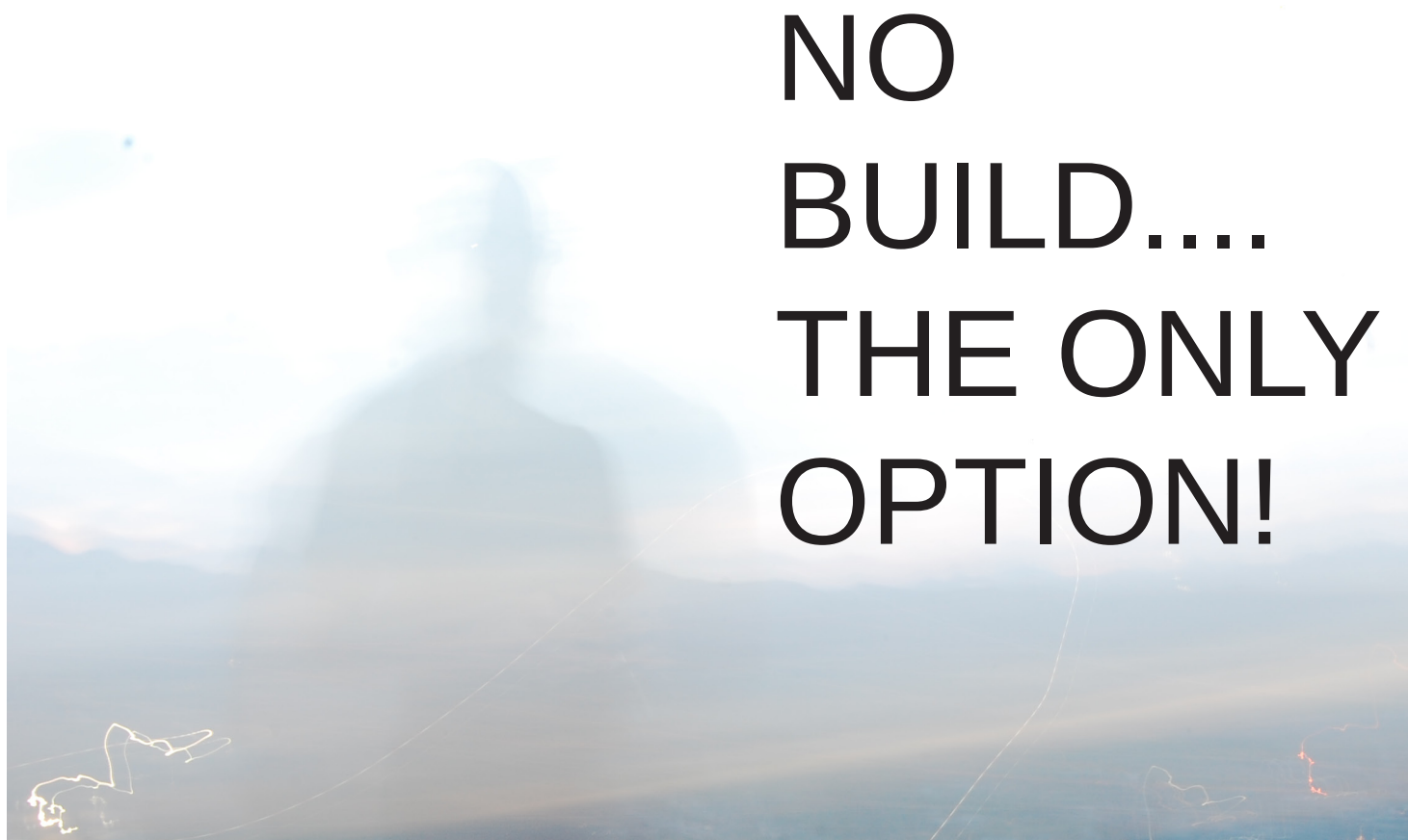
discrimination in relation to the civil rights guaranteed by the Fourteenth Amendment to the United States Constitution. [Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.]

As for racial discrimination, the equal protection clause was originally added to deal with the lack of equal protection provided by law to all in the course of administering justice in the states that had Black codes.

The United States commission on civil rights noted, “Whereas religious civil liberties, such as the right to hold or not to hold a religious belief, are essential for Freedom of Religion (in the United States secured by the First Amendment), religious discrimination occurs when someone is denied “the equal protection of the laws, equality of status under the law, equal treatment in the administration of justice, and equality of opportunity and access to employment, education, housing, public services and facilities, and public accommodation because of their exercise of their right to religious freedom.” (Emphasis added.)

Also, the American Indian Religious Freedom Act (commonly abbreviated to AIRFA) is a US federal law and a joint resolution of Congress that was passed in 1978. It was created to protect and preserve the traditional religious rights and cultural practices of American Indians, Eskimos, Aleuts and Native Hawaiians. These rights include, but are not limited to, access of sacred sites, repatriation of sacred objects held in museums, freedom to worship through ceremonial and traditional rites, including within prisons, and use and possession of objects considered sacred. (Emphasis added.) The Act required policies of all governmental agencies to eliminate interference with the free exercise of Native religion (Emphasis added.), based on the First Amendment, and to accommodate access to and use of religious sites to the extent that the use is practicable and is not inconsistent with an agency’s essential functions. It also acknowledged the prior violation of that right.

Clearly, the No Build Alternative is the only viable option that does not constitute a violation of the 14th Amendment to the Constitution and a violation of the American Indian Religious Freedom Act as any freeway alternative proposed in the DEIS of the South Mountain Freeway requires blasting away part of Muhadagi Doog.



**NO
BUILD...
THE ONLY
OPTION!**



O'ODHAM PERSPECTIVE ON THE STATES IMPACT

Tips on preparing comments

The more specific and focused your comments are, the more detailed the response must be from ADOT.

More specific comments are the most desirable and will require a more detailed response from ADOT. An example would be: "I am concerned that the DEIS does not identify the displacement of Gila River homes, does not identify an evacuation route in the event of a biohazardous accident, does not depict the loss of agriculturally zoned lands in the Laveen and Gila River areas, or visually display prehistoric sites potentially impacted from construction. ADOT needs to analyze these impacts and provide visuals such as aerial photography where needed."

To the extent you can, direct your comments to specific sections, pages or topics in the DEIS, while addressing incomplete, or inaccurate information, or even missing topics that you feel should be addressed.

The National Environmental Policy Act (NEPA) requires that the lead agency – in this case, the Arizona Department Of Transportation (ADOT) – prepare responses to all substantive comments received on the Draft Environmental Impact Statement (DEIS) during the public comment period. ADOT must include those responses in the Final EIS.

It is recommended in your DEIS comments that you urge ADOT to issue a revised DEIS that adequately addresses public health concerns. As a less preferred option, you could also urge ADOT to release a DEIS supplement to address concerns.

Make your comment personal!

Your personal connection to South Mountain is an incredibly important part of your comment. How will you be personally impacted if this proposal moves forward? How are your civil liberties threatened by the proposal? This is a great way to start a comment letter and to frame the rest of your comments, and will help get the agency's attention. Keep in mind that

Native Americans are a protected class under the 1964 Civil Rights Act, and because O'odham TCPs will be destroyed for a potential freeway, religious freedoms and cultural practices are threatened by this land use.

What more is needed to reach a sound conclusion?

Is mitigation for each resource adequately identified and described? Will mitigation adequately address the impacts? Why not?

Were you informed of the scoping process performed by ADOT? If you sent in scoping comments, does the EIS adequately address the issues you raised in those comments?

What types of visuals (aerial photography, charts or graphs showing the correlations between respiratory illness and proximity of residences to freeways, graphical representation of annual tonnage of pollutants emitted by commercial trucks, etc.) must be added to the DEIS so that citizens can make a well-informed decision about this proposed project?

NOTES

Section 106: part of the National Preservation Act that requires federal agencies to study and consider the impacts of their construction projects on historic places or structures.

Artifact scatter: an archaeological site that is manifested by a scatter of historic or prehistoric artifacts

Cultural resource: Includes historic and prehistoric sites, structures, places, landscapes and objects representing past human activity and cultural practices. Cultural resources must be protected under Section 106. The E1 alignment would be a loss of 31 acres of the South Mountains, a cultural resource. If the proposed freeway were built, two known TCPs would be totally destroyed, and six others would be impacted by the E1 alignment.

Traditional cultural property (TCP): places that a living community or people uses for traditional cultural practices rooted in that community's history. The South Mountains are a TCP.

Section 4(f): A section within the United States Department of Transportation Act of 1966. It says that the federal government can only approve the use of protected lands for transportation use if there are no other alternatives available. Examples of Section 4(f)

protected resources are public schools, public parks, recreational land, wildlife refuges, traditional cultural properties, and historic sites. There are two types of transportation impacts that Section 4(f) looks at.

direct impacts: When a 4(f) resource is converted to use for transportation, such as 31 acres of South Mountain for the proposed freeway, as well as one TCP that would be destroyed, if built.

indirect impacts: proximity impacts that significantly impair the use of a 4(f) resource. This could be increased noise levels, changes to views, lighting pollution, or obstructed access to the 4(f) resource. Indirect impacts can lead to direct impacts, if the indirect impacts result in the 4(f) resource no longer functioning as it did before the transportation project.

National Register of Historic Places (NRHP): Some cultural resources are eligible to be placed on the NRHP, and this provides those resources a higher level of protection from development. In the eastern section of South Mountain Preserve/Park, there is a TCP that would be totally destroyed by the E1 alignment. This TCP is NRHP-eligible, and no freeway plans should move forward until a decision is made on that TCP with input from all tribal stakeholders. The E1 Alignment, if built, has direct and indirect impacts to TCPs.

NEPA National Environmental Protection Act: NEPA is a federal law that requires certain steps to approve a federally funded project that impacts ten or more people. ADOT had to release the Draft Environmental Impact Statement to comply with NEPA.

Because the South Mountain Freeway is federally funded, it has to comply with Section 106 and the 1964 Civil Rights Act.

Questions to consider as you draft your comments:

The proposed freeway is meant to be an I-10 commercial truck bypass to decrease traffic congestion on I-10 in Maricopa County. In the DEIS, the impacts of air pollution do not include vehicle emissions from commercial trucks originating from Mexico, which are fueled with diesel that does not meet the environmental standards adopted by Arizona. The air pollution models in the DEIS need to study the



number of Mexican commercial trucks with destinations that pass through metro Phoenix, or whose destinations are in this geographic region. Those tons of air pollution need to be identified (what type of particulate matter it would be and the associated health impacts), quantified, and factored in to the analysis of air quality.

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

Does the DEIS provide an adequate discussion of the impacts on a particular resource (air quality, groundwater, cultural resources, vegetation, agriculturally zoned land, threatened species of plants and animals, etc.)? What did ADOT miss in its analysis?

Should the discussion of a particular impact cover a broader geographic area? Or immediate area? A longer time frame? Identify how you think the analysis should be changed.

What types of aerial photography could be added to the DEIS to show how many homes in Gila River would

be destroyed in the path of the proposed project, as well as the acreage of Indigenous TCPs that would be destroyed?

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

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

Are the conclusions about the level of impact on a particular resource well justified? If not, why not? Consider direct and indirect impacts to air quality, groundwater, jurisdictional waters, cultural resources, vegetation, agriculturally zoned land, threatened species of plants and animals, and more. Look into health impacts of airborne pollutants such as higher rates of asthma, higher rates of miscarriages, stillborn babies, premature births, and shorter life expectancy.

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

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

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

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

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



CURRENT TIMELINE



The following is a running timeline that the No South Mountain Freeway group has been researching and compiling since 2009. Beginning in 1983 and bringing us to 2013, you can see the long path the freeway has etched into the history of transportation for the valley.

1983: The Maricopa Association of Governments (MAG) prepares planning studies for the Phoenix metropolitan area that identify corridors for an integrated freeway network. The South Mountain Transportation Corridor is defined as a roughly two-mile wide corridor from I-10 near 51st Avenue, around South Mountain, to I-10 near Chandler Boulevard.

1985: Maricopa County voters approves funding for the MAG's Regional Freeway System which included a South Mountain Freeway connecting Interstate 10 in the Southeast Valley with Interstate 10 in the West Valley.

1988: The State Transportation Board approves an alignment for the South Mountain Freeway running east and west along Pecos Road and then turning north to connect with I-10 West near 55th Avenue.

1990: April 9, HB 2218 is signed into law during a public signing ceremony. Its purpose being to prohibit state or any subdivisions from building highways within the Mountain Preserve without voter approval.

From the bill:

“A charter city shall not sell, trade, or otherwise alienate, re-designated mountain preserve except by approval of a majority of the electors voting thereon”

1994: Due to a funding shortfall, ADOT identifies 76 miles of planned freeways as “unfunded segments” and later drops some of those segments from the system. The South Mountain Transportation Corridor is designated for potential development as a toll road.

1995: Freeway put on hold once again due to a lack of funding.

1996: A consortium of private companies proposes to build the South Mountain Freeway as a toll road. The consortium would later withdraw its proposal, saying the project was not financially feasible. The South Mountain Transportation Corridor remains a part of the MAG Regional Freeway System but designated as “unfunded.”

1996: Also in 96 the “Borderlands Study” an internal GRIC study is authorized by the Community.

1998: The Borderlands Study is approved by the GRIC council. The results of the Borderlands study are then used to develop the “GRIC alignment”.

1999: April the State Legislature passed SB1201 which provided State Infrastructure Bank (SIB) funding to assist in financing the acceleration of the Regional Freeway Program by the end of 2007. Governor Jane Dee Hull, ADOT and MAG have prepared plans to complete the Regional Freeway System by the end of 2007 using innovative financing alternatives.

1999: ADOT announces plans to accelerate the completion the entire Regional Freeway System. The acceler-

ated plan included a portion of the South Mountain Freeway.

2000: ADOT starts Citizens Advisory Committee to help update the original 1985 plan.

2000: In anticipation of initial construction of the South Mountain Freeway, ADOT starts a Citizens Advisory Committee to help update the original 1985 plan. Also the City of Phoenix conducts a local study of Ahwatukee Foothills area transportation needs that includes an assessment of freeway options.

Also in 2000 the Gila River Indian Council (GRIC) creates a resolution against South Mountain Freeway.

2001: ADOT buys land in Laveen. This would be the first time they buy land within the proposed South Mountain Freeway route.

2001: ADOT begins preparation of a new Location/Design Concept Report and EIS to examine a broad range of alternatives to the 1988 South Mountain Freeway concept.

Summer/Fall 2001: The South Mountain Corridor Team collects base information and issues on the transportation corridor.

Fall/Winter 2001: South Mountain Corridor Team determines that there is a purpose and need to continue the EIS study.

2001: ADOT and the Federal Highway Administration (FHWA) began the updated study through an EIS to determine if such a freeway is still needed to meet the needs of the traveling public, where it should be located, and what the environmental, social and economic effects of such a roadway might be. The updated EIS was



required due to the many changes in the study area since the original 1988 Environmental Assessment was completed.

2002: January, the ADOT planning process is once again restarted.

2003: During the fall ADOT, FHWA, and the U.S. Army Corp of Engineers concur on the Alternatives Screening. Three build alternatives plus options are carried forward into the EIS for more detailed analysis.

2004: Fall, voters approve additional funding MAG's Regional Transportation Plan – including South Mountain Freeway.

2005: GRIC re-passes a resolution against the freeway.

2006: In June, ADOT announces the W55 (55th Avenue) Alternative as the “preliminary preferred alternative” based on community input, economic impacts, and traffic information.

2006: District six councilman Sal DiCiccio paid by ADOT consultant to persuade GRIC to accept ADOT's proposals to build a freeway on GRIC land.

2007: Public information meetings are held throughout the year to communicate with and receive input from members of the community.

2007: During the month of April, GRIC designates South Mountain as a sacred place/traditional cultural property.

2007: Councilman DiCiccio enters into an agreement with GRIC to develop 75 acres at the Pecos and 40th St. intersection.

2008: ADOT purchases an 84 acre gravel yard at 59th Ave. & Broadway for \$15 Million with the help of Sal DiCiccio.

2008: A Study conducted by the Arizona Department of Environmental Quality and Arizona State University shows correlation between particle pollution and asthma related absences at nearby schools.

2009: MAG updates the Regional Transportation Plan. The revised plan includes reducing the South Mountain Freeway's footprint to eight lanes with a connection to I-10 at 59th Avenue.

2009: In March, ADOT delays a decision on the route.

2009: During the fall, MAG approves \$1.9 Billion for the Freeway (despite protests)

2009: Jan Brewer sends a letter to Governor Rhodes in December encouraging a path for the freeway on GRIC land.

2010: South Mountain Citizens Advisory Team meets in January for first time in 14 months.

2010: In February, GRIC leadership sends letter to ADOT saying they are open to freeway on GRIC land.

2010: In March, ADOT puts their alignment decision on hold till 2012.

April 2010: Congressman Peter DeFazio Chairman of the House Subcommittee on Highways and Transit (D-Ore) given tour by ADOT.

July 2010: ADOT & TTT report on alternative routes on GRIC nearly finished.

2010: In November, David Schweikert (R-Congress) comes out in opposition of freeway going through Ah-watukee

Late 2010: GRIC announces that Tribal Council vote to be in January 2011.

2011: Gila River Against Loop 202 holds community outreach meeting in Komatke to inform members about the



No-Build option. These meetings continued throughout the year in different Gila River villages.

2011: In July, Gila River Tribal Council approves resolution to develop the wording to call for an election that would determine if the freeway is put on Tribal land.

2011: Several office protests occurred to hold Maricopa County Supervisor Mary Rose Wilcox, HDR engineering (twice), City Councilman Michael Nowakowski, and Arizona Department of Environmental Quality (ADEQ) accountable for their complicity in the building of the 202 extension. The action at ADEQ also called them out for allowing a Northern Arizona ski resort to use waste water for snowmaking on the holy San Francisco Peaks.

2012: In early February, Gila River Indian Community members vote overwhelmingly in favor of the NO BUILD option on the South Mountain Freeway.

2012: In late February, Phoenix City Councilman Michael Nowakowski holds biased pro-build Laveen Town Hall meeting on the Freeway.

2012: Pangea corporation obtains signatures for a petition they drafted to attempt a forced re-vote on the freeway through GRIC.

2013: Pangea attempts to submit signatures to Gila River Indian Council. Tribes does not accept signatures and places PANGEA under investigation.

2013: May ADOT releases Draft Environmental Impact Statement Report (DEIS).

2013: July 3rd, 2013, Pangeas' the Landowner initiative is found fraudulent and the Gila River Indian Council voted to no longer proceed with the initiative.

2013: July 24th Public Comment Period for the South Mountain Freeway Draft Environmental Impact Statement Ends.

